

## Professional Disciplinary Policy

### 1 Interpretation

The following definitions and rules of interpretation apply in this Professional Disciplinary Policy (unless the context requires otherwise).

#### 1.1 Definitions:

**Association:** The Chartered Association of Sport and Exercise Sciences (“CASES”).

**Appeal Panel:** The Committee formed in accordance with clause 10 of this Professional Disciplinary Policy to hear appeals from decisions of the Disciplinary Panel.

**Board:** The Board of Directors of the Association.

**Chair:** The Chair of the Board.

**Code of Conduct:** The Association’s Code of Conduct from time to time in place.

**Confrontational behaviour:** Behaving in a way which is aggressive, hostile, oppressive or discriminatory.

**Disciplinary Committee:** The Committee constituted in accordance with clause 6 of this Professional Disciplinary Policy.

**Disciplinary Procedure:** The procedure set out in the Professional Disciplinary Policy.

**Equal Opportunities Policy:** The Equal Opportunities Policy of the Association from time to time in place.

**Equity, Diversity and Inclusion Advisory Group:** The Advisory Group whose purpose is to ensure that there is an integrated and proactive approach to equity, diversity and inclusion that is informed by sector best practice.

**Fellow:** A Fellow of the Association.

**Final Appeal:** An appeal made in accordance with clause 10.2 of this Professional Disciplinary Policy.

**Governance Committee:** The Standing Committee whose purpose is to advise the Board on any action required to maintain the effective governance of the Association in line with statutory requirements.

**Independent person:** Someone outside of CASES appointed to the Disciplinary Committee to represent the public interest.

**Investigating Committee:** The Committee constituted in accordance with clause 6 of this Professional Disciplinary Policy to investigate complaints and determine whether or not there is a case to answer. It considers only two matters: (i) does the complaint fall within the professional area with which CASES has the authority to enquire, and (ii) is there enough unambiguous evidence to justify the cost of holding an enquiry.

**Member:** A member of the Association including Fellows.

**Offensive behaviour:** Causing someone offence due to derogatory, insulting, humiliating remarks, or direct or indirect discrimination based on protected or unprotected characteristics.

**Party:** The complainant or the member who is subject to the complaint.

**Protected characteristics:** age, disability, gender reassignment, marriage or civil partnership, pregnancy and maternity, race, religion/belief, sex (gender) and sexual orientation, as described in the Equality Act 2010.

**Safeguarding and Welfare Policy:** The Safeguarding and Welfare Policy

of the Association from time to time in place.

**Secretary:** The Secretary appointed by the Board to oversee and administer the implementation of this Policy.

- 1.2 Reference to the singular includes references to plurals, and vice versa.
- 1.3 This Professional Disciplinary Policy is binding on the Association and on Members whether or not they have previously indicated their acceptance of the Association's Policies. A copy of this Professional Disciplinary Policy will be made available on the CASES website <https://bit.ly/2PoV4EW>.

## 2 Purpose and scope

- 2.1 This Policy applies to all Members.
- 2.2 This Policy is designed to ensure that Members are treated fairly and consistently, to ensure the efficient and safe performance of work and to promote the maintenance of good relations between Members.

## 3 Introduction

- 3.1 This policy is limited to professional behaviour and competence and is based only on complaints that can be framed as possible breaches of the Code of Conduct.
- 3.2 Members are under an obligation to report all conduct which could reasonably be considered to amount to a breach of the Association's policies. The failure to report a potential breach of a policy shall itself constitute a breach of the Code of Conduct.
- 3.3 The underlying principle of this policy is fairness based on openness. No one has a right of anonymity, and all information must be shared with all parties.
- 3.4 A complaint shall in all cases be made in writing, via [complaint@cases.org.uk](mailto:complaint@cases.org.uk), to the Chair of the Association, In the event that the complaint concerns the conduct of the Chair, the complaint shall be made to another member of the Board.
- 3.5 Upon receiving a complaint made in accordance with paragraph 3.4 above, the Association will implement the

Professional Disciplinary Policy set out herein to investigate and deal with the complaint.

## 4 Overview of the Professional Disciplinary Policy

- 4.1 There are three main components to the Disciplinary Procedure (as outlined in paragraph 4.2). A separate Committee is appointed for each stage of the Disciplinary Procedure, with each such committee comprising of Fellows and Members.

