

# Kepier Complaints Policy

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## **Introduction**

The majority of issues raised by parents, the community or learners are concerns rather than complaints. Kepier is committed to taking concerns seriously, at the earliest stage, in the hope of keeping the number of formal complaints to a minimum and without needing formal procedures. However, depending on the nature of the concern, people may wish or be asked to follow the Kepier's formal complaints procedure. This procedure is available to anyone in Kepier or the local community to use. Reasonable adjustments can be made for those who have learning difficulties or have disabilities.

The primary aim of Kepier's Complaints Policy is to resolve the complaint as fairly and speedily as possible. Formal complaints will be dealt with in a sensitive, impartial and confidential manner. Malicious complaints may incur appropriate action by Kepier. The Headteacher will keep a copy of all formal complaints made in a complaints log, in compliance with UK GDPR.

**Any concerns raised relating to Child Protection and/or Safeguarding will be dealt with as part of the relevant policy.**

This complaints policy does not cover the following.

- Admissions
- Statutory assessments of special educational needs (SEN) – this means education, health and care (EHC) plan procedures or the content of the EHC plan, according to the DfE
- Complaints relating to the content or conduct of an EHC plan are dealt with by the local authority and may be appealed through the First-tier SEND Tribunal.
- Safeguarding matters – including allegations of abuse against staff
- Exclusions
- Whistle-blowing
- Staff grievances
- Staff discipline

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

Arrangements for handling complaints from parents of children with special educational needs (SEN) about the Kepier's support are within the scope of this policy. Such complaints should first be made to the Special Educational Needs and Disabilities Co-ordinator (SENDCO); they will then be referred to this complaints policy. Our SEN policy and information report includes information about the rights of parents of learners with disabilities who believe that Kepier has discriminated against their child.

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

## **Time Scales for Receiving Complaints**

A complaint must be raised 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 only consider complaints made outside of this time frame if exceptional circumstances apply.

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

## **Principles**

This policy is intended to:

- encourage resolution of problems by informal means wherever possible;
- be easily accessible and publicised;
- be simple to understand and use;
- be impartial;
- be non-adversarial;
- allow swift handling with established time-limits for action and keeping people informed of the progress;
- ensure a full and fair investigation by an independent person where necessary;
- respect people's desire for confidentiality as far as the law allows;
- address all the points at issue and provide an effective response and appropriate redress, where necessary; and
- provide information to Kepier's Senior Leadership Team so that services can be improved.

## **Legislation and Guidance**

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

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

## **Guidelines for Action**

### **Investigating Complaints**

On receiving a complaint the appropriate member of staff should:

- establish **what** has happened so far, and **who** has been involved;
- clarify the nature of the complaint and what remains unresolved;
- meet with the complainant or contact them (if unsure or further information is necessary);
- clarify what the complainant feels would put things right;
- interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
- conduct the interview with an open mind and be prepared to persist in the questioning; and
- keep notes of the interview.

Where the first approach is made to a governor, the complainant should be referred to the appropriate staff member. Governors should not act unilaterally on an individual complaint outside the formal procedure or be involved at the early stages in case they are needed to sit on a panel at a later stage of the procedure.

### **Resolving Complaints**

While investigating the complaint, staff should be mindful of ways in which a complaint can be resolved; complainants should be encouraged to state what actions they feel might resolve the problem. Should the complaint be valid, in whole or in part, it may be sufficient to acknowledge this and it may be appropriate to offer one or more of the following:

- an apology;
- an explanation;

- an admission that the situation could have been handled differently or better;
- where possible, an assurance that the event complained of will not recur;
- an explanation of the steps that have been taken to ensure that it will not happen again;
- an undertaking to review school policies in light of the complaint.

An admission that the school could have handled the situation better is not the same as an admission of negligence.

Complaints will be considered, and resolved, as quickly and efficiently as possible. However, where further investigations are necessary, the complainant should be informed of the deadline for resolution and given an explanation for the delay. Please see Appendix 1 for Flow Chart showing stages, etc.

For clarity: Academy “working days” means days during term time when the school is open to learners. It does not include weekends, INSET days, or holidays. This is the same throughout this document.

Meetings: No meetings can be recorded and a covert recording of a meeting would breach UK GDPR regulations.

