

CORBY AMATEUR SWIMMING CLUB CONSTITUTION

November 2019

RULES of CORBY AMATEUR SWIMMING CLUB (“the Club”) as at 30 November 2019

1. Name

- 1.1 The name of the Club shall be CORBY AMATEUR SWIMMING CLUB.

2. Objects

- 2.1 The objects of the Club shall be the teaching, development and practice of swimming for its members and shall, where appropriate, be to compete. In the furtherance of these objects:
- 2.1.1 The Club is committed to treating everyone equally within the context of its activity and with due respect to the differences of individuals. It shall not apply nor endorse unlawful or unjustified discrimination, and shall act in compliance with the protections afforded by the Equality Act 2010.
- 2.1.2 The Club shall implement the Swim England Equality Policy (as may be amended from time to time).
- 2.2 The Club shall be affiliated to Swim England East Midland Region, and shall adopt and conform to the rules of Swim England East Midland Region, and to such other bodies as the Club may determine from time to time.
- 2.3 The business and affairs of the Club shall at all times be conducted in accordance with the Articles, Regulations and Technical Rules of Swim England (“Swim England Regulations”) and in particular:
- 2.3.1 all competing members shall be eligible competitors as defined in Swim England Regulations; and
- 2.3.2 the Club shall in accordance with Swim England Regulations adopt Swim England’s Child Safeguarding Policy and Procedures (“Wavepower”); and shall recognise that the welfare of children is everyone’s responsibility and that all children and young people have a right to have fun, be safe and be protected from harm.
- 2.3.3 members of the Club shall in accordance with Swim England Regulations comply with Wavepower.
- 2.4 By virtue of the affiliation of the Club to Swim England East Midland Region, the Club and all members of the Club acknowledge that they are subject to the regulations, rules and constitutions of:
- 2.4.1 Swim England East Midland Region; and
- 2.4.2 Swim England (to include the Code of Ethics); and
- 2.4.3 British Swimming (in particular its Anti-Doping Rules and Judicial Code); and
- 2.4.4 FINA, the world governing body for the sport of swimming in all its disciplines (together “the Governing Body Rules”).
- 2.5 In the event that there shall be any conflict between any rule or by-law of the Club and any of the Governing Body Rules then the relevant Governing Body Rule shall prevail.

3. Membership

- 3.1 The total membership of the Club shall not normally be limited. If however the Committee considers that there is a good reason to impose any limit from time to time then the Committee shall put forward appropriate proposals for consideration at a General Meeting of the Club. The members shall have the right to impose (and remove) from time to time any limits on total membership (or any category of membership) of the Club.
- 3.2 All persons who assist in any way with the Club's activities shall become members of the Club and hence of Swim England and the relevant Swim England membership fee shall be paid. Assisting with the Club's activities shall include, but not be restricted to, administrators, associate members, voluntary instructors, teachers and coaches, Committee members, helpers, Honorary members, life members, Officers, patrons, Presidents, technical and non-technical officials, temporary members, Vice Presidents and verifiers or tutors of Swim England's educational certificates.
- 3.3 Paid instructors, teachers and coaches who are not members of the Club must be members of a body which accepts that its members are bound by Swim England's Code of Ethics, Swim England Regulations relating to Wavepower, those parts of the Judicial Regulations and procedures necessary for their implementation and whilst engaged in activities under the jurisdiction of Swim England shall be subject to all the constraints and privileges of the Judicial Regulations.
- 3.4 Any person who wishes to become a member of the Club must submit a signed application to the Secretary (and in the case of a junior swimmer the application must be signed by the swimmer's parent or guardian). Election to membership shall be determined by the Club Secretary and/or Membership Secretary but other person(s) authorised by the Committee may make recommendation as to the applicant's acceptability.
- The Club Secretary and/or Membership Secretary shall be required to give reasons for the refusal of any application for membership. Any person refused membership may seek a review of this decision before a Review Panel appointed by the Committee ("Review Panel") comprised of not less than three members (who may or may not be members of the Committee). The Review Panel shall wherever practicable include one independent member nominated by the Swim England East Midland Region. The person refused membership shall be entitled to make representations to the Review Panel. The procedures for review shall be at the discretion of the Review Panel whose decision shall be final and binding.
- 3.5 In its consideration of applications for membership, the Club shall not act in a discriminatory manner and in particular, shall adhere to the Equality Act 2010 (as may be amended). Accordingly, (unless the Club chooses to restrict its membership to only people who share the same Protected Characteristic) the Club shall not refuse membership on the basis of a Protected Characteristic within the Equality Act 2010, such as disability; gender or gender identity; pregnancy; race; religion or belief; or sexual orientation. Neither may refusal be made on the grounds of political persuasion.
- 3.6 The Club may refuse membership only for good and sufficient cause, such as conduct or character likely to bring the Club or the sport into disrepute, or, in the case of a swimmer, being unable to achieve the entry standards as laid down and provided by the Club to the applicant for membership.