- 4.2 The three committees are the Investigating Committee, the Disciplinary Committee, and the Appeal Panel (each a "Committee" and together the "Committees"). The Committees shall form a hierarchy and, broadly, shall carry out the following functions:

**Investigating Committee.** Shall carry out the initial investigation into the complaint to determine whether or not there is a case to answer.

**Disciplinary Committee** Shall, if the complaint is upheld, manage the disciplinary hearing and determine the sanctions to be applied.

**Appeal Panel** Shall decide whether or not to grant leave to appeal, by either party, the Decision of the Disciplinary Committee, based on the evidence presented to them before and during the hearing.

- 4.3 The Committees may include Members currently serving on other Standing Committees or Advisory Groups of the Association, but Members shall first confirm that they have no conflict of interest in relation to the Member who is subject to the complaint, the individual making the complaint or the subject matter of the complaint itself (a "conflict of interest").
- 4.4 Full authority for determining the outcome of a complaint, including the imposition and implementation of any sanctions, will be delegated to the Committees.

- 4.5 The role of the Secretary is to administer and advise on the procedure to be followed by the Committees once they have received a complaint and are carrying out their functions. The Secretary, who shall be appointed by the Board, will be an employee of the Association but will not have a vote.
- 4.6 The Chair of the Board, supported, if required, by the Deputy Chair and Senior Non-Executive Director, shall in each case convene the Committee and shall decide whether a Member who has declared a conflict of interest is able to sit on the Committee in question.
- 5 Resignation of membership of the Association prior to conclusion of the Professional Disciplinary Policy**
- 5.1 In the event a Member against whom a complaint has been made attempts to resign their membership prior to the conclusion of the disciplinary procedure, the Association reserves the right to continue the disciplinary procedure, without the resigning Member's involvement, and to impose any sanctions that the Disciplinary Committee consider appropriate, if any. This is to ensure that the outcome of the complaint is recorded for posterity.
- 6 Constitution of the Investigating Committee and Disciplinary Committee**
- 6.1 The Investigating Committee shall be formed as and when a complaint is made in accordance with this Professional Disciplinary Policy.
- 6.2 The Disciplinary Committee shall be formed as and when the Investigating Committee decides there is a case to answer.
- 6.3 The Chair of the Board will at their discretion, and potentially in consultation with the Deputy Chair and the Chairs of the Equity, Diversity and Inclusion Advisory Group and/or Governance Committee, determine who is appropriate to form the Investigating Committee. Before the Investigating Committee is formed, those persons must declare that they have no interest, relationship or knowledge of the complainant or the subject of the complaint before being allowed to form part of the Investigating Committee.
- 6.4 The Chair of Board will at their discretion, and potentially in consultation with the Deputy Chair and the Chairs of the Equity, Diversity and Inclusion Advisory Group and/or Governance Committee, determine who should form the Disciplinary Committee, and the Disciplinary Committee shall at all times include at least the following, all of whom must declare no interest, relationship or knowledge of the complainant or the subject of the complaint before being allowed to form part of the committee:
- (a) one Fellow,
  - (b) one Member, and
  - (c) one independent person,
- The Committee shall be serviced by the non-voting Secretary and may have the advice of a non-voting lawyer.
- 6.5 Once formed, the Disciplinary Committee shall elect a Chair by majority vote.
- 6.6 CASES will seek to form the Committees with individuals from diverse backgrounds and as much relevant experience as is reasonably possible, to ensure a fair representation of individuals from all backgrounds as well as bringing forward knowledge and skills that may be relevant and suitable to the case. Individuals who are not a Member may form part of the Investigation Committee and/or Disciplinary Committee when, for example, they have the appropriate skills and knowledge.
- 7 Investigation Stage**
- 7.1 The Investigating Committee will request that the complainant and/or the Member subject to the complaint submits any documents or evidence reasonably requested by the Committee (if such evidence has not already been provided by the complainant at the time the complaint is made) within a reasonable period to be

determined by the Investigating Committee. The complainant and the Member subject to the complaint shall use all reasonable endeavours to provide the Investigating Committee with all evidence that they wish to be taken into consideration to assist in the timely, fair and full investigation of any complaint.

7.2 The Investigating Committee shall review the evidence and the complaint and shall determine normally within 28 days of receiving the evidence, in its absolute discretion, whether:

- (a) the Member/s who is/are subject to the complaint has a case to answer; or
- (b) the complaint should be dismissed.

7.3 Decisions of the Investigating Committee shall be by majority vote.

7.4 If the Investigating Committee determines that the complaint is dismissed, no further action shall be taken by the Association.

