

Policies & Procedures

Complaints Policy

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Complaints Policy

1. Aims

Abbey Multi Academy Trust (Abbey MAT) aims to meet its statutory obligations when responding to complaints from parents of pupils at its academies, and others.

The aim of this policy is to ensure that a concern or complaint by a parent/carer is managed sympathetically, efficiently and at the appropriate level and resolved as soon as possible. Doing so is good practice, it is fair to those concerned and it helps to promote parents' and students' confidence in our ability to safeguard and promote welfare. We will try to resolve every concern or complaint in a positive way with the aim of resolving the issue in a transparent manner.

Abbey MAT expects that most concerns can be resolved informally and guarantees to treat seriously and confidentially all concerns whether raised informally or formally.

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
- Keep complainants informed of the progress of the complaints process
- Consider how the complaint can feed into Academy improvement evaluation processes

We will ensure we publicise the existence of this policy and make it available on the individual Academy and Trust websites.

2. Legislation and guidance

This document meets the requirements set out in part 7 of the schedule to [the Education \(Independent Academy Standards\) Regulations 2014](#), which states that we must have and make available a written procedure to deal with complaints from parents of pupils at the Academy.

It is also 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).

English Language Requirement – Immigration Act 2016

A legitimate complaint received in respect of the above, whereby a member of the public feels that a public-facing member of staff has insufficient proficiency in English will be investigated in line with this policy and will adhere to the relevant Code of Practice.

Members of staff subject to the complaint will be notified of the complaint and given an opportunity to give their own account of the incident. A complaint will be assessed against an objective assessment of the level of fluency relevant to the role in question.

A complaint about a member of staff's accent, dialect, manner or tone of communication, origin or nationality will not be considered a legitimate complaint.

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 Academy 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”.

The Academy intends to resolve complaints informally where possible, at the earliest possible stage.

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

This policy does not cover complaints procedures relating to:

- Admissions
- Statutory assessments of special educational needs (SEN)
- Safeguarding / Child Protection matters
- Exclusions
- Whistle-blowing
- Staff grievances
- Staff discipline

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

Arrangements for handling complaints from parents of children with SEN about the Academy’s support are within the scope of this policy. Such complaints should first be made to the class teacher or special educational needs co-ordinator (SENCO) they will then be referred to this complaints policy. The Academy SEN policy and information report includes information about the rights of parents of pupils with disabilities who believe that our Academy has discriminated against their child.

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

In this policy:

- Working days excludes weekends, bank holidays and Academy holidays

Where to direct your complaint ...

Member of staff the complaint refers to:	Complaint to be sent to:
Member of Academy staff including teacher, support staff etc	Academy Principal / Head teacher
Head teacher / Head of School / Principal	Chair of Local Governing Body
Executive Principal / Chief Executive Officer (CEO)	Chair of Trust Board
Abbey Multi Academy Trust Central Team	Chief Executive Officer (CEO)
Chair of Local Governing Body	Clerk to Local Governing Body
Chair of Trust Board	Clerk to Trust Board

4. 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 Academy 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 expect our staff to be addressed in a respectful manner and for communication to remain appropriate at all times. Where it is reasonably believed that a complaint or a complainant is unreasonable, vexatious or making repeated complaints, the procedure outlined at Section 8 below will be used.

Any anonymous concern or complaint will not be investigated under this procedure unless there are exceptional circumstances.

A written record will be kept of all complaints, including at what stage they were resolved. Correspondence, statements and records relating to individual complaints will be kept confidential except where access is requested by the Secretary of State or where disclosure is required in the course of an academy inspection or under other legal authority.

5. Stages of complaint (not complaints against the headteacher or a governor)

Stage 1: informal

The Academy 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 Principal/Headteacher, 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 Academy office.

Where a complaint concerns the Abbey Multi Academy Trust Central Team, it should be directed to the Chief Executive Officer of the Trust (where complaints are about the CEO they should be directed to the Chair of the Abbey MAT Trust Board). This may be by email, letter, by telephone or in person by appointment, requested via the Trust office. Where the complaint is about a member of staff, it is normally appropriate to communicate directly with them in the first instance. This may be by email, letter, by telephone or in person by appointment, requested via the Trust office.