4. Subscription and Other Fees

- 4.1 The annual members' subscription and coaching and squad fees (as applicable) shall be determined from time to time by the Committee and the Committee shall in so doing make special provision for different classes of membership as it shall determine.
- 4.2 The annual subscription and entrance fee (if any) shall be due on joining the Club and thereafter on the 1st of January each year.
- 4.3 Any member whose subscription is unpaid by the date falling 30 days after the due date for payment may be suspended by the Committee from some or all Club activities from a date to be determined by the Committee and until such payment is made.
- 4.4 The Committee shall, from time to time, have the power to determine the annual membership subscription and other fees. This shall include the power to make such increase in the subscription as shall, where the Club pays the individual Swim England membership fees to Swim England on behalf of members, be consequential upon an increase in individual Swim England membership fees. Any increase in subscriptions shall be advised to the members in writing with the reasons for any increase to be reported to the members at the next Annual General Meeting.
- 4.5 The Executive Officers (or the Committee) shall have the power in special circumstances to remit the whole or part of the fees, including the Swim England membership fees, to address issues of social inclusion.

5. Resignation

- 5.1 A member wishing to resign membership of the Club must give to the Club Secretary written notice of his/her resignation. A member's resignation shall only take effect when this (Rule 5.1) has been complied with.
- 5.2 The member who resigns from the Club in accordance with Rule 5.1 above shall not be entitled to have any part of the annual membership fee or any other fees returned.
- 5.3 Notwithstanding the provisions of Rule 5.1 above a member whose subscription is more than two months in arrears shall be deemed to have resigned. Where the membership of a member shall be terminated in this way he/she shall be informed in writing that he/she is no longer a member by notice handed to him/her or sent by post to his/her last known address.
- 5.4 The Swim England Membership Department shall be informed should a member resign when still owing money or goods to the Club.

6. Expulsion and Other Disciplinary Action

- 6.1 The Committee shall have power to expel a member when, in its opinion, it would not be in the interests of the Club for the individual to remain a member. The Club in exercising this power shall comply with the provisions of Rules 6.3 and 6.4 below.
- 6.2 Upon expulsion the former member shall not be entitled to have any part of the annual membership fee refunded and must return any Club or external body's trophy or trophies held forthwith. Clubs in exercising this power are required to comply with the provision of Rules 6.3 and 6.4 below.

- 6.3 The Club shall comply with the relevant Judicial Regulations for handling Internal Club Disputes Procedures (“the Procedures”) as the same may be revised from time to time. (A copy of the Procedures may be obtained from the Swim England website, Swim England Handbook or from the Office of Judicial Administration).
- 6.4 A member may not be expelled or (subject to Rule 6.5 below) be made the subject of any other penalty unless the panel hearing the complaint shall by a two-thirds majority vote in favour of the expulsion of (or other penalty imposed upon) the member.
- 6.5 The Officers of the Club (or any person to whom the Committee shall delegate this power) may temporarily suspend or exclude a member from particular training sessions and/or wider club activities, when in their opinion, such action is in the interests of the Club. Where such action is taken the incident or matter will thereafter be dealt with in accordance with the appropriate Judicial Regulations.

