



CIMSPA Disciplinary Policy and Procedure

CIMSPA Partners

Contents

Overview	3
Introduction	3
Disciplinary Policy	4
Disciplinary Procedure	7
Review.....	17

Published by:

The Chartered Institute for the
Management of Sport and Physical Activity
Incorporated by Royal Charter
Charity Registration Number: 1144545
www.cimspa.co.uk

© The Chartered Institute for the Management of Sport and Physical Activity



Overview

The Chartered Institute for the Management of Sport and Physical Activity (CIMSPA) has established a disciplinary policy and procedure for managing disciplinary proceedings. This policy and procedure describe the process that CIMSPA will follow when taking disciplinary action against a Partner. There are separate policies and procedures for use when CIMSPA is taking action against a CIMSPA member or for disciplinary action against CIMSPA staff.

Disciplinary proceedings may occur because of non-adherence to the CIMSPA Partner Code of Conduct, malpractice or maladministration by the Partner, if a Partner is convicted of or charged with a criminal offence, or for any other reasons detailed in the paragraph below "Scope".

Introduction

CIMSPA is the professional development body for the UK's sport and physical activity workforce. CIMSPA's role is to support, develop and enable all CIMSPA members and partners to succeed in the sport and physical activity sector, ensuring that Partners receive excellent education and training, to facilitate a fulfilling career in the sector. As the champions of professionalism and integrity, CIMSPA aims to provide high-quality standards in all its activities and services. All disciplinary action taken by CIMSPA in respect of a CIMSPA Partner will be undertaken in accordance with the procedures described below.

Disciplinary Policy

Policy Aims

This policy aims to ensure the effective, consistent and fair implementation of the procedures that will be followed throughout the duration of disciplinary proceedings.

Scope

CIMSPA is empowered to take disciplinary action against an individual who is in current Partnership with CIMSPA (including in respect of events that took place before the CIMSPA Partnership commenced), or who held Partnership with CIMSPA on the date that the event, which led to the disciplinary proceedings (complaint, malpractice or maladministration etc.) occurred. CIMSPA is empowered to undertake Disciplinary action for the following:

- Following a complaint made by a stakeholder against a CIMSPA Partner pursuant to CIMSPA's Complaints Policy process;
- Investigations which conclude that malpractice or maladministration has occurred. Please refer to CIMSPA's Malpractice or Maladministration of CIMSPA Partners document for details on what constitutes malpractice or maladministration;
- Breach of the CIMSPA Partner Code of Conduct or any other CIMSPA code or policy;
- A Partner has been charged with or convicted of a criminal offence or is otherwise involved in illegal activities.
- Non-compliance to other regulatory bodies (e.g. OFQAUL, QAA).

CIMSPA is not empowered to take disciplinary action against an organisation who is not a Partner of the institute.

CIMSPA's Approach

In undertaking any disciplinary investigation, CIMSPA is responsible for taking into due account all of the evidence available and to make a judgement based on the facts of the case and upon the 'balance of probability'.

CIMSPA will endeavour to conduct all disciplinary proceedings promptly and without delay. Both CIMSPA and the Partner should raise and deal with issues, meetings and decisions without unreasonable delay, and in accordance with timescales outlined in the disciplinary procedure.

CIMSPA aims to apply a fair and consistent approach throughout all its disciplinary proceedings, and will keep all records associated with disciplinary proceedings, their investigations and their outcomes for the life of the organisation and will be subject to regular monitoring and review.

Fairness to CIMSPA means that allegations do not automatically lead to the imposition of a sanction. However, a precautionary Partnership suspension pending disciplinary proceedings may be put in place in circumstances which CIMSPA might regard as high risk, including but not limited to:

- An allegation of breach of ethical guidelines;
- An allegation of breach of safeguarding guidelines;
- Actions that bring the reputation of CIMSPA into disrepute;
- Circumstances in which the CIMSPA Partner is under investigation or charged by a regulating body such as; OFQUAL, QAA etc.;
- Circumstances in which the CIMSPA Partner has been charged with or convicted of a criminal offence, or is otherwise involved in illegal activities.

The imposition of a precautionary Partnership suspension should not be taken as an indication that CIMSPA has taken a pre-emptive view on the outcome of the disciplinary process.

CIMSPA complaints are managed through a tiered system, outlined within the CIMSPA Complaints Policy. Disciplinary proceedings are determined based on the tier in which the complaint is managed.

