

Constitutional Rules of Warrington Swimming and Water Polo Club
As at 25th November 2020

1. Name

- 1.1 The name of the Club shall be Warrington Swimming and Water Polo Club, hereinafter called the Club.

2. Objectives

- 2.1 The objects of the Club shall be:-
- 2.1.1 the teaching, development and practice of:-
 - 2.1.1.1 swimming.
 - 2.1.1.2 the game of water polo.
 - 2.1.2 the promotion of championships and competitions for its members.
 - 2.1.3 where appropriate to compete at Local, County, Region, National and International level
 - 2.1.4 Raise public awareness of the sport and stimulate public opinion in favour of providing suitable accommodation and facilities.
- 2.2 In the furtherance of these objectives:
- 2.2.1 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.
 - 2.2.2 The Club shall implement the Swim England Equality policy. (as may be amended from time to time)
 - 2.2.3. The Club will comply with the Data Protection Act 2018 as it may be modified from time to time.
 - 2.2.4 All Swim England affiliated clubs and organisations must adopt the Wavepower document as it may be modified from time to time.
- 2.3 The Club shall be affiliated to the Swim England North West Region and to the Cheshire County Water Polo and Swimming Association and shall adopt and conform to the rules and regulations of those Associations and to such other bodies as the Club may determine from time to time.
- 2.4 The business and affairs of the Club shall at all times be conducted in accordance with the Laws, Regulations and Technical Rules of Swim England and in particular:
- 2.4.1 All competing members shall be eligible competitors as defined in Swim England Regulations
 - 2.4.2 the Club shall in accordance with Swim England Laws and Regulations adopt the Swim England's Child Safeguarding 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.
 - 2.4.3 members of the Club shall in accordance with Swim England Laws and Regulations comply with the Swim England Child Safeguarding Policy, and Procedures ('Wavepower').
- 2.5 By virtue of the affiliation of the Club to Swim England North West Region the Club and all members of the Club acknowledge that they are subject to the laws, regulations, rules and constitutions of:
- 2.5.1 Cheshire County Water Polo and Swimming Association and
 - 2.5.2 Swim England North West Region and
 - 2.5.3 Swim England; to include the Swim England/IoS Code of Ethics;
 - 2.5.4 British Swimming (to include in particular the Doping Control Rules and Protocols and the judicial Code);
 - 2.5.5 FINA, the world governing body for the sport of swimming in all its disciplines (together "the Governing Body Rules")
- 2.6 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 Management Committee considers that there is a good reason to impose any limit from time to time then the Management 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 on 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 the 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 the Swim England's Code of Ethics, Swim England's Regulations relating to 'Wavepower' and 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 form to the Secretary. In the case of a junior member the application must be signed by the member's parent or guardian. Election to membership shall be determined by the Management Committee but other person(s) authorised by the Committee may make recommendation as to the applicants' acceptability.
- 3.5 The Management Committee 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 Management Committee comprised of not less than three members, who may or may not be members of the Management Committee. The Review Panel shall [wherever practicable] include one independent member nominated by the Swim England North West 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.
- 3.6 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, the Club shall not refuse an application for membership on the basis of a Protected Characteristic within the Act, such as discriminatory grounds, whether in relation to ethnic origin, age, sex, religion, disability, political persuasion or sexual orientation 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.
- 3.7 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 an athlete, being unable to achieve the entry standard as laid down and provided by the Club to the applicant for membership.
- 3.8 All memberships shall be renewed on an annual basis through the process of re-application not later than 1st January.
- 3.9 The membership of the Club shall consist of the following categories:-
 - 3.9.1 Senior Members, who shall be not less than 18 years of age shall be eligible to stand for election for office and for membership of the committee, to attend and vote at General Meetings of the membership and to submit nominations, proposals and resolutions to a general meeting of the membership.,
 - 3.9.2 Junior Members, who shall be less than 18 years of age, shall not be allowed to hold office, attend meetings of the Committee unless by invitation of the Committee to vote at Committee or General Meetings or submit nominations, proposals or resolutions for consideration at a general meeting of the membership and shall have at least one parent or guardian who shall be an Associate Member of the Club.
 - 3.9.3 Honorary Members, who shall be not less than 18 years of age, who shall be elected by the Management Committee for such a period as they think fit. Honorary Members shall be entitled to all the privileges of membership except that they shall not be entitled to make nominations for office, to submit proposals and resolutions for consideration at a general meeting of the membership, to vote at general meetings of the membership or serve as officers or on the Management Committee unless any such person shall have retained in addition his ordinary membership of the Club. Such Honorary Members must be included in the Club's annual return as to membership.
 - 3.9.4 Life Members, who shall be not less than 18 years of age who shall be elected at the Annual General Meeting on a recommendation made by the Management Committee in recognition of outstanding services rendered to the Club. Life members shall be entitled to all the privileges of membership except that they shall not be entitled to make nominations for office, to submit