7. Committee

- 7.1 The Committee shall consist of the Chairman, Secretary, Treasurer and Gala & Fixtures Secretary (together “the Executive Officers of the Club”) and 8 elected members all of whom must be members of the Club. All Committee members must be not less than 18 years of age though the Committee may allow younger member(s) to attend their meetings without power to vote.
- 7.2 The Committee shall appoint a member of the Club as Welfare Officer who must be not less than 18 years of age, who should have an appropriate background and who is required to undertake appropriate training in accordance with Wavepower. The Welfare Officer will have a right to attend Committee meetings without a power to vote.
- 7.3 The Executive Officers and Committee members shall be proposed seconded and elected at the Annual General Meeting each year and shall remain in office until their successors are elected at the next Annual General Meeting and will take office when the Chairman has closed the meeting. Any vacancy occurring by resignation or otherwise may be filled by the Committee. Retiring Executive Officers and members of the Committee shall be eligible for re-election.
- 7.4 Committee meetings shall be held not less than quarterly (save where the Committee itself shall by a simple majority resolve not to meet), and the quorum of that meeting shall be such number as shall represent not less than a simple majority of the Committee members (to include not less than one Executive Officer). The Chairman and the Secretary shall have discretion to call further meetings of the Committee if they consider it to be in the interests of the Club. The Secretary shall give all the members of the Committee not less than seven days written notice of a meeting. Decisions of the Committee shall be made by a simple majority (and in the event of equality of votes the Chairman (or the acting Chairman of that meeting) shall have a casting or additional vote.) The Secretary, or in his/her absence a member of the Committee, shall take minutes.
- 7.5 In the event that a quorum is not present within 30 minutes of the published start time, a meeting shall stand adjourned to the time and date falling seven days after the date of the meeting, or such other date and time as may be determined by the Chairman. If a quorum is not present at the adjourned meeting then those Committee members attending may act for the purpose of calling a Special General Meeting of the members, to which the provisions as to minimum notice contained in Rule 11.1 shall not apply.
- 7.6 In addition to the members so elected the Committee may co-opt 4 further members of the Club who shall serve until the next Annual General Meeting. Co-opted members shall not be entitled to vote at the meetings of the Committee and shall not be counted in establishing whether a

quorum is present.

- 7.7 The Committee may from time to time appoint from among their number such sub-committees as they may consider necessary (and to remove (in whole or in part) or vary the terms of reference of such sub-committees) and may delegate to them such of the powers and duties of the Committee as the Committee may determine. All sub-committees shall periodically report their proceedings to the Committee and shall conduct their business in accordance with the directions of the Committee.
- 7.8 The Committee shall be responsible for the management of the Club and shall have the sole right of appointing and determining the terms and conditions of service of employees of the Club. The Committee shall have power to enter into contracts for the purposes of the Club on behalf of all the members of the Club. The Committee shall be responsible for ensuring that the Accounts of the Club for each financial year be examined by an independent examiner to be appointed by the members in General Meeting.
- 7.9 The members of the Committee shall be entitled to an indemnity out of the assets of the Club for all expenses and other liabilities properly incurred by them in the management of the affairs of the Club.
- 7.10 The Committee shall maintain an Accident Book in which all accidents to Club members at swimming related activities shall be recorded. Details of such accidents shall be reported to the insurers in accordance with the Accident/Incident Notification guidelines. The Club shall make an annual return to the Swim England Membership Department indicating whether or not an entry has been made in the prescribed online form.
- 7.11 The Committee shall have power to make regulations, create by-laws (see Rule 13.1) and to settle disputed points not otherwise provided for in this Constitution.

8. Ceremonial Positions and Honorary Members/Life Members

- 8.1 The Annual General Meeting of the Club, if it thinks fit, may elect a President and Vice-Presidents. A President or Vice-President need not be a member of the Club on election but shall, *ex officio*, be an honorary member of the Club and must be included in the Club's Annual Return of Members to Swim England.
- 8.2 The Committee may elect any person as an honorary member of the Club for such period as it thinks fit, or as a Life Member, and they shall be entitled to all the privileges of membership except that they shall not be entitled to vote at meetings and serve as Officers or on the Committee unless any such person shall have retained in addition their ordinary membership of the Club. Such honorary members and Life Members must be included in the Club's annual return as to membership.
- 8.3 Once created by the Committee, honorary and/or Life membership categories may only be removed (notwithstanding that persons may hold these categories of membership) at an Annual General Meeting of the Club, when it shall be properly proposed in accordance with these Rules.
- 8.4 A minimum of 21 days in advance of the Annual General Meeting, the Committee shall write to all holders of honorary and/or Life membership effected by the above proposal drawing the proposal to his/her/their attention and inviting him/her/them to attend the Annual General Meeting.
- 8.5 Where the effected holder or holders of the honorary and/or Life membership do not attend or are unable to attend the Annual General Meeting, the Chairman may allow the matter (in so far as it relates to the absent person(s)) to proceed directly to vote, which shall be by show of hands.