We value informal meetings and discussions and encourage parents to approach staff with any concerns they may have, and aim to resolve these issues with open dialogue and mutual understanding. If the complainant wishes to hold a meeting to discuss their concern or complaint, they should explain the nature of their concern or complaint in advance using the Meeting Request Form provided (appendix 2).

The Academy will acknowledge informal complaints within 3 working days, and investigate and provide a response within 10 working days.

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

Stage 2: formal

If the complainant feels that their concern or complaint has not been resolved to their satisfaction at the informal stage or they wish the complaint to be dealt with immediately as a formal complaint, they should put their complaint in writing.

The letter of complaint should provide details such as relevant dates, times and the names of witnesses of events, alongside copies of any relevant documents. The complainant should also state what they feel would resolve the complaint. The Complaint Form, in appendix 3, may be completed.

The written complaint will be acknowledged within 5 working days of receipt. The complainant may be invited to a meeting to clarify their concerns and to explore the possibility of an informal resolution. If they accept that invitation, they may be accompanied by one other person such as a friend or relative to assist them in explaining the nature of their concerns. Where possible, this meeting will take place within 10 working days of receipt of the written complaint.

Where the complainant declines the invitation to a meeting or the complaint cannot be resolved through a meeting arrangements will be made for the matter to be formally investigated.

The Principal/Headteacher (or other person appointed by the Principal/Headteacher, for this purpose) will then conduct their own investigation. If necessary, witnesses will be interviewed and statements taken from those involved. If the complaint centres on a pupil, the pupil should also be interviewed. Pupils should normally be interviewed with their parent present, but if this would seriously delay the investigation of a serious or urgent complaint or if the pupil (secondary academies only) has specifically said that s/he would prefer that their parents were not involved, another member of staff with whom the pupil feels comfortable should be present. If a member of staff is complained against, they must have the opportunity to present their case.

Once all the relevant facts have been established as far as possible, a written conclusion of the investigation will be sent to the complainant within 15 working days of receipt of the complaint. They will be provided with a written response to the complaint, including a full explanation of the decision and the reasons for it. This will include what action the Academy will take to resolve the complaint (if any).

If the complainant is not satisfied with the response and they wish to proceed to the next stage of this procedure, they should inform the clerk to the Trust Board / Local Governing Body, in writing, within 10 working days.

Stage 3: Review Panel

If the complainant is dissatisfied with the decision under the formal stage, they may request that a review panel of the Local Governing Body / Trust is convened to consider the complaint. The complaint will only be considered if the relevant procedures at Stages 1 and 2 have been followed.

To request a hearing by the Review Panel, the complainant should write to the clerk of the Trust Board / Local Governing Body, using the Complaint Review Request Form (appendix 4), within 10 working days of receiving the outcome of the formal stage.

The review will be conducted by at least 3 members, consisting of two Trustees (in the case of Abbey MAT complaints) or two governors of the Academy (in the case of complaints to an academy) and one other person who is independent of the Trust/Academy. The panel cannot be made up solely of Trustees/ governing body members, as they are not independent of the management and running of the Academy.

The panel 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 Academy, as appropriate, will be present. The complainant may be accompanied at the meeting by one other person such as a friend

or relative. The clerk to the Trust Board / Local Governing Body will also attend the hearing in order to keep records of the proceedings.

Unless otherwise stated, the procedure for the review panel meeting will be as follows:

- The complainant and the Executive Principal/Principal/Headteacher will enter the hearing together
- The Chair of the Review Panel will introduce the panel members and outline the process
- The complainant will explain the complaint
- The Executive Principal/Principal/Headteacher and panel members will question the complainant
- The Executive Principal/Principal/Headteacher will explain the Trust/Academy's actions
- The complainant and the panel members will question the Executive Principal/Principal/Headteacher
- The complainant will sum up their complaint
- The Executive Principal/Principal/Headteacher will sum up the Trust/Academy's actions
- The Chair of the panel will explain that both parties will hear from the panel within 10 working days
- Both parties will leave together while the panel deliberates
- The clerk will stay to assist the panel with its decision making

After the review meeting, the panel will consider their decision and inform the complainant of the decision within 10 working days. The panel will also provide a copy of the findings and recommendations to the CEO/Executive Principal/Principal/Headteacher. The panel can:

- Request further information from the complainant and/or the Academy to assist them in making their decision
- Dismiss the complaint in whole or in part
- Uphold the complaint in whole or part
- Decide on the appropriate action to be taken to resolve the complaint
- Recommend changes to the Academy's systems or procedures to ensure that problems of a similar nature do not reoccur.