Tier One and Two

A complaint managed under Tier One and Two will not result in disciplinary measures. Further information relating to the management of complaints can be found within the CIMSPA Complaints Policy.

Tier Three

In accordance with our commitment to maintaining a fair and transparent disciplinary process, upheld/ partially upheld complaints managed under Tier Three will be addressed through a formal meeting with CIMSPA's Head of Governance and Compliance and an additional member of the Senior Management Team, upon completion of a full investigation.

The purpose of this meeting is to provide both CIMSPA and the individual against whom the complaint has been lodged an opportunity to address the complaint outcomes and any related concerns. This internal meeting aims to facilitate open communication between all parties involved, to achieve a fair resolution.

Following the Tier Three meeting, CIMSPA reserves the right to apply appropriate sanctions as outlined within our sanctions policy, depending on the outcome of the meeting. Please find the sanction policy [here](#). These sanctions will be implemented in accordance with the severity of the complaint and consider all aspects of the situation and conclusions drawn from the internal meeting.

At CIMSPA, we embrace a culture of transparency in all meetings and view them as an opportunity for all participants to work together effectively to ensure a fair outcome. We encourage all parties involved to engage constructively and professionally throughout the process.

Tier Four

Tier Four complaints, as per CIMSPA's Complaint Policy, will progress to a formal disciplinary hearing upon the complaint being upheld/partially upheld. This hearing will be conducted by a disciplinary panel, consisting of three members from CIMSPA's Disciplinary Committee, convened to review the findings of the investigation. The disciplinary committee will facilitate the hearing and review all evidence provided by both CIMSPA and

whom the complaint has been lodged, enabling cross-examination by the panel and the complainant.

To find out more about CIMSPA's complaint policy and process, click [here](#).

The purpose of this meeting is to provide both CIMSPA and the individual against whom the complaint has been lodged an opportunity to address the complaint outcomes and any related concerns.

For the avoidance of doubt, CIMSPA reserves the right to determine the Tier in which the complaint is managed and may escalate the Tier in which the complaint is managed, in order to determine the appropriate course of action.

Partners will have the right to be accompanied by a companion at any disciplinary meeting, including any appeal meetings. Further details regarding the right to be accompanied can be found in the paragraph below headed "Companion".

Disciplinary Procedure

1. Recommendation for Disciplinary Proceedings

1.1. CIMSPA will commence disciplinary proceedings in the event of:

1.1.1. Tier Three and Four Breach(es) by the Partner of the CIMSPA Partner Code of Conduct or any other CIMSPA code or policy;

1.1.2. Investigations conclude that malpractice or maladministration has occurred. Please refer to CIMSPA's Malpractice or Maladministration of CIMSPA Partners policy for details on what constitutes malpractice or maladministration;

1.1.3. The Partner has been charged with or convicted of a criminal offence, or is otherwise involved in illegal activities;

1.1.4. Following a complaint made by stakeholder against a CIMSPA Partner, pursuant to CIMSPA's Complaints Policy.

1.1.5. The Partner is under investigation or has been charged by a regulating body such as; OFQUAL, QAA etc;

1.2. CIMSPA will commence disciplinary proceedings by providing the Partner with a notice of such disciplinary proceedings that will contain the following:

1.2.1. Details of the reason for the commencement of disciplinary proceedings, and any accompanying evidence that CIMSPA has at the time in which the notice is sent;

1.2.2. The proposed date, time, and venue, for any investigatory/disciplinary meeting;

1.2.3. A copy of CIMSPA's Disciplinary Policy and Procedure for CIMSPA Partners;

1.2.4. Notice of suspension if the Partner is being suspended from CIMSPA Partnership pending the outcome of the Disciplinary Procedure, in accordance with paragraph 4 below;

1.2.5. Any other information that may be relevant to the disciplinary proceedings

2. CIMSPA Internal Meeting and Disciplinary Hearing

2.1. The Partner must confirm whether they can attend the meeting at least two working days in advance of the scheduled meeting.

2.2. If a change of date from the original date is required, the meeting must take place within five working days of the original meeting date.

2.3. If a Partner does not wish to attend the meeting, they must inform CIMSPA at least two working days in advance of the scheduled meeting.

2.4. A Partner may request that the meeting be referred to a paper hearing. This request must be proposed to CIMSPA at least two working days in advance of the scheduled meeting.