9. Annual General Meeting

- 9.1 The Annual General Meeting of the Club shall be held each year on a date in July. The date, time and venue for the Annual General Meeting shall be fixed by the Committee.
- 9.2 The purpose of the Annual General Meeting is to transact the following business:
- 9.2.1 to receive the Chairman's report of the activities of the Club during the previous year;
 - 9.2.2 to receive and consider the accounts of the Club for the previous year and the report on the accounts of the independent examiner and the Treasurer's report as to the financial position of the Club;
 - 9.2.3 to remove and elect the independent examiner (who must not be a member of the Committee or a member of the family of a member of the Committee) or confirm that he/she remain in office;
 - 9.2.4 to elect the Executive Officers and other members of the Committee;
 - 9.2.5 to decide on the dissolution of existing honorary and/or Life membership categories;
 - 9.2.6 to decide on any resolution which may be duly submitted in accordance with Rule 9.3.
- 9.3 Nominations for election of members to any office or for membership of the Committee shall be made in writing by the proposer and seconder to the Secretary not later than 1st August. The nominee shall be required to indicate in writing on the nomination form his/her willingness to stand for election. Notice of any resolution proposed to be moved at the Annual General Meeting shall be given in writing to the Secretary not later than 1st August.

10. Special General Meeting

- 10.1 A Special General Meeting may be called at any time by the Committee. A Special General Meeting shall be called by the Club within 28 days of receipt by the Secretary of a requisition in writing signed by not less than seven members entitled to attend and vote at a General Meeting or, if greater, such number as represents one-tenth in number of such members, stating the purposes for which the meeting is required and the resolutions proposed.

11. Procedure at the Annual and Special General Meetings

- 11.1 The Secretary shall personally be responsible for the handing out or sending to each member at his/her last known address a written agenda giving notice of the date, time and place of the General Meeting together with the resolutions to be proposed thereat at least fourteen days before the meeting and in the case of the Annual General Meeting a list of the nominees for the Committee posts and a copy of the examined accounts. The Secretary may, alternatively, with the agreement of member(s) concerned distribute these materials by e-mail or similar form of communication. The Notice of Meeting shall in addition wherever possible be displayed on the Club Notice Board where one exists.
- 11.2 The quorum for the Annual and Special General Meetings shall be seven members entitled to attend and vote at the Meeting or, if greater, such number as represents one-tenth in number of such members.

- 11.3 The Chairman, or in the Chairman's absence a member appointed by the Committee, shall take the chair. Each member present shall have one vote and resolutions shall be passed by a simple majority. For the procedures for submitting resolutions to be considered at a General Meeting members are referred to Rule 9.3. In the event of an equality of votes the Chairman shall have a casting or additional vote.

Only paid up members who have reached their 16th birthday shall be entitled to be heard and to vote on all matters. (Members who have not reached their 16th birthday shall be entitled to be heard and vote only on those matters determined by the Chairman as matters concerning juniors, such as the election of club captains.)

- 11.4 The Secretary, or in his/her absence a member of the Committee, shall take minutes at the Annual and Special General Meetings.
- 11.5 The Chairman shall at all General Meetings have unlimited authority upon every question of order and shall be, for the purpose of such meeting, the sole interpreter of the Rules of the Club.

12. Alteration of the Rules and Other Resolutions

- 12.1 The Rules may be altered by resolution at an Annual or Special General Meeting provided that the resolution is carried by a majority of at least (two-thirds) of members present and entitled to vote at the General Meeting. No amendment(s) to the Rules shall become effective until such amendment(s) shall have been submitted to and validated by such person as is authorised to do so by the Swim England East Midland Region.
- 12.2 Such number of members as represent one-tenth in number of the members entitled to attend and vote at a General Meeting shall be entitled to put any proposal for consideration at any General Meeting provided the proposal in writing shall have been handed to or posted to the Secretary of the Club so as to be received by him/her not later than 1st August in the case of the Annual General Meeting or, in the case of a Special General Meeting, 21 days before the date of the meeting and thereafter the Secretary shall supply a copy of the proposal or resolution to the members in the manner provided in Rule 11.1.