proposals and resolutions for consideration at a General Meeting of the membership, or serve as officers or on the Management Committee unless any such person shall have retained in addition their ordinary membership of the Club. Such Life Members must be included in the Club's annual return as to membership.

- 3.9.5 Once created, Life Membership or Honorary may only be removed at an Annual General Meeting of the Club, when it shall be properly proposed in accordance with these Rules.

3.9.5.1 A minimum of 21 days in advance of the Annual General Meeting, the Secretary shall write or make contact electronically with all holders of life membership or honorary membership drawing the proposal to his/her/their attention and inviting him/her/them to attend the Annual General Meeting.

3.9.5.2 Where the affected holder or holders of Life membership or Honorary 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 a secret ballot.

- 3.9.6 Associate Members, who shall be not less than 18 years of age, who shall be a parent or guardian of a junior member or elected by the Management Committee in recognition of support or services rendered to the Club. Associate Members shall be entitled to all the privileges of membership including the right to make nominations for office and for the committee, to submit propositions and resolutions for consideration at any general meeting of the membership, to attend and vote at General Meetings of the membership, to hold office and be elected to the Management or other Committees and must be included in the Club's annual return as to membership.

- 3.9.7 Temporary Members, who are individuals granted temporary membership by the Swim England by virtue of their participation in specific event(s) organised by the Club in conjunction with a Club, body, association or organisation under the provision of Swim England-Regulation on temporary membership. Temporary Members shall not be entitled to make proposals and resolutions, to vote at meetings and serve as officers or on the Committee.

4 Membership and Other Fees

- 4.1 The annual membership fee and any training or session fees as applicable shall be determined from time to time by the Management Committee and the Management Committee shall in so doing make special provision for different classes of membership,
- 4.2 The annual subscription or membership fee shall be due on joining the Club and thereafter on the 1st January each year.
- 4.3 Any member whose annual membership fee to the Club has not been paid by the date falling 30 days after the due date may be suspended by the Management Committee from some or all Club activities from a date to be determined by the Management Committee and until such payment is made
- 4.4 The Management Committee shall, from time to time, have the power to determine the annual membership fee and other fees. The Management Committee shall also have the power to decide on the method(s) of payment for the membership and any 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 or by email with the reasons for any increase to be reported to the members at the next Annual General Meeting.
- 4.5 The Management Committee shall have the power in special circumstances to remit the whole or part of the Swim England or Club fees to address issues of social inclusion.

5 Resignation

- 5.1 A member wishing to resign membership of the Club must give to the Secretary a written or electronic notice of his/her resignation. A member's resignation shall only take effect when agreed by the Management Committee and there is no outstanding financial commitment or disciplinary action outstanding against the individual and this Rule 5.1 has been complied with.
- 5.2 A member who resigns from membership of 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 and must return any Club or external body's trophy or trophies or equipment held forthwith.

