



RHT Complaints Policy & Procedure



Lead reviewer	Governance Specialist
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Approving board/ committee	RHT Board
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1. Who can make a complaint?

This complaints procedure is not limited to parents or carers of children that are registered at the school. Any person, including members of the public, may make a complaint to Huish about any provision of facilities or services that we provide.

Unless complaints are dealt with under separate procedures (such as appeals relating to exclusions or admissions), we will use this complaints procedure.

2. The difference between a concern and a complaint

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

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

3. What to do if you have a concern

It is in everyone's interest that concerns are resolved at the earliest possible stage.

Many issues can be resolved informally, without the need to use the formal stages of the complaints procedure. If you would like more information about acting on your concern please read the guidance published by Parentkind: [V8- Parent Complaint Guide](https://www.parentkind.org.uk/assets/parents-resources/Parent-Guide-to-School-Complaints.pdf) (<https://www.parentkind.org.uk/assets/parents-resources/Parent-Guide-to-School-Complaints.pdf>)

Huish takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

A concern can be made in person, in writing or by telephone (Stage one of this complaints procedure). They may also be made by a third party acting on behalf of an individual, if they have appropriate consent to do so.

If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, the head teacher, or the person responsible for coordinating your complaint, will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the head teacher will refer you to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.

We understand, however, that there are occasions when people would like to raise their concerns formally. In this case, Huish will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

4. How to raise a complaint

A complaint can be made in person, in writing or by telephone. They may also be made by a third party acting on behalf on a complainant, as long as they have appropriate consent to do so.

Raising a complaint about a member of school staff

Complaints against school staff (except the head teacher) should be made in the first instance, to

the head teacher via the school office. Please mark them as Private and Confidential.

Complaints about the head teacher or principal

Complaints that involve or are about the head teacher or principal should be addressed to the Chair of Governors, via the school/college office, for the attention of the Clerk to the Governing Body. Please mark them as Private and Confidential.

The Chair may appoint a suitably skilled governor from within Huish to complete all the actions at Stage 2 of the process.

Complaints about the Chair of Governors, a governor or governing body

Complaints about the Chair of Governors, any individual governor or the whole governing body should be addressed to the Clerk to the Governing Body via the school office. Please mark them as Private and Confidential.

In this instance the complaint will be escalated to a member of the executive team, with no prior involvement, to oversee Stage 2 of the process. The investigation may be delegated to a suitably skilled independent investigator if appropriate.

Complaints about the CEO or a trustee

Complaints about the Chief Executive Officer (CEO) or a trustee of the Trust, should be addressed to the Chair of Trustees, via the trust office. Please mark them as Private and Confidential.

NB. Where the Chair of the Trust Board has investigated the complaint, they will write the letter of outcome to the Complainant and provide a copy to the CEO.

Complaints about the Richard Huish Trust

If a complaint is escalated to Huish “the trust” or if a complainant wishes to complain directly about the trust, then the complaint should be sent to the CEO to be investigated.

The CEO will write to the complainant acknowledging the complaint within **5 school days** of the date that the written request was received. The acknowledgement will confirm that the complaint will now be investigated at stage 2 of this Complaints Policy and will confirm the date for providing a response to the complainant.

Complaint form

For ease of use, a template complaint form is included at the end of this procedure. If you require help in completing the form, please contact the school office. You can also ask a third-party organisation for example, Citizens Advice to help you.

Reasonable adjustments

In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

5. Anonymous complaints

We will not normally investigate anonymous complaints. However, the head teacher, principal or Chair of Governors, if appropriate, will determine whether the complaint warrants an investigation.

6. Time scales

It is usually better to raise complaints as soon as possible, but at the latest, you should raise the complaint within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. We will consider complaints made outside of this time frame if exceptional circumstances apply.

7. Complaints received outside of term time

We will consider complaints made outside of term time to have been received on the first school/college day after the holiday period.

8. Scope of this complaints procedure

This procedure covers all complaints about any provision of community facilities or services by Huish, other than complaints that are dealt with under other (statutory) procedures, including those listed below.

Exceptions	Who to contact
Admissions to schools	Concerns about admissions will be handled through a separate process – either through the appeals process or via the local authority.
Matters likely to require a Child Protection Investigation	Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance. If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH).
Exclusion (including suspension) of children from school	Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions .
Whistleblowing	We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors. The Secretary of State for Education is the prescribed person for matters relating to education for whistle-blowers in education who do not want to raise matters direct with their employer. Referrals can be made at: www.education.gov.uk/contactus . Volunteer staff who have concerns about our school should complain through the school's complaints procedure. You may also be able to complain direct to the Local Authority or the Department for Education (see link above), depending on the substance of your complaint.
Staff grievances	Complaints from staff will be dealt with under our internal grievance procedures.