Please refer to Appendix 1 for a summary of the complaints procedure.

6. Complaints against the CEO / Executive Principal / Principal / Headteacher or a Governor

Complaints made against the CEO or Executive Principal should be directed to the chair of the Trust Board.

Complaints made against the Principal/Headteacher should be directed to the chair of the Local Governing Body.

Where a complaint is against the chair of the Trust Board, it should be made in writing to the clerk of the Trust Board in the first instance.

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

7. Referring complaints on completion of the Academy's procedure

If the complainant is unsatisfied with the outcome of the Academy's complaints procedure, they can refer their complaint to the ESFA. The ESFA will check whether the complaint has been dealt with properly by the Academy. The ESFA will not overturn an Academy's decision about a complaint. However, it will look into:

- Whether there was undue delay, or the Academy did not comply with its own complaints procedure
- Whether the Academy was in breach of its funding agreement with the secretary of state
- Whether the Academy has failed to comply with any other legal obligation

If the Academy did not deal with the complaint properly, it will be asked to re-investigate the complaint. If the Academy's complaints procedure is found to not meet regulations, the Academy will be asked to correct its procedure accordingly.

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

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

8. Persistent, unreasonable or vexatious complaints

Where a complainant tries to re-open the issue with the Academy after the complaints procedure has been fully exhausted and the Academy 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 Academy again about the same issue, the Academy can choose not to respond. The normal circumstance in which we will not respond is if:

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

However, this list is not intended to be exhaustive.

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

- We have reason to believe the individual is contacting the Academy 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, Academy staff

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

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

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

Unreasonably persistent complaints

There are rare circumstances where we will deviate from the Complaints Procedure set out in Part Five.

These include, but are not necessarily limited to:

- Where the complainant's behaviour towards staff, members of the Local Governing Body or Trustees is unacceptable, for example, is abusive, offensive or threatening;
- Where, because of the frequency of their contact with the Trust/Academy, the complainant is hindering the consideration of their or other people's complaints and/or the proper running of the Trust/Academy;
- Where the complainant's complaint is vexatious and/or has patently insufficient grounds;
- Where the complainant's complaint is the same, similar or based on the same facts of a complaint which has already been considered in full by the Trust/Academy.

In these circumstances, we may:

- Inform the complainant that their behaviour is unacceptable or unreasonably persistent and ask them to change it;
- Restrict the complainant's access to the Trust/Academy e.g. requesting contact in a particular form (for example, letters only), requiring contact to take place with a named person only, restricting telephone calls to specific days or times or banning the complainant from the Academy's premises;
- Conduct the Review Panel on the papers only i.e. not hold a hearing;
- Refuse to consider the complaint and refer directly to the ESFA.

In all cases we will write to tell the complainant why we believe his or her behaviour is unacceptable or unreasonably persistent, what action we are taking and the duration of that action.

Where the behaviour is so extreme that it threatens the immediate safety and wellbeing of staff, members of the Local Governing Body or Trustees, we will consider other options, for example reporting the matter to the police or taking legal action. In such cases, we may not give the complainant prior warning of that action.

9. Record-keeping

The Academy 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 under the terms of the Data Protection Act, or where the material must be made available during an Academy inspection.

Records of complaints will be kept from the date of the resolution of the complaint plus a minimum of 6 years.

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

Where the Local Governing Body is aware of the substance of the complaint before the review panel stage, the Academy 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 Local Governing Body, who will not unreasonably withhold consent.

10. Learning lessons

The Local Governing Body / Trust Board review any underlying issues raised by complaints with the Principal/Headteacher where appropriate, and respecting confidentiality, to determine whether there are any improvements that the Academy can make to its procedures or practice to help prevent similar events in the future.