- 5.3 Notwithstanding the provisions of Rule 5.1 above a member whose membership or subscription fee is more than two months in arrears from the due date 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 of the Club by a notice handed to him/her or sent by post to his/her last known address.
- 5.4 Swim England shall be informed should a member resign from the Club with financial obligations or in possession of goods or equipment belonging to the Club.

6 Expulsion and other Disciplinary Action

- 6.1 The Management Committee shall have the power to expel a member when, in its opinion, it would not be in the interests of the Club for him/her 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 or any other fees refunded and must return any Club or external body's trophy or trophies or equipment held forthwith.
- 6.3 The Club shall adopt and comply with the requirements and procedures of the relevant Swim England Judicial Regulations for handling Internal Club Disputes as the same may be revised from time to time. A copy of the relevant Regulations and Procedures are given as an Annex to these constitutional rules.
- 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 Dispute Panel hearing the dispute shall, by a two-thirds majority, vote in favour of the expulsion or any other penalty imposed upon the member.
- 6.5 The Officers of the Club, or any other person to whom the Management 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 disciplinary action is taken the incident or matter will thereafter be dealt with in accordance with the appropriate Judicial Regulations.
- 6.6 The Club Officials in charge of a particular event or activity shall be responsible for the discipline. If further action is required this shall be referred to the Internal Club Dispute procedure as laid down in Swim England Judicial Laws and Regulations.

7 Management Committee

- 7.1 The Management Committee shall consist of:-
- 7.1.1 The Executive members of the Committee who shall be:-
 - 7.1.1.1 The Chairman
 - 7.1.1.2 The Vice Chairman
 - 7.1.1.3 The Treasurer
 - 7.1.1.4 The Secretary
 - 7.1.2 Eight other elected members
 - 7.1.3 The appointed members who shall be members of the committee:-
 - 7.1.3.1 The Chief Swimming Coach.
 - 7.1.3.2 The Chief Water Polo Coach
- 7.2 All the members of the Management Committee shall be members of the Club and must be not less than 18 years of age though the Management Committee may allow younger member(s) to attend their meetings by invitation of the Committee without the power to vote.
- 7.3 The Committee shall appoint as and when required a member of the Club
- 7.3.1 as Welfare Officer who must be a member of the Club and 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 shall not be a member of the teaching and coaching staff or the Team Manager or a member of the family of an officer, committee member, the teaching and coaching staff or the Team Manager. The Welfare Officer shall not be a member of the committee but will have a right to attend Committee meetings without a power to vote, shall not be counted as part of the quorum and shall report to the Committee on all aspects of welfare concerning members of the Club.
 - 7.3.2 As the Chief Swimming Coach who must be a member of the Club and not less than 18 years