### ***Stage 1, Informal Complaint***

Complaint heard by staff member (though not the subject of the complaint). The target date to respond/resolve this is 5 Academy working days. If the complainant is not satisfied with the initial response, they should inform the Headteacher (or nominated representative) of the complaint within 10 Academy working days of the initial response. This should be in writing to ensure that everyone is clear what the focus of the complaint is and a Complaints Form is available - see Appendix 2. The Headteacher (or nominated representative) will set a target date for any investigation to be completed.

### ***Stage 2, Formal Complaint***

Complaint heard by Headteacher (or nominated representative). This should be submitted to the Headteacher in writing and a Complaints Form is available - see Appendix 2. The target date should be no longer than 10 Academy working days. The response to the complainant should be in writing and the complainant advised how to proceed to the next stage if not satisfied with the outcome. In certain circumstances, the Headteacher may arrange a Single Governor meeting to take place prior to moving to Stage 3. This is at the discretion of the Headteacher and will not apply in all cases.

### ***Stage 3, Formal Complaint***

Complaint heard by Governing Body Complaints Appeal Panel, consisting of at least three people not directly involved in the matters detailed in the complaint. One member must be independent of the management and running of the Academy and may be a Governor from a nearby school. If the complainant is not satisfied with the response at Stage 2, they should make the Chair of the Governing Body aware of the complaint within 10 Academy days of the response from the Headteacher (or nominated representative). This should be in writing and recorded by the Academy to ensure that everyone is very clear what the focus of the complaint is. Parents/carers will be invited to attend the panel hearing, if they wish, and may be accompanied by a friend or chosen representative.

The Full Governing Body should only be informed that a complaint is being heard – details should be with-held to ensure that the remaining members of the Governing Body are available should

the outcome result in any action being taken under other procedures.

Complaints against the Headteacher will be investigated by the CEO of Eden and heard by 3 of Kepier's Local Governors..

Complaints against a Governor will be investigated by the Chair of Governors and the Governance Professional.

In all cases, following the Governing Body Complaints Appeal Panel hearing, all relevant parties; the complainant, Headteacher and where relevant, the person complained about, will be given a copy of any findings and recommendations.

This is the last stage of the complaints policy.

### **Withdrawing a Complaint**

Once a complaint has been made, a complainant is free to withdraw their complaint, at any stage, at any time. If the complaint is being dealt with under Stage 2 or Stage 3 the complainant should put the withdrawal of the complaint in writing. Generally, a withdrawal of complaint will result in the end of an investigation. However, due to certain duties and responsibilities under education law the Academy may have to make the necessary reports and referrals to the relevant authorities.

### **Anonymous Complaints**

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

### **Serial or Persistent Complaints**

If followed properly, the complaints procedure will limit the number of complaints that become protracted. However, there will be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the Chair of the Governing Body is able to inform them in writing that the procedure has been exhausted and that the matter is now closed.

A serial or persistent complainant is not someone who raises legitimate concerns or criticism of a complaints procedure as it progresses, for example, with regards to timescales, nor are they someone who is unhappy with the outcome of a complaint and are seeking to challenge it. For the purposes of this policy, a persistent complainant is someone whose behaviour is characterised by:

- frequently complaining about a variety of different things, or the same issue through a number of different channels. While doing this, their actions are obsessive, persistent, harassing, prolific, and/or repetitious;
- seeking unrealistic outcomes relative to the issue being raised. They state that their intention is to persist until that outcome is achieved;
- insisting upon pursuing valid complaints in an unreasonable manner;