11. Monitoring arrangements

The Trust Board / Local Governing Bodies will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled properly. The Trust 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 principal/headteacher.

This policy will be reviewed by the Trust Board every three years.

At each review, the policy will be approved by the full Trust Board.

12. 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

Appendix 1 – Summary of Complaints Procedure

<p>Stage 1: Informal Complaints</p>	<p>Complainant brings complaint to attention of</p> <ul style="list-style-type: none"> Abbey MAT complaints – PA to CEO Academy complaints – member of staff 	
	<p>Issue to be resolved within 10 working days</p>	
	<p>Where no satisfactory solution has been found, complainant to be advised that they may move to Stage 2.</p>	
<p>Stage 2: Formal Written Complaints</p>	<p>Complainant to put complaint in writing using Complaint Form to</p>	
	<p>Member of staff the complaint refers to:</p>	<p>Complaint to be sent to:</p>
	<p>Member of Academy staff including teacher, support staff etc</p>	<p>Academy Principal / Head teacher</p>
	<p>Head teacher / Head of School / Principal</p>	<p>Chair of Local Governing Body</p>
	<p>Executive Principal / Chief Executive Officer (CEO)</p>	<p>Chair of Trust Board</p>
	<p>Abbey Multi Academy Trust Central Team</p>	<p>Chief Executive Officer (CEO)</p>
	<p>Chair of Local Governing Body</p>	<p>Clerk to Local Governing Body</p>
	<p>Chair of Trust Board</p>	<p>Clerk to Trust Board</p>
	<p>Complaint to be acknowledged within 5 working days</p>	
	<p>(Optional) Meeting with complainant within 10 working days</p>	
<p>Response to the complaint sent within 15 working days</p>		
<p>Stage 3: Referral to Review Panel</p>	<p>Complainant to request hearing within 10 working days of receiving notice of the outcome of Stage 2</p>	
	<p>Complainant to put complaint in writing using Complaint Form to:</p> <ul style="list-style-type: none"> Abbey MAT complaints – clerk to Board of Trustees Academy complaints – clerk to Local Governing Body 	
	<p>Request to be acknowledged within 5 working days</p>	
	<p>Hearing to take place within 20 working days of receipt of request</p>	
	<p>Notification of date, time and place of the hearing and details of the Review Panel present sent at least 5 working days before the hearing</p>	
	<p>Trust/Academy and complainant to submit evidence in support of their case to Clerk at least 3 school days before the hearing</p>	
<p>Review Panel decision send not more than 10 working days after the hearing</p>		

Contact Details

Abbey MAT informal complaints

PA to CEO
 c/o Chapter House
 Abbey Grange Academy
 Butcher Hill
 Leeds LS15 6EA

Abbey MAT formal complaints

Clerk to Trustees at the above address

Academy informal complaints:

Principal/Headteacher at the appropriate Academy address

Academy formal complaints

Clerk to Governors at the appropriate Academy address

Appendix 2

Abbey Multi Academy Trust: Meeting Request Form

Name of Academy _____

I wish to meet _____ to discuss the following matter:

Brief details of topic to be discussed:

Dates/times when it would be most convenient for a meeting:

Your name: _____

Relationship with the Trust/Academy (e.g. parent/carer of pupil on the Academy roll)

Pupil's name (if relevant to the matter to be discussed) _____

Your Address

Telephone numbers

Daytime _____ Evening _____

Signed _____ Date _____

Please complete this form and return it to Abbey MAT registered office or to the academy office, as appropriate

Admin use	
Date Form Received	Date response sent
Received by	Response sent by

Appendix 3

Abbey Multi Academy Trust: Formal Complaint Form

Please complete this form and return it to, **Abbey MAT registered office or to the academy office (as appropriate)** who will acknowledge its receipt and inform you of the next stage in the procedure.

Your name: _____

Relationship with the Trust/Academy (e.g. parent/carer of pupil on the Academy roll)

Pupil's name (if relevant to the matter to be discussed) _____

Your Address

Telephone numbers

Daytime _____ Evening _____

Email address: _____

Signed _____ Date _____

Please give concise details of your complaint (including dates, names of witnesses etc) to allow the matter to be fully investigated:

You may continue on separate paper, or attach additional documents, if you wish.