- of age and should have an appropriate background. The Chief Swimming Coach shall be a member of the Committee without the power to vote and shall not be counted as part of the quorum.
- 7.3.3 As the Chief Water Polo Coach who must be a member of the Club and not less than 18 years of age and should have an appropriate background. The Chief Water Polo Coach shall be a member of the Committee without the power to vote and shall not be counted as part of the quorum.
- 7.3.4 As the Data Control Officer who must be the member of the club and not less than 18 years of age. The Data Control Officer shall be responsible for any membership data processing in accordance with the General Data Processing Regulations (GDPR). The Data Control Officer shall not be member of the committee.
- 7.4 The members of the Management Committee shall be elected or appointed as follows:
- 7.4.1 The elected Committee members with the exception of the Chairman and the Vice Chairman shall be proposed, seconded and elected by ballot at an Annual General Meeting.
- 7.4.1.1 Each member shall be elected for a four year term of office
- 7.4.1.2 The two longest serving members shall retire each year.
- 7.4.1.3 Each member shall take office from when his election has been made at an Annual General Meeting and shall remain in office until his successor is appointed and will take office when the Chairman has closed the meeting
- 7.4.1.4 be eligible for re-election for one further four year term of office only
- 7.4.1.5 not be eligible for re-election after serving two terms in office until an absence of one four year term of office has elapsed
- 7.4.2 The Chairman shall be proposed, by the Management Committee and elected by ballot at the Annual General Meeting as and when required and shall hold office for a period not exceeding two years and will take office when the Chairman has closed the meeting. The retiring chairman shall be eligible for re-election for not more than one further consecutive period of two years but shall be eligible for re-election at some future date.
- 7.4.3 The Vice Chairman shall be proposed by the Management Committee and elected by ballot at the Annual General Meeting as and when required and shall hold office for a period of one year and will take office when the Chairman has closed the meeting. A retiring Vice Chairman shall be eligible for re-election at some future date.
- 7.4.4 The appointed members shall be appointed by the committee as and when required in accordance with Constitutional Rule 7.3
- 7.4.5 Any vacancy occurring by resignation or otherwise in any elected position previously filled at the Annual General Meeting may be filled by the Management Committee and shall serve until the next Annual General meeting. Retiring members of the Management Committee shall be eligible for re-election.
- 7.5 In the event of any member of the Management Committee, with the exception of the appointed members, not attending four consecutive committee meetings, or attending less than half the number of meetings of the Committee with or without an apology it shall be considered equivalent to their resignation and the committee shall proceed to fill the vacancy, unless the committee are satisfied that such absence is unavoidable, the Committee has been notified of the same and has given approval for the period of absence.
- 7.6 Management Committee meetings shall be held not less than once a month with the exception of August save where the Management Committee itself shall by a simple majority resolve not to meet, but there shall be not less than six meetings of the Management Committee per year. The Chairman and the Secretary shall have discretion to call further meetings of the Management Committee if they consider it to be in the interests of the Club. The Secretary shall give all the members of the Management Committee not less than seven days notice of a meeting in writing or by electronic means.
- 7.7 Decisions of the Management Committee shall be made by a simple majority of those elected members eligible to attend and vote and in the event of an equality of votes the Chairman, or the acting Chairman of that meeting, shall have a casting or additional vote.
- 7.8 The Secretary, or in the absence of the Secretary a member of the Committee, shall take the minutes of the meeting.
- 7.9 The quorum for a Management Committee meeting shall be such numbers as shall represent not less than a simple majority of the Management Committee members entitled to attend and vote, to include not less than one Officer. In the event that a quorum is not present within thirty 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 the Chairman may determine but shall be reconvened on a date within one month of the original date and a minimum of 7 days advance notice given to the members of the rescheduled date, time and venue. At this meeting, the same agenda as originally issued shall be used. If a quorum is not present at the adjourned meeting then those Management 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 and Rule 11.2 shall not apply.

- 7.10 The Chairman shall take the chair at all meetings of the Management Committee. In the absence of the Chairman the Vice Chairman shall take the chair. If the Vice Chairman is not available or is unwilling to take the chair the Management Committee, from among its membership, shall select an acting Chairman for the meeting.
- 7.11 In addition to the members so elected or appointed the Management Committee may co-opt up to two further senior 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 Management Committee and shall not be counted in establishing whether a quorum is present. Co-opted members shall not be less than 18 years of age.
- 7.12 The Management Committee may from time to time appoint from among the senior membership of the Club, or otherwise, such sub-committees or working groups as it may consider necessary and to remove, in whole or in part, or vary the terms of reference of such sub-committees or working groups and may delegate to them such of the powers and duties of the Management Committee as the Management Committee may determine. All sub-committees and working groups shall periodically report their proceedings to the Management Committee and shall conduct their business in accordance with the directions of the Management Committee.
- 7.13 The Management 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 and voluntary helpers of the Club. The Management Committee shall have power to enter into contracts for the purposes of the Club on behalf of all the members of the Club.
- 7.14 The members of the Management 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.
- 7.15 The Management Committee shall maintain an Accident Book in which all accidents to Club members at aquatic related activities shall be recorded. Details of such accidents shall be reported to the Swim England Membership Department. The Club shall make an annual return to Swim England Membership Department indicating whether or not an entry has been made in the prescribed form, which is to be found on the membership renewal form.
- 7.16 The Management Committee shall have the power to make regulations, create by-laws, see also Rule 13.1, and to settle disputed points not otherwise provided for in this Constitution.
- 7.17 The Management Committee shall ensure that the financial records and minutes of meetings are retained for a period of at least 6 years.
- 7.18 At the first Management Committee meeting following the Annual General meeting the Management Committee shall appoint the delegates to attend the Council meetings of the North West Region, the County Association and such other bodies and associations to which the Club is affiliated, as required.