7.5 If the Investigating Committee determines that the Member subject to the complaint has a case to answer, the Disciplinary Committee will be formed and shall determine what, if any, further evidence it requires to properly decide the complaint.

Through the Secretary, the Investigating Committee shall inform the complainant and the Member of its decision in writing normally with 28 days of receiving the evidence, in accordance with clause 7.5.

## 8 **Disciplinary Stage**

8.1 When it is satisfied that it has sufficient evidence to dispose of a complaint fairly, the Disciplinary Committee shall call a hearing (the “**Disciplinary Hearing**”) normally on at least 14 days’ written notice to both parties; the Member subject to the complaint and the complainant. Notice of the Disciplinary Hearing must be sent to the last known address for both parties. The Disciplinary Committee should seek to confirm both parties’ addresses in advance of the notice being sent or, alternatively, both parties may request that the documents are sent to them

electronically, in a confidential email. At the same time as providing notice of the Disciplinary Hearing in accordance with this clause, the Disciplinary Committee shall provide the Member with a copy of what the Complainant alleges.

8.2 Both parties are entitled to be represented at the Disciplinary Hearing by one other individual (including a legal advisor) who may speak on their behalf if the member subject to a complaint and if the complainant wishes. If either party wishes to have a representative present at the Disciplinary Hearing, they must, through the Secretary, inform the Chair of the Disciplinary Committee at least seven days before the date of the Disciplinary Hearing.

8.3 The Association shall not be responsible for any costs incurred by either party or either party’s representative in connection with attending the Disciplinary Hearing.

8.4 The Chair of the Disciplinary Committee shall, in their absolute discretion, determine how the Disciplinary Hearing is to be conducted. Proceedings at the Disciplinary Hearing will usually be conducted as follows:

- a) Chair will welcome all parties and introduce those present, explaining that the purpose of the Hearing is to ensure that any member of the Association against whom a complaint (about professional behaviour or competence) shall be given the opportunity to explain themselves.
- b) rebuttal of the evidence and cross examination of any witnesses by the Member (or their representative) who is the subject of the complaint.

8.5 Notwithstanding the provisions of clause 8.4 above, the Chair of the Disciplinary Committee must in all cases allow the Member subject to the complaint an opportunity to address the Disciplinary Committee.

8.6 Once the Disciplinary Committee has considered the complaint and the evidence before it, the Disciplinary

Committee shall decide by vote whether or not the Member has breached the Policy in question. It shall be a matter for the Chair to decide whether or not such a vote is conducted at the conclusion of the Disciplinary Hearing or at some later date (in which case the vote shall take place normally within 14 days of the conclusion of the Disciplinary Hearing).

8.7 It is important that all parties avoid any confrontational behaviour at any stage during the Hearing. There may or may not be justified allegations by the Complainant and it is within the authority of the Association, through its duly appointed Committee and its approved procedure, to enquire into such allegations and to come to a conclusion which the parties will accept without argument unless leave to appeal is granted. Any such confrontational behaviour by a member present at the Hearing may give rise to a further disciplinary enquiry about such conduct.

## 9 Sanctions

9.1 In the event the Disciplinary Committee decides that the Member has not breached the Code of Conduct or policy in question, no further action will be taken by the Association in relation to the complaint. At this stage, the Disciplinary Committee may recommend guidance and/or relevant training to the complainant and the Member subject to the complaint if they believe the parties could benefit from this. Additionally, and/or alternatively, the Disciplinary Committee may suggest that the complainant and the Member participate in an informal “clear the air” meeting, if the Committee believe that the parties could benefit from this.

9.2 In the event the Disciplinary Committee decides that the Member has breached the Code of Conduct or Policy in question, the Disciplinary Committee shall, in its absolute discretion, determine what sanction(s) to impose. Sanctions may include, but are not limited to:

- (a) cautioning the Member in writing;
- (b) stipulating how a Member must behave in the future;
- (c) requiring the Member to undertake relevant training, providing evidence of this back to CASES;
- (d) revoking a Member's membership; and
- (e) revoking any Accreditation Award made by the Association.

9.3 Normally within 14 days of the conclusion of the Disciplinary Hearing, the Disciplinary Committee, through the Secretary, shall inform the Board of its decision (the “Decision”). The Board, through the Secretary, shall, normally within 14 days of receipt of the notice of the Decision, inform both parties in writing of the Decision and any sanctions that may have been imposed.

