

COMPLAINTS PROCEDURE

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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 Yorkshire Learning Trust (YLT) 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 – see Section 3 and the table on page 3 for further details), we will use this complaints procedure.

1.1 Complaints raised by those who are not parents / carers of current pupils

Complaints made by those who are not parents of current pupils, which includes complaints made by parents of former pupils after they have left the School/Trust, will be dealt with as follows:

1. Complainants should first attempt to address their complaint to the relevant School or the Trust (as appropriate) informally by raising the matter with a relevant member of School or Trust staff, within **3** months of the incident or, where a series of associated incidents have occurred, within **3** months of the last of these incidents. Wherever possible complaints should be raised in a timely manner to enable to the most effective investigation and response. The School/Trust (depending on the nature of the complaint) will seek to resolve the matter informally within **20** school days, where reasonably practicable to do so (if not an update will be provided within this timeframe).
2. If it is not possible to resolve the matter informally, the complaint may be submitted in writing, using the proforma available to the Chief Executive Officer, or where the complaint relates to the Chief Executive Officer, to the Chair of Trustees. This can be done via clerktogovs@ylt.org.uk.
3. The complaint will be acknowledged within **5** school days and a final written response will be issued within **15** school days, where reasonably practicable to do so (if not an update will be provided within this timeframe).

1.2 Complaints raised by those who are parents / carers of current pupils

Complaints made by those who are parents / carers of current pupils will be dealt with as below.

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 stages of the complaints procedure.

As a learning organisation, YLT and its schools take concerns and complaints seriously and will make every effort to resolve matters as quickly as possible.

3. SCOPE OF THIS COMPLAINTS PROCEDURE

This Complaints Procedure is not intended to cover those matters for which there is a specific statutory process to object, complain or appeal, for example child protection investigations, staff discipline, school admissions, or exclusions. This procedure covers all complaints about any provision of community facilities or services by YLT, other than complaints that are dealt with under other statutory procedures, including those listed below.

If your complaint is relating to a specific statutory process it may not be appropriate for this matter to be investigated in line with this Complaints Procedure. If this is the case, on receipt and review of your letter, we will write to advise you this.

Exceptions	Who to contact
Admissions to schools Statutory assessments of Special Educational Needs School re-organisation proposals	Concerns about admissions, statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised with North Yorkshire Council or City of York Council
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). North Yorkshire Council Duty LADO (for consultations, new referrals and urgent matters: 01609 533080 City of York MASH : 01904 551900
Exclusion of children from school*	Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions. <i>*complaints about the application of the behaviour policy can be made through the school's complaints procedure.</i>
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 whistleblowers 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 LA 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.
Complaints about services provided by third parties who may use school premises or facilities	Providers should have their own complaints procedure to deal with complaints about service. Please contact them directly.

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

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 of a complainant, as long as they have appropriate consent to do so.

Complainants should not approach individual governors to raise 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

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 or Trust office. You can also ask third party organisations 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.

If you have difficulty discussing a complaint with a particular member of staff, we will respect your views. In these cases, we will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a complaint, we 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 complaint objectively and impartially is more important.

4.1 Who to direct complaints to

In most circumstance, your initial contact with a complaint is your child's class teacher, year or subject leader, or senior leadership.

In other circumstances, your complaint should be directed as follows:

Complaints relating to	Direct to
- school staff (except Headteacher) - complaints relating to provision of facilities or services at the school	Headteacher / Executive Headteacher (complaints in this case should be addressed for the attention of the headteacher. The school email address is available on the school website)
- Headteacher / Executive Headteacher - Executive Leadership - Central YLT staff - Central YLT provision - the Trust or Trustees	Ian Yapp, YLT CEO (contact via ceo@ylt.org.uk)
- CEO	Chair of Trustees (contact via clerktogovs@ylt.org.uk)
- Chair of a Local Governing Committee (LGC) - any individual governor or trustee - LGC as a whole	Clerk to the LGC or Board of Trustees (contact via clerktogovs@ylt.org.uk)

Please mark any complaints as private and confidential.

5. ANONYMOUS COMPLAINTS

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

6. TIME SCALES

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 only where exceptional circumstances apply.

Wherever possible complaints should be raised in a timely manner to enable the most effective investigation and response.

6.1 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 relevant holiday period.

7. SERIAL AND UNREASONABLE COMPLAINTS

The Trust has a separate but related policy with regard to serial and unreasonable complaints. The full policy can be found on YLT website.

