'Working together, we enable everyone to flourish through high quality education'

Complaints Procedure

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Contents

1. Who can make a complaint? 3
2. The difference between a concern and a complaint 3
3. How to raise a concern or make a complaint 3
4. Anonymous Complaints 4
5. Timescales 4
6. Complaints Received outside of Term Time 4
7. Scope of this Complaints Procedure 4
8. Resolving Complaints 5
9. Withdrawal of a Complaint 5
10. Stages of Complaints Procedure 6
10.1 Stage 1 – Informal Complaints 6
10.2 Stage 2 – Formal Complaints 6
10.3 Stage 3 – Panel Hearing 7
10.4 Complaints escalated to/about the Trust, Chief Executive Officer (CEO) or Trustee 8
11. Next Steps 10
Appendix 1 - Complaint Form 11
12. Roles and Responsibilities 13
12.1 Complainant 13
12.2 Investigator 13
12.3 Complaints Co-ordinator 13
12.4 Governance Professional (Clerk) to the Governing Board/Trust Board 13
12.5 Committee Chair 14
12.6 Committee Member 14

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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 Oakhill Primary School about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory 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*'.

It is in everyone's interest that concerns and complaints 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. Oakhill Primary School takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, Mr S Smith (headteacher), will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, Mr S Smith (headteacher)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, Oakhill Primary School will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

3. How to raise a concern or make a complaint

A concern or 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.

Complaints against school staff (except the Headteacher) should be made in the first instance, to Mr S Smith (headteacher) via the school office**.** Please mark them as Private and Confidential.

Complaints that involve or are about the Headteacher should be addressed to Mr Jason Toft (the Chair of Governors), via the school office. Please mark them as Private and Confidential.

Complaints about the Chair of Governors, any individual Governor or the whole Governing board should be addressed to the Governance Professional /Clerk to the Governing Board) via the school office. Please mark them as Private and Confidential.

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.

For ease of use, a template complaint form is included within Appendix 1 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 like the Citizens Advice to help you.

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.

4. Anonymous Complaints

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

5. Timescales

You must 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.

6. Complaints Received outside of Term Time

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

7. Scope of this Complaints Procedure

This procedure covers all complaints about any provision of community facilities or services by Oakhill Primary School 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 should 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). (01782 235100)
• Exclusion of children from school*	Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions. **complaints about the application of the behaviour policy can be made through the school's complaints procedure.* ***Available on the Academy's***

	website
• 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 the school's internal grievance procedures.
• Staff Conduct	Complaints about staff will be dealt with under the school's 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.

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.

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

8. Resolving Complaints

At each stage in the procedure, Oakhill Primary School 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 school policies in light of the complaint
- An apology.

9. Withdrawal of a Complaint

If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing.

10. Stages of Complaints Procedure

10.1 Stage 1 – Informal 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 Headteacher. 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 five academy / school days of the date of receipt of the complaint.

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

10.2 Stage 2 – Formal Complaints

Formal complaints must be made to the Headteacher (unless they are about the Headteacher), via the school office. This may be done in person or in writing (preferably on the Complaint Form – found within Appendix 1).

The Headteacher will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within three academy/school days.

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

Note: The Headteacher may delegate the investigation to another member of the school's Senior Leadership team but not the decision to be taken.

During the investigation, the Headteacher (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 will provide a formal written response within ten Academy/School days of the date of receipt of the complaint.

If the Headteacher 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 Oakhill Primary School will take to resolve the complaint.

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

If the complaint is about the Headteacher, or a member of the Governing board (including the Chair or Vice-Chair), a suitably skilled Governor will be appointed to complete all the actions at Stage 2.

Complaints about the Headteacher or member of the Governing board must be made to the Clerk, via the school office.

If the complaint is:

- Jointly about the Chair and Vice Chair or
- The entire governing body or

- The majority of the Governing Board.

Stage 2 will be escalated to the Chief Executive Officer (CEO) of the Trust.

10.3 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. This is the final stage of the complaints procedure.

A request to escalate to Stage 3 must be made to the Governance & Compliance Officer (Clerk), via the school office, within ten academy/school days of receipt of the Stage 2 response.

The Governance Professional (Clerk) will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 5 Academy/School days.

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

The Governance Professional (Clerk) will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within twenty Academy/School days of receipt of the Stage 2 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.

If the complaint is:

- Jointly about the Chair and Vice Chair or
- The entire Governing Board or
- The majority of the Governing Board

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

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.

At least five Academy/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
- Request copies of any further written material to be submitted to the committee at least seven Academy/School days before the meeting.