## 10 Appeals Stage

10.1 Any party aggrieved at the Decision of the Disciplinary Committee may seek leave to appeal the Decision.

10.2 A party wishing to appeal must, within 14 days of receiving written notice of the Decision (provided in accordance with clause 9.3 above) inform the Board, via the Secretary, in writing of their desire to appeal (the “**Appeal Notice**”).

10.3 The Appeal Notice must set out in full the grounds on which the Member considers the Decision to be incorrect and, where the Member seeks to rely on new evidence (in accordance with clause 10.3.1 below) must include that evidence. An appeal shall only be allowed where the Member can demonstrate:

10.3.1 that new evidence is available to the Member which was not available at the time the Disciplinary Committee made its Decision;

10.3.2 that the Association has in some material way failed to follow the procedure outlined in this Professional Disciplinary Policy; or

- 10.3.3 there has been an apparent injustice or a failure to follow the rules of natural justice, in reaching the Decision.
- 10.4 On receipt of an Appeal Notice, the Chair of the Board, supported, if required, by the Deputy Chair and Senior Non-Executive Director, shall constitute an Appeal Panel. The Appeal Panel shall comprise Members who must declare no interest, relationship or knowledge of the complainant or the member who is the subject of the complaint before being allowed to form part of the Panel. The Appeal Panel shall constitute:
- 10.4.1 not less than two Fellows; and
- 10.4.2 not less than one Member; and
- 10.4.3 the Secretary.
- 10.5 CASES will seek to form the Appeal Panel with members from diverse backgrounds as much as is reasonably possible, to ensure a fair representation of Members from all backgrounds.
- 10.6 The most senior Member shall be elected as Chair of the Appeal Panel.
- 10.7 The Appeal Panel shall consider the Appeal Notice, and the grounds and evidence set out therein, and shall, through the Secretary, inform the party who is seeking leave to appeal, in writing, normally within 21 days of receipt of the Appeal Notice whether or not the Appeal Panel considers that the Member is entitled to appeal the Decision.
- 10.8 If the Appeal Panel is satisfied that the party seeking leave to appeal is entitled to appeal the Decision, it shall, through the Secretary, inform that party and Chair of the Association in writing of the same normally within 14 days of making that decision. Normally within 28 days of providing the Association with notice in accordance with this clause, the Chair of the Board shall take all necessary steps to reconstitute the Disciplinary Committee in accordance with the provisions of clause 6 of this Professional Disciplinary Policy.
- 10.9 The reconstituted Disciplinary Committee shall not include any individuals (other than the Secretary who has no vote) who sat on the initial Investigating Committee and Disciplinary Committee.
- 10.10 The reconstituted Disciplinary Committee shall follow the provisions of clause 8 of this Professional Disciplinary Policy and reach a decision on the complaint, considering the party's grounds of appeal as set out in the Appeal Notice.
- 10.11 In the event the Disciplinary Committee again finds that the Member has breached the Code of Conduct, or policy in question, there shall be no further right of appeal and any decision of the Disciplinary Committee shall bind the Member.
- 11 Monitoring**
- 11.1 CASES will:
- (a) maintain accurate and current records as required by legislation or as good practice.
- (b) annually consult with Divisions to consider how well the policy is being implemented, and to review its content every two years.
- 12 Implementation**
- 12.1 As and when CASES deems it necessary and appropriate, and in CASES' sole discretion, CASES will provide advice and training on the implementation of this Policy.
- 13 Review of policies and procedures**
- 13.1 The Policy will be reviewed by the Board on the first anniversary of its adoption and every two years thereafter, in accordance with clause 11.1(b). The purpose of each review will be to ensure that the Policy remains appropriate to the aims of the Association.
- 13.2 CASES will seek advice each time this Policy is reviewed to ensure it continues to reflect the current legal framework and good practice as the professional body for sport and exercise sciences.
- 14 Unreasonable behaviour**
- 14.1 The Board does not expect its staff or Officers to tolerate behaviour by complainants or members which is unacceptable, abusive, offensive, or threatening, and will take action to

protect staff and Officers from such behaviour.

- 14.2 In such cases, the Board may take action to limit the contact of the complainant or the member who is subject to the complaint, warning the individual that their behaviour risks the immediate termination of the enquiry and, if this unreasonable behaviour continues, the enquiry may be terminated.

Approved by the CASES Board 24 April 2023.

Updated to reflect Charter status and reference to CASES: 1 April 2025