2.5. A Partner may request that the meeting takes place in their absence. This request must be proposed to CIMSPA at least two working days in advance of the scheduled meeting.

2.6. If the Partner fails to notify CIMSPA at least two working days in advance of the meeting for points 2.2 – 2.5, then CIMSPA may complete the meeting in the Partner's absence.

2.6.1. It is at the discretion of CIMSPA to offer an alternate date if insufficient notice has been provided;

2.6.2. The alternate date will be scheduled within five working days of the original meeting date.

2.7. If the Partner is unable to provide two working days' notice as specified in points 2.2 – 2.5 due to unforeseen circumstances such as sickness, then the Partner should notify CIMSPA as soon as reasonably possible.

2.8. Partners are expected to be in attendance for the full duration of the meeting. Where a Partner is unable to complete the full duration of the meeting, the meeting will continue in their absence. In exceptional cases, the disciplinary panel/executive team may use their discretion to suspend the meeting (see 7.9).

2.9. If an alternative date is provided for the disciplinary meeting, then the same guidance notes (section 1) apply to the re-scheduled meeting.

2.10. Information obtained and used throughout the disciplinary proceedings will be handled sensitively and in accordance with current legislation and requirements of confidentiality.

2.11. Relevant CIMSPA personnel or other third parties who need to be aware of the disciplinary proceedings will be informed where applicable.

2.12. Meetings will take place virtually via video conference software, unless otherwise stated.

2.12.1. In exceptional cases, CIMSPA may agree to host the meeting at CIMSPA's head office: SportPark Loughborough University, 3 Oakwood Drive, Loughborough, Leicestershire LE11 3QF, but this is at the discretion of CIMSPA. A request for an in-person meeting must be put in writing to CIMSPA at least five working days in advance of the meeting.

2.13. The presentation of evidence/witnesses will be made by a CIMSPA executive member of staff.

2.14. The Partner may cross-examine witnesses and propose any further evidence previously communicated with CIMSPA.

2.15. The disciplinary panel/executive team will review the evidence presented by CIMSPA and the Partner along with testimonies from witnesses.

2.16. The disciplinary panel/executive team will ask questions to the Partner, witnesses and presenting CIMSPA executive Partner of staff, where applicable.

2.17. The panel/executive team, if required, will be able to adjourn the meeting.

2.18. The panel/executive team, if required, will be able to suspend the meeting and re-arrange a follow-up meeting, which must be completed within five working days of the conclusion of the original meeting.

2.19. The panel/executive team will put its outcomes of the disciplinary meeting in an email to the Partner (a copy may also be provided in writing to the Partner's specified address held against their Partnership).

3. Companion

3.1. A companion is defined as:

3.1.1. A CIMSPA member;

3.1.2. A trade union representative (with an official certificate from their union expressing their competence to accompany the Partner);

3.1.3. An official employed by a trade union (with evidence of their credentials);

3.1.4. A solicitor or legal representative.

3.2. If a Partner wishes to exercise their right to be accompanied by a companion, then they must request this with CIMSPA two working days in advance of the meeting date.

3.3. The Partner must provide the name of the companion and their credentials to show they meet the criteria to be a companion at least two working days in advance of the meeting date.

3.4. A Partner may request to bring an individual who does not meet the definition of a companion. CIMSPA has the right to refuse a request to be accompanied if the companion does not meet one of the following criteria:

- 3.4.1. A CIMSPA member;
- 3.4.2. A trade union representative (with an official certificate from their union expressing their competence to accompany the Partner);
- 3.4.3. An official employed by a trade union (with evidence of their credentials);
- 3.4.4. A solicitor or legal representative.

3.5. If the companion is not able to attend the scheduled meeting time and date, then the Partner must suggest an alternate time/date with the proposed new meeting date being within five working days of the date originally proposed.

3.6. The companion will be granted the following rights:

- 3.6.1. To accompany the Partner and provide support to the Partner during the disciplinary meeting.

3.7. The companion will not be able to:

- 3.7.1. Answer questions on the Partner's behalf;
- 3.7.2. Address the meeting if the Partner does not wish it.
- 3.7.3. Prevent CIMSPA from explaining the case.

