

# Baginton Fields School



## ***Complaints Policy and Procedure***

*"Dedicated to delivering inspirational learning experiences"*

<b>Reviewed by:</b>	Alison Francis	<b>Date:</b> January 2022
<b>Approved by:</b>	Full Governing Board	<b>Date:</b> February 2022
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## 1. Aims

Our school aims to meet its statutory obligations when responding to complaints from parents of students at the school, 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
- Ensure 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 school improvement evaluation processes
- To put the interests of the students above all else

We try to resolve concerns or complaints by informal means wherever possible. Where this is not possible, formal procedures will be followed.

The school will aim to give the complainant the opportunity to complete the complaints procedure in full.

To support this, we will ensure we publicise the existence of this policy and make it available on the school website.

## 2. Legislation and guidance

This document meets the requirements of section 29 of the [Education Act 2002](#), which states that schools must have and make available a procedure to deal with all complaints relating to their school and to any community facilities or services that the school provides.

It is also based on [guidance for schools on complaints procedures](#) from the Department for Education (DfE) revised January 2019.

## 3. Definitions and scope

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”.

The school will resolve concerns through day-to-day communication as far as possible.

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

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

This policy does not cover complaints procedures relating to:

- Admissions
- Statutory assessments of special educational needs (SEN)
- Safeguarding matters
- Exclusion
- Whistle-blowing
- Staff grievances
- Staff discipline
- Staff members' code of conduct

Please see our separate policies for procedures relating to these types of complaint.

Arrangements for handling complaints from parents of students with SEND about the school's support are within the scope of this policy. Such complaints should first be made to the headteacher they will then be referred to this complaints policy. Our SEND policy and information report includes information about the rights of parents/carers of students with disabilities who believe that our school has discriminated against their child.

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

***General Note: Please be aware that the Local Authority has no role in the complaints procedure.***

#### **4. Resolving complaints**

At each stage in the procedure, Baginton Fields 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.

#### **Withdrawal of a Complaint**

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

#### **5. 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

We also intend to address complaints as quickly as possible. To achieve this, realistic and reasonable time limits will be set for each action within each stage.

Where further investigations are necessary, new time limits will be set, and the complainant will be sent details of the new deadline with an explanation for the delay.

The school expects that complaints will be made as soon as possible after an incident arises and no later than 3 months afterwards. We will consider exceptions to this time frame 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.

We will notify parents and carers if we become aware that the school is to be inspected by Ofsted. We will also supply a copy of the inspection report to parents and carers of students attending the setting on a regular basis.

### **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.

### **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.

## **6. Stages of complaint (not complaints against the headteacher or governors)**

If you wish to make a complaint it is important to follow procedure through each stage of the process. The school will not embark upon a new stage in the process until the previous stage has been completed. A complainant will be given the opportunity to complete the procedure in full regardless of the justification of the complaint.

A record will be kept by the school of the process and outcome at each stage of the procedure. See Section 9.

The person responsible for managing complaints is Headteacher, Alison Francis or, in her absence, Deputy Headteacher Franck Lavie.

***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.***

### **Stage 1: informal**

The school 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 headteacher as appropriate, 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 school office.

The school will acknowledge informal complaints within 3 school days, and investigate and provide a response within 5 school days.

Most complaints can be dealt with satisfactorily at this first informal stage. An opportunity will be given to the complainant to discuss the concern/complaint with an appropriate member of staff. This is usually by arranging to meet with the Class Teacher or Head of Key Stage. The nature of the concern/complaint will be clarified and how the complainant wants the complaint to be resolved (for example by an apology from the school; an explanation; assurances that there won't be a re-occurrence; details of measures that will be taken to ensure that there isn't a re-occurrence).

However, if the member of staff first contacted cannot immediately deal with the matter, they will make a clear note of the date, name, contact address, phone number and brief details of the complaint. This information will be passed to the Headteacher at the earliest opportunity and recorded in writing.

The Headteacher will identify the appropriate procedure and either conduct the investigation or nominate an appropriate colleague to do so. The Headteacher will communicate verbally with the complainant to ensure they are clear about what action or monitoring of the situation has been decided on, if appropriate by when, only putting this in writing if this seems the best way to make things clear.

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

## **Stage 2: formal**

### **How to raise a complaint**

Formal complaints can be raised:

- By letter or email
- Over the phone
- In person
- By a third party acting on behalf of the complainant

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

If complainants need assistance raising a formal complaint, they can contact the school office.

The headteacher (or designated member of the senior leadership team) will call a meeting to clarify concerns, and seek a resolution. The complainant may be accompanied to this meeting, and should inform the school of the identity of their companion in advance.

In certain circumstances, the school may need to refuse a request for a particular individual to attend any such meeting – for example, if there is a conflict of interest. If this is the case, the school will notify the complainant as soon as they are aware, so that the complainant has the opportunity to arrange alternative accompaniment.

The headteacher (or other person appointed by the headteacher for this purpose) will then conduct their own investigation. The written conclusion of this investigation will be sent to the complainant within 20 school days. If this time scale cannot be adhered to the complainant will receive notification with an explanation of why the investigation is taking longer and a new time scale agreed upon.