8. HOW COMPLAINTS ARE HANDLED

The majority of complaints from parents and carers are handled in the following way:

1. Stage 1 – informal complaint
2. Stage 2 – formal complaint
3. Stage 3 – panel hearing

8.1 Stage 1 – Informal complaint

It is to be hoped that most complaints can be expressed and resolved on an informal basis when you first make them known to us.

In most circumstances, complaints should be raised with either the class teacher, year or subject leader, or senior leadership (see section 4.1)

Once your complaint is made known to us, we will see you, or contact you by telephone, by email, or in writing, as soon as possible to gather any further information required. This will include clarifying the resolution you are seeking to your complaint.

If necessary we will contact appropriate people who may be able to assist us with our enquiries into your concern.

We will normally update you on the progress of our enquiries within **ten school days**.

Once we have responded to your complaint, you will have the opportunity of asking for the matter to be considered further.

If you are still dissatisfied following this informal approach and any further consideration, you may choose to escalate the complaint to the next stage.

Please note, where the complaint relates to the conduct of a member of staff, advice may be sought from the Trust's HR Advisers and an appropriate investigation carried out in accordance with the relevant HR policies. In all instances relating to staff conduct there is a need to respect the confidentiality of staff and complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint.

8.2 Stage 2 – Formal complaint

This stage deals with written complaints. It applies where initial attempts to resolve issues have been unsuccessful and you are not happy with the informal approach to dealing with your complaints as outlined above.

In most cases, formal complaints must be made to the Headteacher (please refer to section 3.1). This may be done in person or in writing (preferably using the Complaint Form – see Appendix A).

An Investigating Officer will be appointed. This could be the Headteacher or the Headteacher may delegate any Stage 2 investigation to another member of the school's senior leadership team but not the decision to be taken. Please see section 8.2.1 for details about the Investigating Officer for complaints regarding the Headteacher, central staff and services, and those involved in governance.

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

Within this response, the Headteacher / Investigating Officer will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome you would like to see. The Headteacher / Investigating Officer can consider whether a face-to-face meeting is the most appropriate way of doing this. The investigation of your complaint may include a meeting with you. You may be accompanied at any meeting by a friend or relative but you must tell the investigator in advance that you will be accompanied.

During the investigation, the Headteacher / Investigating Officer will, if necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish, and keep a written record of any meetings / interview in relation to their investigation.

At the conclusion of the investigation, the Headteacher / Investigating Officer will provide a formal written response within **20 school days** of the date of receipt of the complaint.

If the Headteacher / Investigating Officer is unable to meet this deadline, they will provide you 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 the school will take to resolve the complaint.

The Headteacher / Investigating Officer may invite you to a meeting to discuss the outcome as part of our commitment to building and maintaining good relations with you.

If you are unhappy with the way in which we reached our conclusions, you may wish to proceed to Stage 3 – Panel Hearing, as described below (section 8.3).

8.2.1 Other Investigating Officers

If the complaint is about the Headteacher, YLT central services or central staff, the CEO will complete all the actions at Stage 2. As with Headteachers, the CEO may investigate the complaint or may commission another senior executive level employee, governor, Trustee or suitably skilled and experienced external person to carry out an investigation. In cases where such commissioning takes place, the CEO will retain responsibility and accountability and provide the formal response to the complainant.

If the complaint is about the CEO, Chair of the Local Governing Committee (LGC) or the majority of a LGC, or a Trustee (not including the Chair), the Chair of Trustees will appoint a suitably skilled Trustee or other investigator to complete all the actions at Stage 2.

If the complaint is about a governor of the Local Governing Committee (LGC), a suitably skilled governor or other investigator will be appointed by the Chair of the LGC to complete all the actions at Stage 2.

If the complaint is about the Chair of Trust Board, the Vice Chair will appoint an Investigating Officer.

If the complaint is about the Chair of Trust Board, or the Trust Board, the CEO will appoint an external Investigating Officer.

8.3 Stage 3 – Panel Hearing

If you are dissatisfied with the outcome at Stage 2 and wish to take the matter further, you 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 involved in the complaint. (See 8.3.1 for panel composition for complaints about the CEO or Trustee).

This is the final stage of the complaints procedure and the aim of the hearing is reconciliation and to put things right that may have gone wrong.

A request to escalate to Stage 3 must be made to the Clerk to the LGB within **five school days** of receipt of the Stage 2 response. Requests received outside of this timeframe will only be considered if exceptional circumstances apply.

The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within **five school days**.

