



APPEALS 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 Appeals Panel will fulfil the function of the Appeals 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 Appeals Panel is to review appeals raised through CIMSPA's formal process, determining whether the grounds for appeal outlined in CIMSPA's Appeals Policy have been met and issuing appropriate outcomes. The Appeals Panel Terms of Reference are agreed by the CIMSPA Board of Trustees, who delegate authority to the Appeals Panel to undertake work relating to the above. The Appeals Panel has no executive powers other than those specifically delegated in these Terms of Reference.

Scope

The scope of the Appeals Panel includes:

- Ensuring that a fair, effective and consistent method of dealing with appeals is achieved in relation to:
 - Applications for chartered membership
 - Sanctions applied through disciplinary proceedings
- Reviewing formal appeals arising from decisions made by CIMPSA in relation to a member or partner, where the appeal has arisen from a Tier Four complaint and has met the specified requirements.

The scope of the Appeals Panel also includes:

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

Role and Responsibilities

The Appeals Panel role is to:

- Hear appeals arising from decisions made by CIMPSA in relation to a member or partner, where the appeal has arisen from a Tier Four complaint and has met the specified requirements for a hearing.
- Hear an appeals escalation where the original appeal was heard by the Disciplinary Panel
- Consider the points and evidence raised through the investigation and base their conclusion on the following (but not limited to) mitigating circumstances:
 - A procedural defect
 - Failure to follow due process
 - Insufficient weighting of a sanction or decision made
- Serve as the final decision-making body for every appeal and confirm the following:
 - Confirm a decision made by the Membership Assurance Committee or Disciplinary Panel where it concludes the original decision is correct.
 - Overturn a decision made by the Membership Assurance Committee or Disciplinary Panel where it concludes that the original decision was incorrect.
 - Substitute with its own decision any decision made by the Membership Assurance Committee, or Disciplinary Panel which it is required to overturn.
- Provide confirmation of the results of the Appeals Panel to the following:
 - Member/partner
 - Membership Assurance Committee / Disciplinary Panel
 - CIMSPA executive
- Provide appropriate feedback to support decisions made by Appeals Panels to all relevant stakeholders.

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

- Clearly and effectively communicating to the members and partners throughout the Appeals Panel proceedings, including the Panel's conclusions and decisions.
- Adhering to the guidance and criteria issued by the Membership Assurance Committee and Disciplinary Panel, which will enable them to fairly and consistently proportion their substitute decisions where required.
- Reviewing and providing feedback into the standardisation of decisions made, including chartered membership applications and disciplinary or performance sanctions imposed.
- Providing recommendations to the Membership Assurance Committee and Disciplinary Panel for changes required based on the outcomes of the appeals process.

Membership

The Appeals Panel will be made up of:

- Three Board Trustees (excluding the Chair of the Board of Trustees) who have been appropriately trained in Appeals Panel processes:
 - Membership of the Appeals 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 Appeals Panel will be appointed each time the Panel is required to convene, based on availability, Appeals Panel training and experience related to the nature of the case
 - Membership of the Appeals Panel will exclude members of the Membership Assurance Committee if the appeal is related to a chartered application, and members of the relevant Disciplinary Panel if the appeal is related to a Disciplinary Panel hearing
 - One of the above three trustees will be appointed by the Chair or SIT to act as the Appeals Panel Chair.
- One member of CIMSPA's executive team (excluding CIMSPA's Chief Executive Officer (CEO)), in a non-voting capacity.

Appeals Panels will exclude the CIMSPA CEO and Chair of the Board of Trustees, as the CEO and Chair will act as the final escalation point for any appeals cases heard by the Appeals Panel that had:

- A procedural defect
- Failed to follow due process
- Insufficient weighting of a sanction or decision made.

Tenure and Elapse

As Appeals Panel membership is agreed on a panel-by-panel basis, there are no specific requirements regarding tenure or elapse other than those that apply to the role of a CIMSPA trustee.

Quorum

The quorum necessary for the transaction of business shall be three members.



The Appeals Panel, where required, will issue the final decision regarding the appeal and any changes that may need to be made. 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

Appeals 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 Appeals Panel hearing shall be given to all concerned. However, the requirement to deal with appeals matters in a timely manner may mean that Appeals Panel hearings are convened at short notice.

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

A record of each Appeals 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 Appeals Panel will report to the Board of Trustees following each Appeals 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 Appeals 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 Appeals Panel have the right to attend Appeals Panel hearings.

However, CIMSPA executive staff and other non-members may be invited with the approval of the Chair to attend all or part of any meeting or panel as and when appropriate and necessary. For the purposes of clarity individuals or representatives of organisations which have submitted the appeal will also be invited to the hearing.

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

The Appeals 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 Appeals 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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