4. Precautionary Partnership Suspension

4.1. In deciding whether to commence disciplinary proceedings CIMSPA will undertake a risk assessment to identify whether a precautionary Partnership suspension needs to be put in place throughout the duration of the disciplinary proceedings:

4.1.1. In assessing the level of risk CIMSPA will consider, the following:

- 4.1.1.1. Charges or convictions for a criminal offence or involvement in other illegal activity;
- 4.1.1.2. A breach of ethical guidelines;
- 4.1.1.3. A breach of safeguarding guidelines;
- 4.1.1.4. Actions that bring the reputation of CIMSPA into disrepute

4.1.1.5. Investigation or charges from a regulating body such as; OFQUAL, QAA
etc

4.2. Throughout the period of a precautionary Partnership suspension, a Partner will not be permitted to:

- 4.2.1. Use any designation, initials or logos appropriate to CIMSPA Partnership;
- 4.2.2. Attend or vote at any general meetings of the members or Partners;
- 4.2.3. Represent CIMSPA for example, at any sector events or meetings.

4.3. The precautionary Partnership suspension will continue until:

- 4.3.1. CIMSPA re-instates the Partnership, or
- 4.3.2. The conclusion of the disciplinary proceedings and the outcome is issued.

5. Statement of Agreed Facts

5.1. In the event that a Partner admits to the allegations made in the Notice of Disciplinary Proceedings then they may request a statement of agreed facts.

5.2. This request must be sent to CIMSPA, in writing, at least two working days prior to the disciplinary meeting.

5.3. The statement of agreed facts must be signed by both parties, prior to the date allocated for the disciplinary meeting. If it is not signed before that date, the meeting will take place as scheduled.

5.4. The statement of agreed facts concludes the disciplinary meeting and directly ends with the disciplinary panel delivering its outcomes.

6. Evidence and Witnesses

6.1. CIMSPA will send a copy of any evidence and/or witness statements that will be used within the disciplinary proceedings with the Notice of Disciplinary Proceedings. This will normally be at least 10 working days in advance of the scheduled meeting.

6.2. CIMSPA will inform the Partner if it intends to call witnesses to the disciplinary meeting at least two working days in advance of the disciplinary meeting.

6.3. The presentation of evidence will be made by a CIMSPA executive member of staff.

6.4. The Partner will be able to ask questions, present evidence, call witnesses and cross-examine witnesses during the disciplinary meeting.

6.5. The Partner will be able to call witnesses to the disciplinary meeting.

6.5.1. The notification of a witness must be put in writing to CIMSPA at least 2 working days in advance of the disciplinary meeting.

6.5.2. The written notification must include the following:

6.5.2.1. The name of the witness;

6.5.2.2. Relevance to the case;

6.5.2.3. Confirmation that they are able to attend the disciplinary meeting.

6.5.3. If the notification is not submitted two working days in advance of the disciplinary meeting, CIMSPA reserves the right to refuse the witness and their testimony.

6.5.4. If witnesses or evidence is submitted during the disciplinary meeting and prior notification was not received, then the panel may discard this information at their discretion.

6.6. In addition to calling witnesses, the Partner will be able to submit evidence for consideration at the disciplinary meeting.

6.6.1. The notification of submitting evidence and a copy of the evidence must be sent to CIMSPA at least two working days in advance of the disciplinary meeting;

6.6.2. If the notification is not submitted two working days in advance of the disciplinary meeting, CIMSPA reserves the right to refuse the evidence into the disciplinary meeting.

7. CIMSPA's Internal Meeting Panel and Disciplinary Panel

7.1. The relevant panel will consist of:

7.1.1. For complaints managed through Tier three:

- 7.1.1.1. The CIMSPA Head of Governance
- 7.1.1.2. An additional member of the CIMSPA Senior Management team
- 7.1.1.3. CIMSPA executive (minutes and procedural guidance, non-voting role)

7.1.2. For complaints managed through Tier four:

- 7.1.2.1. The chair of the CIMSPA Disciplinary Committee (a member of the CIMSPA board of trustees);
- 7.1.2.2. Two independent members of the CIMSPA Disciplinary Committee;
- 7.1.2.3. CIMSPA executive (minutes and procedural guidance, non-voting role)

7.2. The panel will be allocated to a disciplinary meeting at CIMSPA's discretion but taking into account the need to avoid conflicts of interest and taking into account knowledge and expertise in the area of the case.

