



CIMSPA

Standards
Professionalism
Advocacy

Malpractice or Maladministration

CIMSPA Members

Malpractice or Maladministration of CIMSPA Members

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Overview

The Chartered Institute for the Management of Sport and Physical Activity (CIMSPA) has established a policy and procedure for managing allegations of malpractice or maladministration of members, partners and of CIMSPA. This document addresses allegations of malpractice or maladministration against CIMSPA members. There are separate documents which address allegations of malpractice or maladministration against CIMSPA partners and against CIMSPA which can be found on the CIMSPA website.

This document provides definitions and examples of malpractice and maladministration, along with the procedures to follow in the event an occurrence of malpractice or maladministration is suspected.

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 members 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.

This document describes the conduct that CIMSPA would regard as malpractice and maladministration by a member and the process that will be followed if a stakeholder suspects that maladministration or malpractice has occurred.

Malpractice or Maladministration of CIMSPA Members

For the purposes of this policy, malpractice and maladministration have the meanings described below.

Malpractice

Malpractice is a failure to exercise the degree of professional knowledge, skill or behaviour, required and detailed within each professional standard or the code of conduct, that leads to an instance of negligence, unethical practice, or incompetent professional behaviour.

Examples of malpractice can include but are not limited to the following:

- Operating outside the professional boundaries of a relevant professional standard(s).
- Operating outside the professional boundaries outlined in CIMSPA membership categories.
- Operating outside the limits of an individual's own professional boundaries.
- Failing to act in the best interest of the client, customer or participant.
- Failing to promote or maintain practice based on current knowledge and research.
- Operating outside of relevant legal responsibilities and accountability.
- Breaching confidentiality.
- Failing to work with integrity, inclusivity or within ethical and safeguarding guidelines.

Maladministration

Maladministration is any act, failure to act, falsification or omission, whether deliberate or not, which results in CIMSPA being unable to substantiate an individual's claim that they satisfy the membership requirements to either acquire, maintain or enhance a membership with CIMSPA.

Examples of maladministration can include but are not limited to the following:

- Falsification of training, education or continuous professional development records.
- The omission of information that would influence a CIMSPA membership status.
- Failure to comply with all reasonable requests made by CIMSPA in support of its administrative duties or investigations.
- Falsification of information relevant to CIMSPA administrative duties or investigations.
- Failure to disclose information relevant to CIMSPA administrative duties or investigations.

Malpractice and maladministration have the potential to threaten the integrity of CIMSPA and as such, will be dealt with quickly so that any occurrences of malpractice or maladministration are rectified as soon as possible. Stakeholders who identify or suspect that malpractice or maladministration has taken place should follow the procedure detailed below.

Reporting Malpractice or Maladministration of CIMSPA Members

Contact CIMSPA via its complaints process:

- Online form – <https://www.cimspa.co.uk/about/governance/customer-complaint-form>

CIMSPA will acknowledge receipt of the complaint within 2 working days. The lead investigator will review the complaint to determine if it falls within the remit which CIMSPA is empowered to investigate, in line with the scope of this policy. The complainant will be notified if their complaint is deemed to be within or outside of CIMSPA's remit for investigation within 5 working days from the date the complaint is acknowledged. CIMSPA reserves the right not to investigate cases where the reported information does not provide reasonable grounds, or sufficient evidence, on which to undertake an investigation. In the event the complaint is deemed outside of the remit which CIMSPA is empowered to investigate, the complainant will be notified as to the reasons why this decision was made and where possible be advised on other avenues of support. If a complaint is deemed within CIMSPA's remit, the complainant will be notified of the grounds under which CIMSPA will undertake its investigation.

The relevant departmental manager (depending on the type of report) will act as lead investigator and will review the information submitted.

CIMSPA will request the following information:

- Full name.
- A description of the suspected malpractice or maladministration including:
 - Date(s),
 - Time(s),
 - Location,
 - Description/details of the suspected malpractice or maladministration,
 - Copies of evidence such as letters, emails, papers etc. that may aid CIMSPA's understanding of the report,
 - Other relevant information.
- Stakeholder contact details (e.g. telephone, email etc.)

If CIMSPA considers it necessary to do so, CIMSPA may request further information from the stakeholder.

If a stakeholder wishes to make their allegation of malpractice or maladministration anonymously, they must inform CIMSPA of this at the earliest opportunity. CIMSPA will make every endeavour, where

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reasonably practicable, to ensure anonymity.

In all cases with reasonable grounds, and sufficient evidence, on which to undertake an investigation CIMSPA will investigate the report of malpractice or maladministration and provide the stakeholder with a formal response within 20 working days¹ from confirmation that the complaint will be investigated. In circumstances where CIMSPA does not have the information it needs to continue with the investigation, the investigation clock will be paused until a time in which the required supporting information is obtained. Therefore, there may be instances where the investigation takes longer than the intended 20 working days however, the lead investigator will keep the complainant updated at regular intervals.

CIMSPA's response will include (but is not limited to) some, or all, of the following:

- Findings from the investigation.
- The conclusion from CIMSPA's malpractice and maladministration process.
- Information aimed at aiding understanding of how these conclusions were made.
- The conclusions will either be:
 - A finding that malpractice or maladministration had occurred,
 - A finding that based on the evidence that malpractice or maladministration had not occurred.
- Contact details for the lead investigator, if the stakeholder would like to discuss the report further.

Where the findings conclude that malpractice or maladministration had occurred, CIMSPA will take appropriate action, and this may result in CIMSPA instituting disciplinary proceedings, pursuant to the relevant process.

If a stakeholder is not satisfied with the way in which CIMSPA carried out its investigation of the stakeholder's allegation, they should discuss it with the lead investigator on the case or refer to the CIMSPA Complaints Policy. If the stakeholder believes that CIMSPA did not follow due process, they should refer to the CIMSPA Appeals Policy.

Summary

Malpractice and maladministration have the potential to threaten the integrity of CIMSPA and as such, will be treated seriously, promptly and confidentially. Information obtained throughout the investigation process will be handled sensitively in accordance with the applicable laws, whilst acknowledging that it may be necessary to inform relevant CIMSPA personnel and other third parties, who need to be aware of the investigation, or its outcomes.

Review

The malpractice or maladministration policy and procedure for CIMSPA members will be reviewed by CIMSPA in September 2022, unless changes in policy, governance or other circumstances require a review prior to this date. The current copy of the Malpractice or Maladministration of CIMSPA Members policy will be made publicly available on CIMSPA's website.

¹ Throughout this document reference to working days shall mean Monday-Friday (excluding bank holidays and CIMSPA staff training days).