- persistently making the same complaint with minor differences but never accepts the outcome of any investigation into their complaint;
- challenging a historical decision/action which cannot be changed;
- contact with the Academy is often frequent, lengthy and complicated;
- behaving aggressively and provocatively towards the Academy and individual members of staff;
- using unusual methods of emphasis, such as multiple underlinings, putting words in capital letters, and using exclamation marks and inverted commas, as well as extensive use of marginal notes;
- changing aspects of the complaint or the desired outcome part way through the investigation and/or after the investigation has been completed and a conclusion has been reached;
- refusing to cooperate with the investigation process;
- insisting on the complaint being dealt with in ways which are incompatible with the adopted procedure or with good practice;
- making what appear to be groundless complaints about the staff dealing with the complaint, and seeking to have them replaced by someone more senior or with a person the complainant names;
- refusing to accept information provided, for no justifiable reason;
- making statements the complainant knows are not true or persuading others to do so;
- supplying manufactured 'evidence' or other information the complainant knows is incorrect;
- raising at a late stage in the process, significant information which was in the complainant's possession when he or she first submitted a complaint;
- raising a large number of detailed but unimportant questions and insisting that they are fully answered;
- lodging a number of complaints in batches over a period of time, resulting in related complaints being at differing stages of the complaints procedure;
- pressing for further investigation of matters that have already been addressed;
- electronically recording meetings and conversations without the prior knowledge and consent of the other persons involved;
- pursuing a complaint or complaints with the authority and at the same time, with a MP/a councillor/police/solicitors/the ombudsman in the hope of getting a different response;
- using obscene, racist, offensive or threatening language in written or verbal communications;
- threatening or aggressive or abusive behaviour in direct personal contacts with staff;
- using the vehicle of valid new complaints to resurrect issues which were included in previous complaints; and
- persistence in sending communications which demand responses, or making telephone calls seeking interview with staff, after the investigation into a complaint has been closed and all rights of review and appeal have been exhausted.

### **Dealing with Unreasonable Complaints**

Kepier is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. Kepier will not normally limit the contact complainants have with the Academy. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

Unreasonable complainants are defined by Kepier as *‘those who, because of the frequency or nature of their contacts with the Academy, hinder our consideration of their or other people’s complaints’*.

A complaint may be regarded as unreasonable when the person making the complaint:

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;
- refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved;
- refuses to accept that certain issues are not within the scope of a complaints procedure;
- insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
- introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales;
- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;
- changes the basis of the complaint as the investigation proceeds;
- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);
- refuses to accept the findings of the investigation into the complaint where the Academy’s complaint procedure has been fully and properly implemented and completed including referral to the Education and Skills Funding Agency;
- seeks an unrealistic outcome; and
- makes excessive demands on Academy time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.

A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically:

- maliciously;
- aggressively;
- using threats, intimidation or violence;
- using abusive, offensive or discriminatory language;
- knowing it to be false;
- using falsified information; and
- publishing unacceptable information in a variety of media such as in social media, websites and newspapers.

Complainants should limit the numbers of communications with the Academy while a complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, e-mail or text) as it could delay the outcome being reached.

Whenever possible, the Headteacher or Chair of Governors will discuss any concerns with the complainant informally before applying an ‘unreasonable’ marking.

If the behaviour continues the Headteacher or the Chair of Governors will write to the complainant explaining that their behaviour is unreasonable and either ask them to change this; or for those complainants who excessively contact the Academy – causing a significant level of

disruption – the complaint will be closed.

In response to any serious incident of aggression or violence, appropriate actions will be taken separately, which may include banning an individual from the Academy premises.

### **Governing Bodies Complaints Appeal Panel**

If a complaint cannot be resolved by staff, including the Headteacher, the complainant will be directed to write to the CEO giving details of the complaint. The Chair, or a nominated governor, will convene a Governing Body Complaints Panel. See Complaints Appeal Panel Checklist in Appendix 3. The Governing Body Complaints Panel is the last school-based stage of the complaints process, and is not convened to merely rubber-stamp previous decisions.

Individual complaints will not be heard by the whole Governing Body, as this could compromise the impartiality of the panel set up for a disciplinary hearing against a member of staff following a serious complaint.

The Governing Body will nominate a number of members with delegated powers to hear complaints, as set out its terms of reference; ensuring one member of the panel hearing is independent of the management and running of the Kepier. A member of the Governing Body of Kepier will not qualify as an independent person.

The appeal panel is independent and impartial; no Governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it. Every effort should be made to ensure that the panel is a cross-section of the categories of Governor and sensitive to the issues of race, gender and religious affiliation.

The aim of the hearing, which will be held in private, will always be to resolve the complaint and achieve reconciliation between the Academy and the complainant; care will be taken to ensure the setting is informal and not adversarial. However, it is recognised the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.