Staff conduct/capability	Complaints about staff will be dealt with under our internal disciplinary procedures, if appropriate. Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.
Data protection	Complaints in relation to data protection will be dealt with under Huish's Data Protection Complaints Policy.

Involvement of other bodies investigating the complaint

If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or Tribunals, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations. If this happens, we will inform you of a proposed new timescale.

Impact of legal action in relation to the complaint

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

9. Resolving complaints

At each stage in the procedure, Huish wants to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may offer one or more of the following:

- an explanation;
- an admission that the situation could have been handled differently or better;
- an assurance that we will try to ensure the event complained of will not recur;
- an explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made;
- an undertaking to review policies in light of the complaint;
- an apology.

10. Withdrawal of a complaint

A complaint can be withdrawn at any point. If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing. We will then respond to confirm the complaint has been closed.

Should a complaint that contain reference to safeguarding or other serious issues be withdrawn, Huish may determine that it is necessary to continue investigating.

The withdrawal of a complaint does not prevent the complainant from raising a new complaint in the future.

11. Stage 1 – Informal concerns/complaints

It is to be hoped that most concerns can be expressed and resolved on an informal basis.

Concerns should be raised with either the class teacher, year head / subject head or head teacher/principal.

Complainants should not approach individual governors to raise concerns or complaints. They have no power to act on an individual basis, and it may also prevent them from considering complaints at Stage 3 of the procedure.

At the conclusion of their investigation, the appropriate person investigating the complaint will provide an informal written response within 5 school days of the date of receipt of the concern/complaint.

If the issue remains unresolved, the next step is to make a formal complaint.

12. Stage 2 – Formal complaints

Formal complaints must be made to the head teacher/principal (unless they are about the head teacher/principal), via the school/college office. This may be done in person or in writing (preferably on the Complaint Form).

The head teacher/principal will record the date the complaint is received in the Complaints Log, and will acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days.

Within this response, the head teacher/principal will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The head teacher/principal can consider whether a face-to-face meeting is the most appropriate way of doing this.

Note: The head teacher/principal may delegate the investigation to members of the school/college's senior leadership team, but not the decision to be taken.

During the investigation, the head teacher/principal (or investigator) will:

- if necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
- keep a written record of any meetings/interviews in relation to their investigation.

At the conclusion of their investigation, the head teacher/principal will provide a formal written response within 20 school/college days of the date of receipt of the complaint.

If the head teacher/principal is unable to meet this deadline, they will provide the complainant with an update and revised response date.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions Huish will take to resolve the complaint.

The head teacher/principal will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 2.

13. Stage 3 – Panel Hearing

If the complainant is dissatisfied with the outcome at Stage 2 and wishes to take the matter further, they can escalate the complaint to Stage 3 – a panel hearing consisting of at least three people who were not directly involved in the matters detailed in the complaint with one panel member who is independent of the management and running of the school/college. This is the final stage of the complaints procedure.

How to request a complaint is escalated to Stage 3

A request to escalate to Stage 3 must be made to the Clerk, via the school/college office, within 10 school/college days of receipt of the Stage 2 response.

The Clerk will record the date the complaint is received in the Complaints log, and acknowledge receipt of the complaint in writing (either by letter or email) within 5 school/college days.

Requests received outside of this time frame will only be considered if exceptional circumstances apply.

Arranging the panel meeting

The Clerk will work with the complainant and the panel members to set a date for the meeting. They will aim to convene a meeting within 20 school/college days of receipt of the Stage 3 request. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed.

If the complainant rejects the offer of three proposed dates, without good reason, the Clerk will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.

The panel members

The Complaint Panel will consist of three members. None of the three members of the Complaint Panel will have been involved in the incidents or events which led to the complaint, or have been involved in dealing with the complaint in the previous stages, or have any detailed prior knowledge of the complaint.

One of the Panel members will be independent of the management and running of the Academy Trust. This means that the independent Complaint Panel member will not be a Trustee or an employee of the Trust.

In most circumstances the panel will be composed of governors drawn from the school/college and/or from across Huish who have no prior knowledge of the complaint. At least one of the panel members must not be involved in the management of the school/college.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire governing body or
- the majority of the governing body

Stage 3 will be heard by the trustees and an independent panel member.