8 Officers

- 8.1 The Officers of the Club shall be the Chairman, the Vice Chairman, the Secretary and the Treasurer.
- 8.2 The Officers of the Club shall be elected in accordance with Rule 7.4.

9 Annual General Meeting

- 9.1 The Annual General Meeting of the Club shall be held each year on a date in November. The Management Committee shall fix the date, time and venue of the Annual General Meeting.
- 9.2 Only in the event of exceptional circumstances shall the Annual General Meeting be postponed by the

Management Committee once the date, time and venue has been fixed and advised to members. A postponed Annual General Meeting shall be reconvened on a date within six months of the original date and a minimum of 14 days advance notice given to the members of the rescheduled date, time and venue. At this meeting, the same agenda as originally issued shall be used.

- 9.3 In any event no more than 20 months shall elapse between any two consecutive Annual General Meetings.
- 9.4 The purpose of the Annual General Meeting is to transact the following business:
- 9.4.1 to receive and comment on the Management Committee report of the activities of the Club during the previous year, which shall normally include the reports of the Chairman, the Secretary, the Chief Swimming Coach, the Chief Water Polo Coach, the Club delegates and the reports of any subcommittee or working group as decided by the Management Committee
 - 9.4.2 to receive and consider the accounts of the Club for the last previous financial year, the report on the accounts of the independent examiner and the Treasurer's report as to the financial position of the Club;
 - 9.4.3 to remove and elect the independent financial examiner, who must not be a member of the Committee or a member of the family of a member of the Committee;
 - 9.4.4 to elect, as and when required, the Officers and other members of the Management Committee
 - 9.4.4.1 The Chairman, who shall:
 - 9.4.4.1.1 be the retiring Vice Chairman unless his resignation or death or a decision of the Management Committee to nominate another person on a resolution passed by four fifths of those present and voting, prevents it.
 - 9.4.4.1.2 be subject to removal from office at any time provided that three quarters of the members of the Management Committee are in favour
 - 9.4.4.2 The Vice Chairman, who shall:
 - 9.4.4.2.1 in the first year of office of a new Chairman normally be the Immediate Past Chairman.
 - 9.4.4.2.2 If the Immediate Past Chairman declines the nomination or is unable to stand a new nomination shall be made by the Management Committee
 - 9.4.4.2.3 in the second year of office of the Chairman be a new nomination made by the Management Committee
 - 9.4.5 to decide on the election or removal from office of the Life Members or the Honorary Members.
 - 9.4.6 to decide on any other resolution, which may be duly submitted in accordance with Rule 9.6.
- 9.5 With the exception of the position of Chairman and Vice Chairman all nominations for the election of members to any office, named position or for membership of the Management Committee, shall be made in writing or by electronic means by the proposer and seconder to the Secretary not later than 21 days prior to the date of the Annual General Meeting or of a Special General Meeting. The nomination form shall indicate the willingness of the nominee to stand for election and must contain the signatures of the proposer and the seconder.
- 9.6 Notice of any resolutions, proposals or submissions to be considered at a General Meeting, duly proposed and seconded shall be given in writing or by electronic means to the Secretary not later than 21 days prior to the date of the meeting.