13. By-Laws

- 13.1 The Committee shall have power to make, repeal and amend such by-laws as they may from time to time consider necessary for the well being of the Club which by-laws, repeals and amendments shall have effect until set aside by the Committee or at a General Meeting.

14. Finance

- 14.1 All moneys payable to the Club shall be received by the allocated members agreed by the Executive committee and deposited in a bank account in the name of the Club. No sum shall be drawn from that account except by cheque signed by one of the three signatories who shall be the allocated members agreed by the Executive committee, or by electronic transfer which must be approved by two of the three authorised signatories prior to any such electronic transfer occurring. Any monies not required for immediate use may be invested as the Committee in its discretion think fit.
- 14.2 The income and property of the Club shall be applied only in furtherance of the objects of the Club and no part thereof shall be paid by way of bonus, dividend or profit to any members of the Club, (save as set out in Rule 17.3.).

- 14.3 The Committee shall have power to authorise the payment of remuneration and expenses to any Officer, member or employee of the Club and to any other person or persons for services rendered to the Club.
- 14.4 The financial transactions of the Club shall be recorded by the Treasurer in such manner as the Committee thinks fit.
- 14.5 The financial year of the Club shall be the period commencing on 1st October and ending on 30th September. Any change to the financial year shall require the approval of the members in a General Meeting.
- 14.6 The Committee shall retain all financial records relating to the club and copies of Minutes of all meetings for a minimum period of six years.

15. Borrowing

- 15.1 The Committee may borrow money on behalf of the Club for the purposes of the Club from time to time at their own discretion up to such limits on borrowing as may be laid down from time to time by the General Meeting for the general upkeep of the Club or with the (prior) approval of a General Meeting for any other expenditure, additions or improvements.
- 15.2 When so borrowing the Committee shall have power to raise in any way any sum or sums of money and to raise and secure the repayment of any sums or sums of money in such manner or on such terms and conditions as it thinks fit, and in particular by mortgage of or charge upon or by the issues of debentures charged upon all or any part of the property of the Club.
- 15.3 The Committee shall have no power to pledge the personal liability of any member of the Club for the repayment of any sums so borrowed.

16. Property

- 16.1 The property of the Club, other than cash at the bank, shall be vested in not less than two but not more than four Custodians. They shall deal with the property as directed by resolution of the Committee and entry in the minute book shall be conclusive evidence of such a resolution.
- 16.2 The Custodians shall be elected at a General Meeting of the Club and shall hold office until death or resignation unless removed by a resolution passed at a General Meeting.
- 16.3 The Custodians shall be entitled to an indemnity out of the property of the Club for all expenses and other liabilities properly incurred by them in the discharge of their duties.

17. Dissolution

- 17.1 A resolution to dissolve the Club shall only be proposed at a General Meeting and shall be carried by a majority of at least three - quarters of the members present and entitled to vote. A specific date for the dissolution shall be included in the resolution.
- 17.2 The dissolution shall take effect from the date specified in the resolution and the members of the Committee shall be responsible for the winding-up of the assets and liabilities of the Club.
- 17.3 Any property remaining after the discharge of the debts and liabilities of the Club shall be given to a charity or charities (or other non-profit making organisation having objects similar to those of the Club for the furtherance of such objects) nominated by the last Committee.

18. Acknowledgement

- 18.1 The Members acknowledge that these Rules constitute a legally binding contract to regulate the relationship of the members with each other and the Club.
- 18.2 The following statement must appear on Club membership forms and is to be signed by the member. It must also be countersigned by the parent, or a person having parental responsibility for the member, if under 18 years of age:

“I acknowledge receipt of the rules of Corby Amateur Swimming Club and confirm my understanding and acceptance that such rules (as amended from time to time) shall govern my membership of the Club. I further acknowledge and accept the responsibilities of membership upon members as set out in these rules.”