If the complainant wishes to proceed to the next stage of the procedure, they should inform the clerk to the governing board within 20 school days.

### **How to escalate a complaint**

Complaints can be escalated by contacting the clerk to the governing board:

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

The clerk will need the details of the complaint as set out above, as well as details from the complainant on how they feel the previous stage of the procedure has not addressed their complaint sufficiently, and what they feel would resolve the complaint.

The written conclusion of this investigation will be sent to the complainant within 20 school days.

If the complainant wishes to proceed to the next stage of the procedure, they should inform the clerk to the governing board in writing within 20 school days.

### **Stage 3: submit the complaint to the review panel**

The review panel consists of members of the governing board without direct knowledge of the complaint. These individuals 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; however, the review panel reserves the right to convene at their convenience rather than that of the complainant. At the review panel meeting, the complainant and representatives from the school, 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 by a suitable companion if they wish.

At least 15 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 10 school days before the 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 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.

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 school representative will be given the chance to ask and reply to questions. Once the complainant and school representatives have completed presenting their cases, they will be asked to leave and evidence will then be considered.

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 panel must 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 subject of the complaint, and make a copy of the findings and recommendations available for inspection by the headteacher.

The school will inform those involved of the decision in writing within 7 school days.

## **7. Complaints against the headteacher, a governor or the governing board**

Complaints made against the headteacher should be directed to the chair of governors. The above timescales will be followed.

Where a complaint is against the chair of governors, any member of the governing board, or the entire governing board, it should be made in writing to the clerk to the governing board in the first instance.

The complaint will be heard by a committee of independent, co-opted governors.

School will work with the local authority, and the clerk to governors to select an appropriate panel.

Once a panel has been selected the timescales as for stage 3 will be adhered to.

## **8. Referring complaints on completion of the school's procedure**

If the complainant is unsatisfied with the outcome of the school's complaints procedure, they can refer their complaint to the School Complaints Unit (SCU), which investigates complaints relating to maintained schools on behalf of the secretary of state.

The SCU will not re-investigate the matter of the complaint. It will look at whether the school's complaints policy and any other relevant statutory policies that the school holds were adhered to. The SCU also looks at whether the school's statutory policies adhere to education legislation. It may direct the school to re-investigate the complaint where it is clear the school has acted unlawfully or unreasonably.

For more information or to refer a complaint, see the following webpage:

<https://www.gov.uk/complain-about-school>

## **9. Persistent and unreasonable complaints**

Baginton Fields 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 our school.

Where a complainant tries to re-open the issue with the school after the complaints procedure has been fully exhausted and the school has done everything it reasonably can in response to the complaint, the chair of governors (or other appropriate person in the case of a complaint about the chair) will inform the complainant that the matter is closed.

If the complainant subsequently contacts the school again about the same issue, the school can choose not to respond. The normal circumstance in which we will not respond is if:

- The school has taken every reasonable step to address the complainant's needs, *and*
- The complainant has been given a clear statement of the school's position and their options (if any), *and*
- The complainant is contacting the school repeatedly but making substantially the same points each time

However, this list is not intended to be exhaustive.

The school will be most likely to choose not to respond if:

- We have reason to believe the individual is contacting the school with the intention of causing disruption or inconvenience, and/or
- The individual's letters/emails/telephone calls are often or always abusive or aggressive, and/or
- The individual makes insulting personal comments about, or threats towards, school staff

Unreasonable behaviour which is abusive, offensive or threatening may constitute an unreasonably persistent complaint.

Once the school has decided that it is appropriate to stop responding, the complainant will be informed in writing, either by letter or email.

The school will ensure when making this decision that complainants making any new complaint are heard, and that the school acts reasonably.

### **Persistent correspondence**

If complainants frequently contact the school, causing a significant level of disruption, but refuse to engage with the complaints procedure, school may do the following:

- Restrict the complainant to a single point of contact via an email address
- Limit the number of times the complainant can make contact.

This restriction will be limited to the complainant's capacity to complain. For all other issues, the complainant can contact the school as normal.

### **Unreasonably persistent complaints**

Ultimately, if a complainant persists to the point that the school considers it to constitute harassment, legal advice should be sought as to the next steps.

If it is decided that it is appropriate to stop responding, the headteacher or Chair of Governors will let the complainant know by letter or email.

## **10. Complaint campaigns**

Where the school receives a large volume of complaints about the same topic or subject, especially if these come from complainants unconnected with the school, the school may respond to these complaints by:

- Publishing a single response on the school website
- Sending a template response to all of the complainants

If complainants are not satisfied with the school's response, or wish to pursue the complaint further, the normal procedures will apply.

## **11. Complainants who use social media to air their complaint**

In respect of social media, it's held that unreasonable behaviour is committed when a complainant publishes unacceptable information on social media or on other public forums.

In this event, school will ask the complainant to refrain from publicising the details of their complaint on social media, remove any offending article/s and respect confidentiality.