The Clerk will write to you to inform you of the proposed date of the panel hearing. They will aim to convene a meeting within **20 school days** of receipt of the Stage 3 request. If this is not possible, the Clerk will provide an anticipated date and keep the you informed.

If you reject the offer of three proposed dates, without good reason, the Clerk will decide when to hold the meeting. The hearing will then proceed in your absence, on the basis of written submissions from both parties.

You 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 panel 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 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 **ten school days** before the meeting, the Clerk will:

- confirm and notify the complainant of the date, time and venue of the meeting, ensuring that 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 panel at least **six school days** before the meeting.

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

The panel 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 panel will consider the complaint and all the evidence presented. The panel 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 panel 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 Panel will provide the complainant and the school with a full explanation of their decision and the reason(s) for it, in writing, within **five school days**.

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

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 the school or 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, Headteacher and CEO.

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.

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.

8.3.1 Stage 3 Panel composition for complaints about the CEO and Trust

If the complaint is about:

- the CEO
- the Trust

Stage 3 will be heard by 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 Trust.

If the complaint is about:

- the Chair of the Local Governing Board;
- the entire Local Governing Board; or
- the majority of the Local Governing Board

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

If the complaint is about:

- the Chair of the Trust Board
- the entire Trust Board; or
- the majority of the Trust Board

Stage 3 will be heard by a completely independent panel.

9. SOCIAL MEDIA

In order for complaints to be resolved as quickly and fairly as possible, YLT requests that complainants do not discuss complaints publicly via social media. Complaints will be dealt with confidentially for those involved and we expect complainants to also observe confidentiality.

10. OUTCOMES AND NEXT STEPS

10.1 Resolving complaints

At each stage in the procedure, YLT and its schools want 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.

10.2 Withdrawal of a complaint

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

10.3 Closing of a complaint

Where a complainant raises an issue that has already been dealt with via the complaints procedure, and that procedure has been exhausted, the complaint will not be reinvestigated except in exceptional circumstances, for example where new evidence has come to light.

As a complainant you may remain dissatisfied despite all the procedures having been followed. It may well be a case of not being able to resolve all your concerns and meet all your wishes. Therefore, it may, on occasions, simply be a case of 'agreeing to disagree' and moving on.

If you continue to make representation to the School / Trust or attempt to reopen the same issue, the Headteacher / CEO will inform you in writing that the procedures have been followed and that all reasonable action has been taken to resolve the issue and the matter is now closed

10.4 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 YLT. They will consider whether YLT 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 via the online enquiry form at <https://www.gov.uk/government/publications/complain-about-an-academy/complain-about-an-academy#contacting-dfe> or in writing to Department for Education, School Complaints Compliance Unit, Piccadilly Gate, Store Street, Manchester M1 2WD.

10.5 Retention of records

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 Education and Skills Act 2008 requests access to them.

11. DEVIATION FROM PROCEDURE

There may be occasions when it is necessary or reasonable to deviate from this complaints procedure. This includes not doing something the procedure states we will, should or may do. We will document any deviation from the published procedure and update you of any deviation and the reasons for this.

12. MANAGING COMPLAINT CAMPAIGNS

Occasionally, we may become the focus of a campaign and receive large volumes of complaints all based on the same subject and/or from complainants unconnected with the school. If this happens, we may:

- send a template response to all complainants, or
- publish a single response on the school's website.

APPENDIX A

Complaint Form

Please complete and return to the Headteacher/CEO/Clerk as appropriate, 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 who:

Complaint referred to:

Action taken:

Date:

APPENDIX B

Roles and Responsibilities

Complainant

The complainant is expected to:

- 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 children/young people and other people relevant to the complaint
- consideration of records and other relevant information
- analysing information
- liaising with the complainant 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 panel) that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

The Headteacher (or complaints panel) will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

Headteacher or CEO (complaints co-ordinator)

The complaints co-ordinator should:

- ensure that the complainant is fully updated at each stage of the procedure
- liaise with staff members, Chair of the LGB (if appropriate) and Clerk 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 Local Governing Board or Trust Board

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 school and complainant submissions) and send it to the parties in advance of the meeting according to agreed timescales
- record the proceedings
- circulate the minutes of the meeting
- notify all parties of the panel's decision.

Panel Chair

The panel chair, who is nominated in advance of the complaint hearing, 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 panel 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

Panel Member

Panel 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; the welfare of the child/young person is paramount.

Careful consideration of the atmosphere and proceedings should ensure that the child/young person does not feel intimidated. The panel 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 panel 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 panel 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 panel considers is not in the child/young person's best interests.