19. Interpretation

- 19.1 Throughout this Constitution words denoting the masculine gender include the feminine gender and vice versa.

Annexes to the Club Constitution

Annex One: Example Rules of Debate

Annex Two: Swim England Code of Ethics

Annex Three: Guidelines for handling internal club disputes

Annex 1 – Example Rules of Debate

1. A motion of amendment which has been proposed and seconded and submitted in accordance with Amateur Swimming Association Law shall be discussed subject to Paragraph 15 below. The Chairman may, at his discretion allow amendments from a member of Council at the meeting provided it does not materially affect the substance of the matter under discussion.
2. A member when seconding a motion or amendment may, if he then states his intention to do, reserve his speech until a later period of the debate.
3. A member will stand when speaking at a meeting of the Council and will address the Chairman. If two or more members rise, the Chairman will decide the order in which they shall speak.
4. A member will direct his speech to the question under discussion, to an explanation, or to a point of order.
5. Wherever the wording of a motion reasonably permits, an amendment shall either delete words and/or add others but such omissions or insertions must not have the effect of introducing a new proposal into, or rendering negative the motion before the Council.
6. If an amendment is lost, other amendments may be moved on the original motion.
7. If an amendment is carried, the motion, as amended, will replace the original motion and become the motion on which any further amendments may be made.
8. A further amendment may not be moved until the Council has disposed of the amendment previously moved.
9. A member may only speak once on any motion or amendment, except:
 - 9.1 Where he has reserved the right to speak under paragraph 2 above
 - 9.2 In the exercise of the right of reply under Paragraph 17 below
 - 9.3 On a point of order
 - 9.4 By way of explanation under Paragraph 11 below
 - 9.5 To move any of the resolutions mentioned in Paragraph 10 below
 - 9.6 When invited to do so by the Chairman
10. A member can, after another member has finished speaking move without comment:
 - 10.1 "That the question be now put"
 - 10.2 "That the debate be now adjourned"
 - 10.3 "That Council proceed to the next business"
 - 10.4 "That the Council now adjourn"

If the motion is seconded and the Chairman agrees that the matter needs no further discussion, he will give the mover of the original motion a right of reply. The procedural motion will then be voted on.

If it is carried, as the case may be

- (i) The question before the meeting shall be put to the vote
 - (ii) The subject of the debate shall not be further discussed at that meeting
 - (iii) The subject of the debate shall be considered to be disposed of, or,
 - (iv) The meeting shall stand adjourned
11. A member may rise on a point of order or in personal explanation. A point of personal explanation shall be confined to some material part of a former speech by the member concerned at the same meeting, which may have been misunderstood.
- A point of order shall only relate to an alleged breach of a Standing Order or of an Amateur Swimming Association Law. The member shall specify the Standing Order or Amateur Swimming Association Law and the way in which he considers it to have been broken.
- A member so rising shall be entitled to be heard but no member shall be entitled to interrupt the speech of any other member.
12. The Chairman may close the discussion when he considers the subject has been sufficiently debated. The Chairman may, at his discretion, sum up the debate before putting a motion or amendment. If the debate involves questions of a legal, technical or administrative nature, the Chairman may request the Chief Executive or any other person to advise the Council.
13. The ruling of the Chairman on a point of order, on a point of personal explanation, or an amendment, shall be final and not open to discussion.
14. Whenever the Chairman speaks or rises during a debate, a member then speaking or standing shall resume his seat and the Council shall be silent.
15. A motion or amendment may be withdrawn by the mover with the agreement of the seconder and of the Council, which shall be signified without discussion. Unless this permission is refused, a member cannot speak on the motion after the mover has asked permission to withdraw it.
16. When a motion is under debate, no other motion (which in this context includes an amendment) shall be moved except the following:
- (i) To amend the motion
 - (ii) To postpone consideration of the motion
 - (iii) To adjourn the meeting
 - (iv) To adjourn the debate
 - (v) To proceed to the next business
 - (vi) That the question be now put

Right of Reply

17. The proposer of a motion shall have the right of reply at the close of the debate immediately before the motion is put to the vote or before the motion "That the Council proceed to the next business", or "That the Council now adjourn" is put. If amendments are proposed he shall be entitled to reply at the close of the debate on each amendment.

