



DISCIPLINARY PANEL

Terms of Reference

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Introduction

In accordance with the statutes for the Chartered Institute for the Management of Sport and Physical Activity (CIMSPA), the Disciplinary Panel will fulfil the function of the Disciplinary Committee and will exercise powers on behalf of CIMSPA and the Board of Trustees under the following Terms of Reference.

Purpose

The purpose of the Disciplinary Panel is to conduct fair and consistent disciplinary hearings and impose appropriate sanctions where required, in line with CIMSPA's complaints, disciplinary and sanctions policies and processes. The Disciplinary Panel Terms of Reference are agreed by the CIMSPA Board of Trustees, who delegate authority to the Disciplinary Panel to undertake work relating to the above. The Disciplinary Panel has no executive powers other than those specifically delegated in these Terms of Reference.

Scope

The scope of the Disciplinary Panel includes:

- Ensuring that fair, effective and consistent methods of dealing with disciplinary and performance matters are achieved.
- Encouraging best practice and improvement to members' and partners' conduct, performance and delivery where it is below acceptable standards, through the issuing of sanctions along with associated outcomes and remedial action.

The scope of the Disciplinary Panel also includes:

- Operating with strong moral principles, honesty, integrity and decency
- Representing the best interests of CIMSPA

Role and Responsibilities

The Disciplinary Panel's role is to:

- Hear investigation reports and findings from misconduct investigations carried out by the CIMSPA executive, relating to Tier Four complaints



- Hear appeals relating to Tier Three complaints.
- Hear appeals escalations where the original appeal was heard by the CIMSPA Internal Panel
- Consider the points raised through the investigation and base their conclusion on the 'balance of probability'.
- Where appropriate impose sanctions along with associated outcomes and remedial action to members and partners whose conduct was below acceptable standards.
- Report on the results of Disciplinary Panel hearings to the Board of Trustees.
- Provide appropriate feedback to support decisions made at Disciplinary Panels to all relevant stakeholders

The Disciplinary Panel is responsible to the Board of Trustees for:

- Clearly and effectively communicating conclusions and decisions to impose or not impose any disciplinary or performance sanctions, outcomes and remedial actions to members and partners following Disciplinary Panel proceedings.
- Reviewing and ensuring consistency is achieved in judicial decisions made, including disciplinary or performance sanctions, outcomes and remedial actions imposed, to ensure they are consistently and fairly applied.

Membership

The Disciplinary Panel will be made up of:

- One or two Board Trustees (excluding the Chair of the Board of Trustees) who have been appropriately trained in Disciplinary Panel processes:
 - Membership of the Disciplinary Panel will be appointed by the Chair of the Board of Trustees (Chair) or the Senior Independent Trustee (SIT) on behalf of the Board of Trustees
 - Membership of the Disciplinary Panel will be appointed each time the Panel is required to convene, based on availability, Disciplinary Panel training and experience related to the nature of the case
 - One of the above trustees will be appointed by the Chair or SIT to act as the Disciplinary Panel Chair.
- One or two Appointed Panel Members, taken from a pool of no more than four Appointed Panel Members that are recruited for their skills, behaviours and experience.
 - Membership of the Disciplinary Panel will be appointed by the Chair of the Board of Trustees (Chair) or the Senior Independent Trustee (SIT) on behalf of the Board of Trustees
 - Membership of the Disciplinary Panel will be appointed each time the Panel is required to convene, based on availability, and experience related to the nature of the case

- One member of CIMSPA's executive team (excluding CIMSPA's Chief Executive Officer), in a non-voting capacity.

Tenure and Elapse

Appointed Panel Members are eligible to stand as Panel Members for a term of up to three years. After the first year of the initial term, their position will be reviewed in accordance with the skills matrix, panel composition and panel diversity. At this point, the panel member may continue in their position for a further two years, with annual reviews and CPD governing their tenure to complete their initial three-year term. A maximum of three terms of three years may be served, following this format.

Once an Appointed Panel Member has completed their maximum term, at least four years must elapse before they are eligible to re-stand as a member on the Disciplinary Panel.

Positions held on the Disciplinary Panel by Board trustees will be managed in accordance with their tenure and elapse for their Board trustee position.

Quorum

The quorum necessary for the transaction of business shall be three members, including at least one Board Trustee and at least one Appointed Panel Member .

The Disciplinary Panel, where required, will make the final decision regarding the type and level of disciplinary and performance sanctions, outcomes and remedial actions that are to be issued. Where a consensus cannot be agreed, the Chair may request a vote on a show of hands, in which case each Panel Member shall have one vote.

Meetings

Disciplinary Panel hearings will take place on an ad-hoc basis, dependent upon the need to hear investigations or appeals carried out by the CIMSPA executive. These meetings will normally be facilitated virtually.

As much notice as possible for each Disciplinary Panel hearing shall be given to all concerned. However, the requirement to deal with disciplinary matters in a timely manner may mean that Disciplinary Panel hearings are convened at short notice.

Papers for the Disciplinary Panel hearing will be circulated not less than two working days before each hearing.

A record of each Disciplinary Panel hearing shall be made available to the Panel at the earliest convenience, and shall be made available to the Board of Trustees upon request.

The Chair of the Disciplinary Panel will report to the Board of Trustees following each Disciplinary Panel hearing on its duties and responsibilities, and the outcome of the hearing.

These roles are voluntary, and expenses will be met, should a panel member be unable to find a sponsor to support their attendance.

Additional Information

In exceptional circumstances the Board of Trustees may co-opt an individual onto the Disciplinary Panel for a specific hearing to ensure that the Panel has the required skills or expertise to effectively fulfil its role and responsibilities, for example if the hearing includes a significant technical element. This individual will act in a non-voting, advisory capacity..

Only members of the Disciplinary Panel have the right to attend Disciplinary Panel hearings meetings. However, CIMSPA executive staff and other non-members may be invited with the approval of the Panel Chair to attend all or part of any meeting as and when appropriate and necessary. For the purposes of clarity individuals or representatives of organisations which are the subject of the investigation or appeal will also be invited to the hearing.

CIMSPA's staff team will provide secretariat to Disciplinary Panel hearings and will record details of all decisions made. The Chair of the Disciplinary Panel will review draft documents and approve for circulation to Disciplinary Panel members.

The Disciplinary Panel shall:

- Have access to sufficient resources in order to carry out its duties, including access to a secretariat for assistance as required.
- Be provided with appropriate and timely training.
- Give due consideration to laws and regulations, these Terms of Reference, the Board and Committee Member Code of Conduct and any other applicable rules as appropriate.

Review

The Disciplinary Panel Terms of Reference will be reviewed by the Board of Trustees in August 2028 unless changes in policy, governance or other circumstances require a review prior to this date. They will then be reviewed biennially in accordance with the Board of Trustees' annual plan.





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