Number of additional papers attached = _____

What action, if any, have you already taken to try and resolve your complaint? (i.e. who have you spoken with or written to and what was the outcome?)

What actions do you feel might resolve the problem at this stage?

Signed _____ Date _____

Admin use	
Date Form Received	Date acknowledgement sent
Received by	Acknowledgement sent by
Complaint referred to	Referred on

Appendix 4

Abbey Multi Academy Trust: Complaint Review Request Form

Please complete this form and return it to, **Abbey MAT registered office or to the academy office (as appropriate)** who will acknowledge its receipt and inform you of the next stage in the procedure.

Your name: _____

Relationship with the Trust/Academy (e.g. parent/carer of pupil on the Academy roll)

Pupil's name (if relevant to the matter to be discussed) _____

Your Address

Telephone numbers

Daytime _____ Evening _____

Email address: _____

Signed _____ Date _____

Dear Sir/Madam,

I submitted a formal complaint to the Trust/Academy on _____ and I am dissatisfied by the procedure that has been followed.

My complaint was submitted to _____ and I received a response from _____ on _____.

I have attached copies of my formal complaint and of the response(s) from the Trust/Academy.

I am dissatisfied with the way in which the procedure was carried out, because:

You may continue on separate paper, or attach additional documents, if you wish.

Number of additional papers attached = _____

What actions do you feel might resolve the problem at this stage?

Admin use	
Date Form Received	Date acknowledgement sent
Received by	Acknowledgement sent by
Complaint referred to	Referred on
Request referred to	Date

Appendix 5

Review Panel

1. This document is intended to set out best practice for the operation of a review panel and it is recognised that, where circumstances dictate, it may be necessary to depart from this.
2. The Clerk to the Board of Trustees / Local Governors will constitute a review panel made up of three members. The constitution of the panel is set out in section 5 of the policy.
3. Once a panel is identified the panel should elect a chair. The chair will work in conjunction with the clerk to make arrangements for the panel hearing, including:
 - a. Setting the date for the hearing;
 - b. Identifying an appropriate venue for the hearing giving thought to, amongst other matters, the need for 'break out' rooms and the safeguarding of children. In all but exceptional circumstances the venue should be within the estate of Abbey MAT; however, it is recognised that in some circumstances it may be necessary to hear a complaint at an external venue;
 - c. Setting a date for the exchange of documentation between the parties and the panel;
 - d. Carrying out an initial review of documents to ensure all documentation is available to the panel and the parties for the hearing. It should be remembered that a number of policies and procedures are available on the Academy websites and these documents can be called up during the course of the hearing where necessary;
 - e. Identifying any support which is necessary for the panel including HR advice, legal advice, clerking and/or minute taking;
 - f. Setting an agenda for the hearing which provides for each party to open their case and question the other party on their case. The chair will ensure that this agenda is followed during the hearing in order to enable each party to fairly set out their case without interruption.
4. Where either party requests a change of dates or provides documents after the specified deadline, a decision on the same will be at the Panel's absolute discretion. Where repeated or unreasonable adjournment requests are received from one party the Panel may proceed in the absence of a party.
5. The scope of the Panel's inquiry will be as set out in the relevant policy. The Panel has discretion to consider matters beyond the scope of the policy where, in the view of the Panel, it will assist the parties to have a determination in order to achieve reconciliation between the parties.
6. The Panel will make a decision on the matter in issue and may also make recommendations to the Academy which will assist, for example, in achieving reconciliation between the parties or in avoiding future similar incidents. Such recommendations may arise from the matter in issue or from matters which become apparent during the course of the panel hearing.
7. The hearing will be non-adversarial in style. All parties and their representatives should ensure that they communicate appropriately throughout the hearing. The Panel has the absolute discretion to halt proceedings if an inappropriate approach is taken by any party.
8. After the hearing the Panel will deliberate in private accompanied by any advisor. The decision may be communicated orally after these deliberations where appropriate. In all circumstances the decision will be communicated in writing within 10 working days.