The mover of an amendment shall not have the right of reply in the debate on the amendment. However, if the amendment is carried and becomes the substantive motion he shall have the right of reply in the event of any amendment being moved.

A member exercising a right of reply shall only answer previous speakers and shall not introduce new matters. The Chairman's ruling on this shall be final. After every reply to which this Standing Order refers, a decision shall be taken without further discussion subject to the provision contained in the Rules of Debate.

Disorderly Conduct

18. If a member, in the opinion of the Chairman, behaves irregularly, improperly, or offensively or intentionally disrupts the business of Council, the Chairman may request the immediate discontinuance of this behaviour. If the member continues to misbehave, the Chairman shall ask the member to leave the room for the remainder of the meeting.

If the member does not then leave, the Chairman or any member may move "That the member named leave the room and be excluded during the remainder of the meeting". If the motion is seconded, it shall be put and determined without discussion.

If carried the Chairman shall then order the removal of the offending member from the room. Whether he retires upon request or is removed, he shall be excluded from the remainder of the meeting.

The ruling of the Chairman relating to disorderly conduct, or on any consequent motion, and any other requirements or instructions of the Chairman to ensure the orderly debate and proper conduct of the Council's business, shall be accepted without discussion by the members.

If misconduct is continued or there is a general disturbance making orderly business impossible, the Chairman shall adjourn the meeting for as long as he thinks necessary.

Business of an Objectionable Nature

19. If the Chairman considers any matter to be objectionable or undesirable he may, either before or after it is brought forward, put to the vote a motion that it be not heard. No discussion shall be entered into on the Chairman's proposal. If carried, the matter shall be considered as disposed of.
20. Any happening or matter occurring which these rules do not encompass shall be decided upon by the Chairman whose decision shall be binding on Council.

Annex 2 – Code of Ethics

The Code of Ethics is a general “umbrella” code and is supplemented by other documents, including the Codes of Conduct in Wavepower for the following:

- Swimmers
- Parents
- Coaches and teachers
- Committee members, officials and volunteers who work directly with children

All documents referred to in the Code of Ethics are available on the Swim England website. Please note Swim England adheres to the British Swimming Anti-Doping Rules, these are available on the British swimming website.

Code of Ethics

All individuals within the aquatic disciplines will at all times:

Respect the rights, dignity and worth of every person, be they adult or child, treating everyone equally within the context of the sport.

Respect the spirit of the sport adhering to the rules and laws in and out of the pool, incorporating the concept of friendship and respect for others.

Promote the positive aspects of the sport and never condone the use of inappropriate or abusive language, inappropriate relationships, bullying, harassment, discrimination or physical violence.

Accept responsibility for their own behaviour and encourage and guide all Swim England members and parents of junior members to accept responsibility for their own behaviour and conduct.

Ensure all concerns of a child safeguarding nature are referred in accordance with Wavepower (Swim England’s Child Safeguarding Policy and Procedures).

Conduct themselves in a manner that takes all reasonable measures to protect their own safety and the safety of others.

Promote the reputation of the sport and never behave or encourage or condone others to behave in a manner that is liable to bring the sport into disrepute.

Adhere to Wavepower.

Adhere to the British Swimming Anti-Doping Rules.

Adhere to the Swim England Equity Policy.

Adhere to Swim England Regulations.

Adhere to the Swim England Codes of Conduct contained in Wavepower.

Annex 3 – Guidelines for handling internal club disputes

1. Introduction

The purpose of these notes is to give Clubs guidance in the handling of internal club disputes. With the introduction of the Code of Ethics and the increased risk of litigation it is important that internal disputes are handled correctly from the outset. Whilst most Clubs do from time to time have disputes between Committee members, parents and swimmers these can usually be resolved amicably between the individuals concerned. Occasionally it is also necessary to discipline swimmers for minor incidents of misbehaviour and this can also be done fairly by the Coach/Team Manager.

Sometimes a more serious dispute arises in a Club and because such a situation does not occur frequently Clubs are unsure how to handle the matter. This can lead to the dispute becoming more serious with recourse to the Judicial procedures becoming necessary.

These guidelines do not apply to paid employees of a Club. If a Club is in dispute with a paid employee then the employment contract and employment law needs to be considered. Specialist legal advice may have to be sought.