7.3. Where required CIMSPA may invite:

- 7.3.1. A secretariat to make notes of the meeting;
- 7.3.2. An independent advisor to support the panel (e.g. legal, finance, HR advice etc.);

7.4. No invited personnel will be able to make decisions about the outcome of the disciplinary meeting.

7.5. Confirmation of the panel members will be sent to the Partner at least two working days in advance of the meeting.

7.6. The relevant panel will be responsible for reviewing the evidence presented by CIMSPA and the Partner, along with testimonies from witnesses.

7.7. The relevant panel will be able to ask questions to the Partner, witnesses and presenting CIMSPA executive member of staff, throughout the disciplinary meeting.

7.8. The relevant panel, if required, will be able to adjourn the meeting:

- 7.8.1. To allow time to make a decision on a disciplinary outcome;
- 7.8.2. To allow time for reflection and consideration;

7.8.3. To allow time to check for further information on any matters raised that were not fully resolved during the meeting;

7.8.4. If the Partner is in distress throughout the meeting;

7.8.5. If there is any abusive language or inappropriate behaviour from any party involved during the disciplinary meeting.

7.9 The relevant panel, if required, will be able to suspend the meeting;

7.9.1 If the Partner raises any complaints that relate to the disciplinary case, for example

7.9.2. If a member of the relevant panel has a conflict of interest;

7.9.3. If evidence has been omitted/selectively presented;

7.9.4. If there is alleged bias during the meeting.

7.12. The relevant panel at its own discretion may suspend the meeting if the Partner is unable to complete the meeting in full (e.g. as a result of ill health).

8. Disciplinary Meeting Outcomes

8.1. Following the disciplinary meeting, the relevant panel will make a decision on any sanctions that need to be put in place and/or recommendations to CIMSPA.

8.2. The relevant panel will provide its outcomes within five working days from the date of the meeting.

8.2.1. The outcomes will be sent to the Partner via email;

8.2.2. If the panel adjourn the meeting, the time frame may be extended. In this event, an updated time frame will be provided to the Partner.

8.3. The outcomes that the CIMSPA Internal Meeting panel managing a tier three complaint, may include, but are not exclusive to the following, in line with the CIMSPA Sanctions Policy for CIMSPA Partners:

8.3.1. Disciplinary is closed / no case to answer / insufficient evidence;

8.3.2. No sanctions imposed;

8.3.3. A written reprimand with conditions imposed for the continuation of Partnership;

8.3.4. Suspension from Partnership with conditions imposed for reinstatement;

8.4. The CIMSPA Disciplinary Panel, at the conclusion of a tier four complaint may include, but are not exclusive to the following, in line with the CIMSPA Sanctions Policy for CIMSPA Partners:

8.4.1. All the above sanctions (8.3.1 – 8.3.4);

8.4.2. Termination of Partnership

8.5. CIMSPA reserves the right to publish the outcome of the disciplinary process if CIMSPA concludes that it is in the public interest for the outcome of the disciplinary proceedings to be put into the public domain. CIMSPA will always act legally when making such a decision. CIMSPA will normally wait until six working days from the notification of the outcome before publishing any outcome, in order to provide the Partner with time to appeal. However, there may be exceptional circumstances in which the outcomes are made public sooner than the six working day period. In addition, sanctions and terminations of Partnership will always be published. Further information can be found in CIMSPA's Sanctions Policy for Partners.

8.6. If CIMSPA is aware that the law has been broken, it reserves the right to inform the appropriate authorities.

9. Appeals

9.1. A Partner is entitled to make an appeal against the outcomes of the disciplinary proceedings based on the following grounds:

9.1.1. CIMSPA has made a procedural defect or failure to follow due process;

9.1.2. Against the sanction and outcome or decision made.

9.2. The Partner will have five working days from issue of the disciplinary outcome to lodge their appeal to CIMSPA.

9.3. Further information on appeals can be found in CIMSPA's Appeals Procedure for CIMSPA Partners.

Review

The CIMSPA Disciplinary Policy and Procedure for CIMSPA Partners will be reviewed by CIMSPA in May 2027 unless changes in policy, governance or other circumstances require a review prior to this date. The current copy of the CIMSPA Disciplinary Policy and Procedure for CIMSPA Partners will be made publicly available on CIMSPA's website.



E info@cimspa.co.uk

T 03438 360200

**Chartered Institute for the Management
of Sport and Physical Activity,**
SportPark,
Loughborough University,
3 Oakwood Drive,
Loughborough,
Leics. LE11 3QF

cimspa.co.uk

Incorporated by Royal Charter.
Charity Registration Number: 1144545.