Any written material will be circulated to all parties at least five Academy/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.

The committee will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from Stage 1 of the procedure.

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. 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

The Chair of the Committee will provide the complainant and Oakhill Primary School with a full explanation of their decision and the reason(s) for it, in writing, within seven Academy/School days.

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 Oakhill Primary School.

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 Oakhill Primary School 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. Furthermore, they will be available for inspection on the school premises by the proprietor and the head teacher.

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, 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.

10.4 Complaints escalated to/about the Trust, Chief Executive Officer (CEO) or Trustee

If a complaint is escalated to Orchard Community Trust "the Trust" or if a complainant wishes to complain directly about the trust, then the complaint should be sent to the Chief Executive Officer (via the central office address on the front page of this procedure) to be investigated.

The Chief Executive Officer will write to the complainant acknowledging the complaint within five Academy School days of the date that the written request was received. The acknowledgement will confirm that the complaint will now be investigated under which stage of this Complaints Procedure and will confirm the date for providing a response to the complainant.

Following the investigation, the Chief Executive Officer will write to the complainant confirming the outcome within five Academy/School days of the date that the letter was received. If this time limit cannot be met, the Chief Executive Officer will write to the complainant within ten Academy/School days of the date that the letter was received**,** explaining the reason for the delay and providing a revised date.

If the complaint concerns the Chief Executive Officer or a Trustee, the complaint should be investigated by the Chair of the Trust Board. If a formal complaint form is received about the Chair, the complaint will be referred to the Vice Chair for investigation

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 Chief Executive Officer

If the complainant is not satisfied with the outcome of the previous stage, the complainant should write to the Governance Professional (Clerk), asking for the complaint to be heard before a Complaint Panel, within ten Academy/School days.

The Governance Professional (Clerk) will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within three Academy/School days.

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

The Governance Professional (Clerk) will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within twenty Academy/School days of receipt of the Stage 2 request. If this is not possible, the Governance Professional (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 Governance Professional (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.

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 (of Orchard Community Trust).

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, of have any detailed prior knowledge of the complaint.

One of the Complaint 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.

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 trust 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 staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.

Representatives from the media are not permitted to attend.

At least five Academy/School days before the meeting, the Governance Professional (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
- Request copies of any further written material to be submitted to the committee at least seven Academy/School days before the meeting

Any written material will be circulated to all parties at least five academy/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.

The committee will also not review any new complaints at this stage or consider evidence unrelated to the initial

complaint to be included. New complaints must be dealt with from Stage 1 of the procedure.

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. 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

The Chair of the Committee will provide the complainant and Orchard Community Trust with a full explanation of their decision and the reason(s) for it, in writing, within five Academy/School days.

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 Orchard Community Trust.

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 Orchard Community Trust 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. Furthermore, they will be available for inspection on the school premises by the proprietor and the head teacher.

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, 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.

11. Next Steps

If the complainant believes the School/Trust 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 Orchard Community Trust. They will consider whether Oakhill Primary School has adhered to education legislation and any statutory policies connected with the complaint and whether they have followed

The complainant can refer their complaint to the DfE via Complain about a school to the Department for Education - GOV.UK

Appendix 1 - Complaint Form

Please complete and return to Mr S.Smith (Headteacher) who will acknowledge receipt and explain what action will be taken.

Your name:
Pupil's name (if relevant):
Your relationship to the pupil (if relevant):
Address: **Postcode:** **Day time telephone number:** **Evening telephone number:** **Email address:**
Please give details of your complaint, including whether you have spoken to anybody at the school about it.
What actions do you feel might resolve the problem at this stage?
Are you attaching any paperwork? If so, please give details.
Signature: **Date:**
Official use:
Date acknowledgement sent:

By whom:
Complaint referred to:
Action taken:
Date:

12. Roles and Responsibilities

12.1 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
- 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

12.2 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 Headteacher or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.
- The Headteacher 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

12.3 Complaints Co-ordinator

(this could be the Headteacher or Chief Executive Officer, 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, Headteacher, Chief Executive Officer, Chair of Governors, Chair of Trust or the Governance Professional (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

12.4 Governance Professional (Clerk) to the Governing Board/Trust Board

The Governance Professional (Clerk) is the contact point for the complainant and the committee and should:

- 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

12.5 Committee Chair

- The committee's chair, who is nominated in advance of the complaint meeting, should ensure that: both parties are asked via the Governance Professional (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 liaise with the Governance Professional (Clerk) (and complaints co-ordinator if the school has one).

12.6 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