

Chartered Institute of Management Accountants
Disciplinary Process Publication Policy

February 2016

Introduction

1. This policy relates to the disciplinary procedures of the Chartered Institute of Management Accountants (CIMA).
2. As a chartered body CIMA is expected to be open and transparent in fulfillment of its functions and powers under its Charter and Byelaws, and to comply with relevant legislation such as the Human Rights Act 1998 as well as its own Byelaws and regulations. This includes ensuring that respondents to a complaint, who may be either members or registered students, receive a fair hearing and providing for hearings to be held in public.
3. The purpose of this policy is to ensure that CIMA meets its obligations to publicise information relating to its conduct committees, particularly its decisions, while protecting the rights of parties to its proceedings. It sets out the policy of the Institute in relation to publication of decisions, both as envisaged in Regulation 31, Part II of the Regulations, and, as appropriate, to the extent not covered by the Regulations.
4. It is a general policy and exceptions will be considered and may apply.

The requirement to publish

5. CIMA is required under its Regulations to publish decisions of its conduct committees upholding a complaint.
6. Specifically, the Regulations ¹require that all decisions of conduct committees upholding a complaint are to be published in the journal of the Institute and may be published elsewhere in accordance with policy determined by the Institute, provided that such decisions to be published:
 - (a) Shall include decisions relating to or following appeals
 - (b) Shall not include decisions of the Investigation Committee that there is a prima facie case to answer but the complaint is so insubstantial that it would not warrant further action
 - (c) Shall not include decisions of the Disciplinary Committee to apply no sanction.

¹ Regulation 31, Part II

7. The Regulations also provide² that a respondent who has been cleared of a complaint made against him shall be entitled to require the Institute to publish the relevant details in the same manner as for upheld complaints.

Nature of information to be published, content and timescales

Investigation Committee

8. The Investigation Committee (IC) meets in private to consider complaints and to reach one of the conclusions set out in Regulation 8.
9. In accordance with the Regulations, decisions of the IC upholding a complaint will be published in the journal of the Institute, except where the IC has concluded that though there is a prima facie case to answer, the complaint is so insubstantial that it would not warrant further action.

A decision of the IC not upholding a complaint will also be published where the respondent has required this.
10. Publication in the journal will be in line with copy deadlines, but as soon as reasonably practicable after the complaint being upheld.
11. In accordance with this policy, the decision will also be published on CIMA's website within 10 days of the complaint being upheld.
12. In all cases where publication is required, the decision to be published shall include:
 - the respondent's name,
 - town or city and country as recorded in CIMA's database,
 - a summary of the nature of the complaint made against the respondent, and
 - the sanction or sanctions imposed.
13. Where the complaint arises out of or includes concerns about the health of a member or registered student, or the summary refers in some other way to sensitive personal information, the details set out in the paragraph above will be varied as appropriate. Addresses will also be redacted.
14. Decisions of the IC will remain on CIMA's website for a period of three months.

Disciplinary Committee

15. Complaints referred to the Disciplinary Committee (DC) are heard in public. The DC may also at the suggestion of the respondent, who admits the relevant facts, meet

² Regulation 32, Part II

for the purpose of resolving any complaint referred to it, without the need for a hearing.

16. In either case the DC shall decide whether the complaint is upheld. If so, and unless the DC decides that in the particular circumstances no sanction shall be applied, the Committee will impose one or more of the sanctions set out in the Regulations³.
17. In accordance with the Regulations, all upheld decisions of the DC will be published in the journal of the Institute unless there is a decision to impose no sanction.

A decision of the DC not upholding a complaint will also be published where the respondent has required this.

Publication in the journal will take place in line with copy deadlines but as soon as possible after the expiration of the respondent's period for appealing a decision (28 days).

18. In accordance with this policy, the decision will also be published on CIMA's website within 10 days of the expiration of the respondent's period for appealing a decision (28 days).
19. The decision to be published in the journal shall include:
 - the respondent's name
 - town or city and country as recorded in CIMA's database
 - a description of the complaint made against the respondent
 - a summary of the DC's reasons for reaching its conclusions
 - the sanction or sanctions imposed, and
 - the costs ordered to be paid, if any.
20. The decision to be published on the website shall include all the information referred to in paragraph 19 above, except that instead of a summary of the DC's reasons for reaching its conclusions, the decision as notified to the parties will be published in full.
21. Where the complaint arises out of or includes concerns about the health of a member or registered student, or there is reference in some other way to sensitive personal information, the details set out in the paragraph above will be varied as appropriate. Addresses will also be redacted.
22. Decisions of the DC will remain on CIMA's website according to the sanction or sanctions imposed, as follows:
 - a. Admonishment – three months
 - b. Reprimand – three months

³ Regulation 12, Part II

- c. Severe Reprimand – six months
- d. Cancellation of registration of Member in Practice, as such, and withdrawal of Practising Certificate – one year
- e. Fine – three months
- f. Suspension from membership of Institute – in line with suspension period imposed
- g. Expulsion from membership of Institute – one year
- h. Membership made subject to conditions – in line with duration of conditions imposed
- i. Cancellation of registration of registered student – six months
- j. Imposition of conditions on registration of registered student – in line with duration of conditions imposed.

Where more than one sanction has been imposed the publication period for the more severe sanction will apply.