If the complaint is:

- jointly about the Chair and Vice Chair or

- the entire trust board or
- the majority of the trust board

Stage 3 will be heard by a completely independent committee panel.

Support at the panel meeting

A complainant may bring someone along to the panel meeting to provide support. This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the committee meeting. However, there may be occasions when legal representation is appropriate.

For instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation.

Note: 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 (Human Resources) staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.

Representatives from the media are not permitted to attend.

Preparing for the panel meeting

At least 5 school days before the meeting, the Clerk will confirm and notify the complainant of the date, time and venue of the meeting, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible.

Evidence considered at the panel meeting

Any written material will be circulated to all parties at least 5 school days before the date of the meeting. The committee will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

Scope of what the panel will consider

The panel's role is to provide fresh scrutiny of the complaint and the handling at earlier stages. The panel will not conduct a new investigation or consider new complaints.

They will review the written evidence provided in advance, hear from the complainant and the school/college/trust representative and ask questions to clarify points.

How the meeting will be conducted

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 require it. Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place.

Consent will be recorded in any minutes taken.

The committee will consider the complaint and all the evidence presented.

Outcomes from the meeting

The committee can:

- uphold the complaint in whole or in part

- dismiss the complaint in whole or in part.

If the complaint is upheld in whole or in part, the committee will:

- decide on the appropriate action to be taken to resolve the complaint
- where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future.

Informing the complainant of the outcome

The Chair of the Committee will provide the complainant and the head teacher/principal with a full explanation of their decision and the reason(s) for it, in writing, within 10 school/college days of the meeting.

The letter to the complainant will include details of how to contact the Department for Education (DfE) if they are dissatisfied with the way their complaint has been handled by Huish.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions Huish will take to resolve the complaint.

The panel will ensure that those findings and recommendations are sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about.

Records of the complaint

A written record will be kept of all complaints, and of whether they are resolved at the preliminary stage or proceed to a panel hearing in the Complaints Log, along with what actions have been taken, regardless of the decision.

All correspondence statements and records relating to individual complaints will 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.

14. Next Steps

If the complainant believes Huish did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the DfE after they have completed Stage 3.

The DfE will not normally reinvestigate the substance of complaints or overturn any decisions made by Huish. They will consider whether Huish has adhered to education legislation and any statutory policies connected with the complaint and whether they have followed Part 7 of the Education (Independent School Standards) Regulations 2014.

The complainant can refer their complaint to the DfE online at: [Contact the Department for Education - Contact type - GOV.UK](#), by telephone on: 0370 000 2288 or by writing to:

Department for Education
School complaints compliance unit
Piccadilly Gate
Store Street
Manchester
M1 2WD

15. Complaint Form

Please complete and return to the school/college or Trust office, for the attention of the head teacher/principal or the Clerk who will acknowledge receipt and explain what action will be taken.

Your name	
Pupil's/Student's name (if relevant)	
Your relationship to the pupil/student (if relevant)	
Address (including postcode)	
Email address	
Contact phone number(s)	
Please give details of your complaint, including whether you have spoken to anybody at the Huish about it (including to whom you have spoken).	

What actions do you feel might resolve the problem? What are you hoping to achieve as the outcome to the complaint?	
Are you attaching or are you intending to provide any paperwork as evidence? If so, please give details.	
Signature	
Date	
<u>Official use only</u>	
Date acknowledgement sent	
By whom	
Complaint referred to	
Action taken	
Complaint logged on tracker	
Date	

16. Roles and Responsibilities

Complainant

The complainant will receive a more effective response to the complaint if they:

- explain the complaint in full as early as possible
- co-operate with the school in seeking a solution to the complaint
- are considerate, and comply with requests in terms of routes of communication
- respond promptly to requests for information or meetings or in agreeing the details of the complaint
- ask for assistance as needed
- treat all those involved in the complaint with respect
- refrain from publicising the details of their complaint on social media and respect confidentiality.

Investigator

The investigator's role is to establish the facts relevant to the complaint by:

- providing a comprehensive, open, transparent and fair consideration of the complaint through:
 - sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved
 - interviewing staff and children/young people and other people relevant to the complaint
 - consideration of records and other relevant information
 - analysing information
- liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right.