2. General Principles

Judicial Regulations define Protests and Complaints and it should first be decided whether the matter is a Protest or a Complaint. A Protest can be dealt with by a Club provided they are the Promoter of the Competition to which the Protest relates. A Complaint cannot be dealt with by a Club. However, it is often possible to resolve a dispute within a Club without the matter becoming a formal Complaint. If either party is dissatisfied with a decision reached in an internal Club dispute then they still have the option to make a formal Complaint to the Swim England Judicial Administrator.

It must be noted that a Club only has the power to legislate for a breach of its own rules and can only suspend a swimmer from its own Club activities. A Club does not have the power to handle a dispute relating to a member of another Club nor deal with an offence against Swim England Regulations.

The key principle to be followed is that Swim England Regulations conform to the law of the land in so much that an individual accused of an alleged offence is innocent until proven guilty and he/she must have reasonable opportunity to present a defence and have his/her views heard.

In these notes reference is made to the term “dispute” to avoid confusion with the term “Complaint” used in formal Swim England Judicial terms. The term Club could also refer to as a League or County Association.

It is assumed for the purpose of these notes that the dispute is between the Club and one or more of its members. It is most important that the same people in the Club do not become both the prosecutor (or defender) and the judge. If the Committee or its officers are either the prosecutor or defender or involved in the dispute then they must find other members not connected with the matter to hear the evidence from both parties to the dispute.

There are occasions when a problem arises in a Club, for example fighting between members in a training session, where immediate action is required such as a temporary suspension or exclusion from a training session or from wider club activities. Coaches and officers should always be given the power to invoke a temporary suspension. A report should then be made, immediately, to the Club officers who should follow the procedures in the relevant section of the rules.

3. Procedures

On receipt of the dispute every effort should be made to resolve the matter by informal discussion. In difficult cases the Chairman of the relevant Panel is empowered to appoint an independent arbitrator to assist in achieving a settlement. If this fails or it is clearly necessary to discipline a member, the Club should set up a panel to deal with the matter.

The panel should consist of three persons, one to act as Chairman. A Secretary may also be needed. The panel will need to consist of people not involved in the dispute and the Club may want to ask individuals from outside the Club to sit on the panel. The full Club Committee could of course hear the dispute but given the number of people on a Committee this could be seen as intimidating and it is usually preferable to have a smaller number of people to hear a disciplinary matter, hence the recommendation to set up a panel of three persons.

The Chairman must notify both parties of the date, time and place of the hearing and the names of the panel members. Both parties need to be given copies of all the papers and every effort should be made to hold the hearing within 14 days of the receipt of the dispute.

If either party is under 18 years of age they must be advised of their right to be accompanied by a parent (or other person with a parental responsibility for them) or coach to help them present their case.

Both parties should be allowed to bring witnesses.

The hearing should be as informal as possible but needs to be controlled. Points to note;

- (a) The complainant will present evidence first and the accused will have the right of reply.
- (b) Both parties to the dispute are able to call witnesses, the complainant going first and each party should be allowed to question the other party's witnesses.
- (c) Witnesses must wait outside the hearing room until they are called. After questioning they may wait in the hearing room, taking no further part in the proceedings.
- (d) The Chairman or Secretary will make notes of the hearing and the panel will make every effort to announce their decision verbally to all the parties without delay followed by written confirmation to reach all parties within five days.

4. Powers of the Clubs

The powers of Clubs regarding the disciplinary action they can apply must not exceed those in Swim England Judicial Regulations which can result in full suspension from Club activities for whatever period the panel shall decide or in expulsion. The panel if it wishes can impose a lesser penalty such as a written or verbal reprimand.

If either party to the dispute is dissatisfied with the outcome they are still entitled to make a Complaint to the Judicial Administrator at the Office of Judicial Administration.

5. Further Information

Additional guidance can be obtained from the Swim England Handbook or a Swim England Friend, see the website for further details:

<http://www.swimming.org/members/how-to-resolve-issues-with-your-club/>

6. Conclusions

The key message when dealing with disputes is to ensure:

- (a) All parties are treated fairly;
- (b) The complainant has the opportunity to present the case; and
- (c) The accused has the opportunity to respond