Appeal Committee

23. The Appeal Committee (AC) meets, generally in private, to consider appeals made to it against decisions of the DC upholding a complaint or against the sanction imposed. The Chairman of the AC may also in any particular case decide whether the proceedings shall be open, in full or in part, to the public.

24. The AC may decide whether to overturn the finding of the DC, remove the sanction imposed on the respondent, and/or substitute a different sanction from amongst those available to the DC. If the AC concludes that any new evidence put before it satisfies 2.1(iii) above, it directs that the DC reconvene to hear the new evidence.

25. In accordance with the Regulations, all decisions of the AC upholding a complaint will be published in the journal of the Institute unless there is a decision to impose no sanction.

A decision of the AC not upholding a complaint will also be published where the respondent has required this.

26. Publication in the journal will take place in line with copy deadlines but as soon as possible after notification of the AC's decision to the parties.

27. In accordance with this policy, the decision will also be published on CIMA's website within 10 days of the AC's decision.

28. Where the AC upholds the decision of the DC, in whole or in part, the decision to be published to be published in the journal shall include:

- the respondent's name
- town or city and country as recorded in CIMA's database
- a description of the complaint made against the respondent

- a summary of the AC's reasons for reaching its conclusions
 - the sanction or sanctions imposed, and
 - the costs ordered to be paid, if any.
29. The decision to be published on the website shall include all the information referred to in paragraph 28 above, save that instead of a summary of the AC's reasons for reaching its conclusions, the decision as notified to the parties will be published in full.
30. Where the complaint arises out of or includes concerns about the health of a member or registered student, or there is reference in some other way to sensitive personal information, the details set out in the paragraph above will be varied as appropriate. Addresses will also be redacted.
31. Decisions of the AC will remain on CIMA's website according to the sanction or sanctions imposed, as follows:
- a. Admonishment – three months
 - b. Reprimand – three months
 - c. Severe Reprimand – six months
 - d. Cancellation of registration of Member in Practice, as such, and withdrawal of Practising Certificate – one year
 - e. Fine – three months
 - f. Suspension from membership of Institute – in line with period of suspension imposed
 - g. Expulsion from membership of Institute – one year
 - h. Membership made subject to conditions – in line with duration of conditions imposed
 - i. Cancellation of registration of registered student – six months
 - j. Imposition of conditions on registration of registered student – in line with duration of conditions imposed.

Where more than one sanction has been imposed the publication period for the more severe sanction will apply.

Transcripts

32. Hearings of the DC are in public and may be attended by members of the public. A transcript of a hearing may be provided where the purpose for which it is required meets relevant criteria and on payment to the Institute by the person requesting it.

Summary of publication policy

The table below provides a summary of the information that will be published and the timescale and location of publication.

Information	Where?	How soon?	What?	For how long?
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INVESTIGATION COMMITTEE				
All upheld decisions except for those made under 8 (d) of Regulations Part II	Journal	In line with copy deadlines	<ul style="list-style-type: none"> Respondent's name and town/city and country Brief summary of nature of complaint Sanction or sanctions imposed Sensitive personal data to be redacted	Life of journal
All upheld decisions except for those made under 8 (d) of Regulations Part II	Website	Within 10 days' of the complaint being upheld	<ul style="list-style-type: none"> Respondent's name and town/city and country Summary of nature of complaint Sanction or sanctions imposed Sensitive personal data and addresses (if relevant) to be redacted	Three months

DISCIPLINARY COMMITTEE				
Upheld decision	Journal	In line with copy deadlines	<ul style="list-style-type: none"> Respondent's name and town/city and country Summary of nature of complaint Sanction or sanctions imposed Sensitive personal data to be redacted	Life of journal
Upheld decision	Website	Within 10 days' of expiry of appeal period	DC's decision in full Sensitive personal data and addresses (if relevant) to be redacted	<ul style="list-style-type: none"> Admonishment – three months Reprimand – three months Severe reprimand – six months Cancellation of registration of Member in Practice, as such, and withdrawal of Practising Certificate – one year Fine – three months Suspension from membership – in line with period of suspension Expulsion from membership – one year Membership made subject to conditions – in line with duration of conditions Cancellation of student registration – six months Registration of student made subject to conditions – in line with duration of conditions Where more than one sanction has been imposed the publication period for the more severe sanction will apply

APPEAL COMMITTEE				
Information	Where?	How soon?	What?	For how long?
Decision upholding the decision of the DC in whole or in part	Journal	As soon as reasonably practicable	<ul style="list-style-type: none"> • Respondent's name and town/city and country • Brief summary of nature of complaint • Sanction or sanctions imposed Sensitive personal data to be redacted	Life of journal
Decision upholding the decision of the DC in whole or in part	Website	Within ten days' of notification of decision to parties	AC's decision in full Sensitive personal data and addresses if relevant to be redacted	<ul style="list-style-type: none"> • Admonishment – three months • Reprimand – three months • Severe reprimand – six months • Cancellation of registration of Member in Practice, as such, and withdrawal of Practising Certificate – one year • Fine – three months • Suspension from membership – in line with period of suspension • Expulsion from membership – one year • Membership made subject to conditions – in line with duration of conditions • Cancellation of student registration – six months • Registration of student made subject to conditions – in line with duration of conditions Where more than one sanction has been imposed the publication period for the more severe sanction will apply.