The investigator should:

- conduct interviews with an open mind and be prepared to persist in the questioning
- keep notes of interviews or arrange for an independent note taker to record minutes of the meeting
- ensure that any papers produced during the investigation are kept securely pending any appeal
- be mindful of the timescales to respond
- prepare a comprehensive report for the head teacher or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.
- The head teacher/principal or complaints committee will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

Complaints Co-ordinator

(this could be the head teacher/principal or CEO / designated complaints governor or trustee or other staff member providing administrative support)

The complaints co-ordinator should:

- ensure that the complainant is fully updated at each stage of the procedure
- liaise with staff members, head teacher, CEO, Chair of Governors, Chair of Trust or the Clerk and to ensure the smooth running of the complaints procedure
- be aware of issues regarding:
 - sharing third party information
 - additional support. This may be needed by complainants when making a complaint including interpretation support or where the complainant is a child or young person
- keep records.

Clerk to the Governing Body / Trust Board

The Clerk is the contact point for the complainant and the committee and will:

- ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including any under legislation relating to school complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR)
- set the date, time and venue of the meeting, ensuring that the dates are convenient to all parties (if they are invited to attend) and that the venue and proceedings are accessible
- collate any written material relevant to the complaint (for example: stage 1 paperwork, school and complainant submissions) and send it to the parties in advance of the meeting within an agreed timescale
- record the proceedings
- circulate the minutes of the meeting
- notify all parties of the committee's decision.

Committee Chair

The committee's chair, who is nominated in advance of the complaint meeting, should ensure that:

- both parties are asked (via the Clerk) to provide any additional information relating to the complaint by a specified date in advance of the meeting
- the meeting is conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy
- complainants who may not be used to speaking at such a meeting are put at ease. This is particularly important if the complainant is a child/young person

- the remit of the committee is explained to the complainant
- written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or GDPR.

If a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the meeting

- both the complainant and the school are given the opportunity to make their case and seek clarity, either through written submissions ahead of the meeting or verbally in the meeting itself
- the issues are addressed
- key findings of fact are made
- the committee is open-minded and acts independently
- no member of the committee has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- the meeting is minuted
- they defer to the Clerk (and complaints co-ordinator, if the school has one) in matters of process and procedure

Committee Member

Committee members should be aware that:

- the meeting must be independent and impartial, and should be seen to be so

No governor / trustee may sit on the committee if they have had a prior involvement in the complaint or in the circumstances surrounding it.

- the aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant

We recognise that the complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations.

- many complainants will feel nervous and inhibited in a formal setting

Parents/carers often feel emotional when discussing an issue that affects their child.

- extra care needs to be taken when the complainant is a child/young person and present during all or part of the meeting

Careful consideration of the atmosphere and proceedings should ensure that the child/young person does not feel intimidated.

The committee should respect the views of the child/young person and give them equal consideration to those of adults.

If the child/young person is the complainant, the committee should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent is the complainant, the committee should give the parent the opportunity to say which parts of the meeting, if any, the child/young person needs to attend.

However, the parent should be advised that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting that the committee considers is not in the child/young person's best interests.

- the welfare of the child/young person is paramount.
- they defer to the Clerk (and complaints co-ordinator, if the school has one) in matters of process and procedure.

17. Managing serial, persistent and unreasonable complaints

When, despite all stages of the complaint procedure having been followed, the complainant remains dissatisfied. If a complainant tries to re-open the same issue, Huish will inform them that the procedure has been completed and that the matter is now closed.

If the complainant contacts Huish again on the same issue, the correspondence may then be viewed as 'serial' or 'persistent' and Huish may choose not to respond.

Huish consider the characteristics such complaints as:

- complaints which are abusive, 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 that lack any serious purpose or value

18. When to stop responding

The decision to stop responding will be when:

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

The case to stop responding will be stronger if some or all of the following are true:

- letters, emails, or telephone calls are often or always abusive or aggressive
- they make insulting personal comments about or threats towards staff
- Huish have reason to believe the individual is making contact with the intention of causing disruption or inconvenience

19. Communication strategy for persistent correspondents

If an individual's behaviour is causing a significant level of disruption, regardless of whether or not they have raised a complaint, Huish may consider a tailored communication strategy. For example:

- Restricting the individual to a single point of contact via an email address
- limiting the number of times they can make contact, such as a fixed number of contacts per term

If an individual persists to the point that may constitute harassment, Huish may seek legal advice.

20. Barring from school/college premises

Although fulfilling a public function, academies are private places. The public has no automatic right of entry. Schools/colleges will therefore need to act to ensure they remain a safe place for pupils, staff and other members of their community.

If an individual's behaviour is a cause for concern, a head teacher/principal can ask them to leave the premises. In some cases, individuals can be barred from entering school/college premises. Huish will always give the individual the opportunity to express formally their views on a decision to bar.

Appendix 1 – Overview of the complaints procedure