Extra care will be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The panel will be made aware of the views of the child and give them equal consideration to those of adults. Where the child's parent is the complainant, it would be helpful to give the parent the opportunity to say which parts of the hearing, if any, the child needs to attend.

On hearing the complaint the panel can decide to:

- dismiss the complaint in whole or in part;
- uphold the complaint in whole or in part;
- decide on the appropriate action to be taken to resolve the complaint; and
- recommend changes to the Kepier's systems or procedures to ensure that problems of a similar nature do not recur.

### **Notification of the Panel's Decision**



The chair of the panel will ensure that the complainant is notified of the panel's decision, in writing, with the panel's response; within five working days of the hearing. The letter needs to explain if there are any further rights of appeal and, if so, to whom they need to be addressed.

However, there will be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the Chair of the Governing Body is able to inform them in writing that the procedure has been exhausted and that the matter is now closed.

The Education Funding Agency (EFA) will consider complaints that fall into the following three categories:

1. where there is undue delay or Kepier did not comply with its own complaints procedure when considering a complaint;
2. where Kepier is in breach of its funding agreement with the Secretary of State; and
3. where Kepier has failed to comply with any other legal obligation.

If the complainant remains dissatisfied after the final stage, they may refer the complaint to the Education and Skills Funding Agency (ESFA). Details are available on the GOV.UK website. The role of the ESFA is to check whether the complaint has been dealt with properly, it is not to overturn the Kepier's decision about a complaint.

### **Recording Complaints**

A central record of complaints will be held by the Gov Professional; this will record the progress of the complaint and the final outcome. A complaint may be made in person, by telephone, or in writing. At the end of a meeting or telephone call, the member of staff will ensure that the complainant and the Academy have the same understanding of what was discussed and agreed. A brief note of meetings and telephone calls can be kept and a copy of any written response added to the record.

Records will be held centrally and remain confidential to the complainant, the Panel, the Police and HMI upon request.

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 Kepier's premises by the proprietor and the Executive Headteacher.

### **Governing Body Review**

The Governing Body will monitor the level and nature of complaints and review the outcomes on an annual basis to ensure the effectiveness of the procedure and make changes where necessary. Complaints information shared with the whole Governing Body will not name individuals.

### **Publicising the Policy**

Details of the policy will be included in Kepier's website.

## **Conduct**

It is the expectation of Kepier that all staff and Governors involved in dealing with complaints will act in a professional manner at all times and make the utmost effort to ensure an acceptable resolution to the complaint. It also expects that the conduct of the complainant towards Kepier staff will be reasonable and measured. If the Headteacher or Chair of the Governor Panel deems the conduct of the complainant to be unreasonable, actions will be taken to address this with the complainant. These could include telephone calls, face to face meetings or correspondence with the complainant. See Roles and Responsibilities Appendix 4.

## Appendix 1: Complaints Procedure Flow Chart

### Stage 1

Informal complaint heard by a relevant member of staff (not the subject of the complaint).  
Ensure Gov Professional informed of outcome.  
To be resolved within target date of 5 working days of receipt of concern/complaint.

Concern/Complaint Resolved - No Further Action

Concern/Complaint Unresolved - Follow Stage 2

### Stage 2

Headteacher to be informed in writing within 10 working days of the initial response at Stage 1.  
Receipt of complaint acknowledged, in writing.  
Formal complaint considered by Headteacher.  
Write to the Complainant with outcome of investigation.  
Ensure Gov Professional informed of outcome.  
To be resolved within target date of 10 working days from receipt of formal complaint to Headteacher.

*(note: in certain circumstances, the Headteacher may arrange a Single Governor meeting to take place, this is at the discretion of the Headteacher and will not apply in all cases.)*

Concern/Complaint Resolved - No Further Action

Concern/Complaint Unresolved - Follow Stage 3

### Stage 3

Request for Governor Complaints Hearing Panel meeting must be made by complainant within 10 working days of receiving resolution under Stage 2.  
Receipt of complaint acknowledged, in writing.  
Panel Hearing generally held within 20 working days of Gov Professional receiving the request.  
Letter inviting complainant to meeting.  
5 working days before hearing, Gov Professional to share documents to be considered.  
Within 5 working days of the Hearing, Gov Professional to issue letter confirming panel decision.  
Gov Professional to ensure complaints log noted re outcome.