Complainants will be reminded it is important to engage with the official school complaints procedure. They are advised not to discuss any matters on social networking sites.

School may seek legal advice if the situation is unresolved, reoccurs or escalates.

## **12. Record-keeping**

The school 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 held centrally, 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, our privacy notices and record retention schedule. (Date of resolution of complaint + 6 years then review in case of contentious disputes.)*

The details of the complaint, including the names of individuals involved, will not be shared with the whole governing board in case a review panel needs to be organised at a later point.

Where the governing board is aware of the substance of the complaint before the review panel stage, the school 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.

### **Recording meetings covertly**

School will not generally allow meetings to be recorded unless there is an access requirement for the complainant. If it is agreed that a meeting will be recorded written consent must be gained by all participants. Unless exceptional circumstances apply school will refuse to accept, as evidence, recordings of conversations that were obtained covertly and without the consent of all parties being recorded.

Where possible a transcription of the meeting will be shared with and signed by all participants.

### **13. Learning lessons**

The governing board/review panel/chair of governors will review any underlying issues raised by complaints with the headteacher, where appropriate, and respecting confidentiality, to determine whether there are any improvements that the school can make to its procedures or practice to help prevent similar events in the future.

### **14. Monitoring arrangements**

The governing board will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled properly. The governing board 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 headteacher.

This policy will be reviewed by the headteacher every 3 years.

At each review, the policy will be approved by the full governing board.

### **15. Links with other policies**

Policies dealing with other forms of complaints include:

- Child protection and safeguarding policy and procedures
- Admissions policy
- Exclusions policy
- Staff grievance procedures
- Staff disciplinary procedures
- SEN policy and information report
- Privacy notices

# School Complaints Procedure

## Complaint Form

### Data Protection Act 2018

The personal data that you provide will be used for the purposes of investigating your complaint and for producing statistical data to enable the school's management to monitor the effectiveness of the school's complaint procedure. The information you give will be held securely and in confidence.

**Please complete and return to Alison Francis, Headteacher, who will acknowledge receipt and explain what action will be taken.**

**(Mr/Mrs/Miss/Ms/Other)**

**First Name:**

**Last Name:**

**Address:**

**Postcode:**

**Day time telephone number:**

**Evening telephone number:**

If the complaint relates to a pupil, please give:

**Pupil's name:**

**And relationship to the pupil:**

**Please give details of your complaint.**

**What action, if any, have you already taken to try to resolve your complaint?  
(Who did you speak to and what was the response?)**

**What would you like the school to do to make improvements or put things right?**

**Are you attaching any paperwork? If so, please give details.**

**Signature:**

**Date:**

### ***Guidelines for Conducting Formal Appeal Hearings***

- 1 The chair conducting the complaint hearing will introduce all present and will seek confirmation from both parties that they understand that the status of the hearing is at STAGE 3 in accordance with the Complaints Procedure.
- 2 Any documentation provided in evidence must be provided in advance to all parties and sufficient time given for it to be considered.
- 3 Each party may request adjournments during the hearing. No reasonable request for an adjournment will be refused.
- 4 No witness will be permitted to be present in the hearing until they have given evidence. The panel will decide whether the witness(es) should remain after giving evidence and responding to questions.
- 5 The complainant will present the facts supporting the complaint and will call any witnesses in support. A time limit of 1 hour will apply for the complainant to put his/her case.
- 6 The subject of the complaint and his/her representative will have the opportunity to question the complainant and any witnesses called. A time limit of 15 minutes will apply.
- 7 The complaints panel, may ask questions (for the purpose of ensuring that the panel has all the information that it will require to determine the outcome of the review). A time limit of 15 minutes will apply.
- 8 The subject of the complaint and/or his/her representative may present their case in defence of the complaint and may call witnesses. A time limit of 1 hour will apply.
- 9 The complainant will have the opportunity to question the subject of the complaint and any witnesses called. A time limit of 15 minutes will apply.
- 10 The complaints panel (for the purpose of ensuring that the panel has all the information that it will require to determine the outcome of the review) may ask questions of the subject of the complaint and any witnesses called. A time limit of 15 minutes will apply.
- 11 The complainant may sum up his/her case. A time limit of 15 minutes will apply.
- 12 The subject of the complaint and/or his/her representative may sum up the case in defence. A time limit of 15 minutes will apply.
- 13 Both parties and any witnesses will be asked to withdraw. The panel members will remain to determine the review.
- 14 If for any reason the panel need to recall any of the witnesses or either party to ask further questions, or seek clarification before reaching a decision, both parties will be recalled and then asked to leave.

- 15 The decision of the Panel will be notified in writing within 7 school days of the panel's determination of the review. The complainant will be notified of his/her right of appeal to the School Complaints Unit (SCU).

### ***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
- 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 students/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.

**Complaints Co-ordinator** (this could be the headteacher / designated complaints governor 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, Chair of Governors, Clerk and LAs (if appropriate) 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**

The 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.

### **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 liaise with the Clerk (and complaints co-ordinator, if the school has one).

### **Committee Member**

Committee members should be aware that:

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

No governor 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.