**Appendix 2: Complaint Form** Please complete and return to [info@kepier.com](mailto:info@kepier.com) FAO the Governance Professional - who will acknowledge receipt and explain what action will be taken.

<b>Name of Complainant:</b>	
<b>Name of Learner (if relevant):</b>	
<b>Your Relationship to Learner (if relevant):</b>	
<b>Complainant Address (include Postcode):</b>	
<b>Complainant Telephone Number and Email Address:</b>	
<b>Brief Details of the Complaint:</b>	
<b>What action(s), if any, have been taken to try to resolve the complaint, who have you spoken to and what was their response.</b>	
<b>What actions do you feel might resolve the problem at this stage?</b>	
<b>Are you attaching any paperwork? If so, please give details.</b>	
<b>Your Signature:</b>	<b>Date:</b>
<b>Official Use</b>	<b>Date received by Gov Professional:</b>
<b>Date acknowledgment sent:</b>	<b>Complaint referred to:</b>
<b>Action Taken:</b>	
<b>Outcome:</b>	
<b>Complainant Informed, Date:</b>	

## **Appendix 3: Checklist for a Complaints Appeal Panel Hearing**

### **Checklist for a Complaints Appeal Panel Hearing**

The Panel will observe the following process, ensuring the hearing is conducted as informally and fairly as possible:

**1. Introductions**

The Chair welcomes all parties and explains the process.

**2. Informality**

The hearing remains as informal as possible to encourage open discussion.

**3. Witnesses**

Witnesses attend only for the part of the hearing in which they provide their evidence.

**4. Complainant's Presentation**

- The complainant is invited to present their case.
- Any witnesses for the complainant are heard.
- The Headteacher may ask questions of the complainant and their witnesses after each has spoken.

**5. Kepier's Response**

- The Headteacher presents Kepier's response to the complaint.
- Any witnesses for Kepier are heard.
- The complainant may ask questions of the Headteacher and Kepier's witnesses after each has spoken.

**6. Panel Questions**

The Panel may ask questions at any stage during the hearing.

**7. Summing Up**

- The complainant is invited to summarise their case.
- The Headteacher is then invited to summarise Kepier's response.

**8. Decision Communication**

The Chair explains that the Panel's decision will be communicated to both parties within a set timeframe. Alternatively, both parties may be invited back to hear the decision in person.

**9. Panel Deliberation**

Both parties leave the room together while the Panel considers its decision.

## **Appendix 4: Roles and Responsibilities**

### **The Role of the Complainant**

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

- follow these procedures;
- co-operate with Kepier throughout the process, and respond to deadlines and communication promptly;
- ask for assistance as needed;
- treat all those involved with respect;
- not publish details about the complaint on social media.

### **The Role of the Investigator**

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

- interview all relevant parties, keeping notes;
- consider records and any written evidence and keep these securely;
- prepare a comprehensive report to the headteacher or complaints committee which includes the facts and potential solutions.

### **The Role of the Governance Professional**

The Governance Professional will be the contact point for the complainant and be required to:

- set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible;
- collate any written material and send it to the parties in advance of the hearing;
- meet and welcome the parties as they arrive at the hearing;
- record the proceedings;
- notify all parties of the panel's decision.

### **The Role of the Chair of the Governing Body or the Nominated Governor**

The Chair of the Governing Body, or the nominated Governor will:

- check that the correct procedure has been followed;
- if a hearing is appropriate, notify the Governance Professional to arrange the panel.

### **The Role of the Chair of the Panel**

The Chair of the Panel has a key role, ensuring that:

- both parties are asked (via the Governance Professional) to provide any additional information relating to the complaint by a specified date in advance of the meeting;
- the remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption;
- 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 meeting is conducted in an informal manner, is not adversarial, and all parties are treated with respect and courtesy;
- the issues are addressed;
- key findings of fact are made;
- the panel 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;
- both the complainant and Kepier 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;

- 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; and
- the meeting is minuted.

### **The Role of the Panel Members**

Panel 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 Kepier 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 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 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 Panel considers is not in the child/young person's best interests; and
- The welfare of the child/young person is paramount.