10 Special General Meeting

- 10.1 A Special General Meeting may be called at any time by the Management Committee.
- 10.2 The Secretary shall notify the Senior Members of the arrangements for holding a Special General Meeting within twenty one days of receiving a written or electronic request for a Special Meeting to be held signed by not less than 20 members entitled to attend and vote at a General Meeting stating the purposes for which the meeting is required and the resolutions proposed. The meeting shall be held within two months of the receipt of the request to hold the meeting. No business shall be discussed at such a meeting other than that prescribed by the Management Committee or that stated in the request, as the case may be.
- 10.3 A Special General Meeting shall be called by the Secretary in response to a resolution to that effect passed at the Annual General meeting or at any other Special General meeting.
- 10.4 Only in the event of exceptional circumstances shall a Special General Meeting be postponed by the Committee once the date, time and venue has been fixed and advised to the members. A postponed Special General Meeting shall be reconvened on a date within three months of the original date and a

minimum of 7 days advance notice given to the members of the rescheduled date, time and venue. At this meeting, the same agenda as originally issued shall be used.

11 Procedure at the Annual and Special General Meetings

- 11.1 The Secretary shall personally be responsible for:-
 - 11.1.1 making available to each Senior Member a written or electronic notice of the date, time and venue of the Annual General Meeting together with the closing date for the receipt of any resolutions, proposals, nominations or reports to be considered thereat not less than 28 days before the date of the meeting
 - 11.1.2 displaying the Notice of the Meeting on the Club Notice Board where one exists.
- 11.2 The Secretary shall personally be responsible for making available to each Senior Member
 - 11.2.1 a written or electronic agenda for a General Meeting together with the resolutions to be proposed thereat at least fourteen days before the meeting
 - 11.2.2 in the case of the Annual General Meeting a copy of the reports to be considered, a list of nominees for the Committee posts and other positions and a copy of the examined accounts.
- 11.3 The quorum for the Annual and Special General Meetings shall be ten members entitled to attend and vote at the Meeting, which must include at least one officer.
- 11.4 Having called a General Meeting, it may only proceed to business if the correct quorum of members is present within 30 minutes after the time fixed for the meeting; otherwise, the meeting if convened at the requisition of the members shall be dissolved; if convened by the direction of the Committee it shall be adjourned to the same time in the following week save that the adjourned meeting may proceed to business whatever the number of members present.
- 11.5 If the meeting commences but is adjourned for want of time (or other good reason); the members present at the meeting will be notified there and then of the adjourned date if practicable. If not and the matter is adjourned for more than 14 days all members shall receive 7 days notice in writing or by electronic means of the adjourned meeting; otherwise only those who attend the original meeting will be notified of the date.
- 11.6 Any dissolved or adjourned meeting must be re-convened and business completed within two months of the adjournment.
- 11.7 The procedure at the AGM or Special General Meeting shall be as follows:
 - 11.7.1 The Chairman shall take the chair at all General Meetings of the Club. If the Chairman is not available or declines to act as Chairman the Vice Chairman (if one has been appointed) shall be invited to take the chair. If the Vice Chairman is not available or declines to act as Chairman a member appointed by the Committee, shall take the chair.
 - 11.7.2 Each member present who is entitled to attend and vote shall have one vote and resolutions shall be passed by a simple majority.
 - 11.7.3 In the event of an equality of votes the Chairman shall have a casting or additional vote.
 - 11.7.4 Proposals and resolutions to be considered at a General Meeting shall be submitted in accordance with Rule 9.6.
 - 11.7.5 Any Senior Member who is not excluded under the conditions of Rule 3.9.3 (Honorary Members), Rule 3.9.4 (Life Members) and Rule 3.9.7 (Temporary Members) shall be entitled to attend, to be heard and to vote on all matters.
 - 11.7.6 Members who are excluded under the conditions of Rule 3.9.3, Rule 3.9.4 or Rule 3.9.7 may be heard by invitation of the Chairman only. Members who have not reached their 18th birthday shall be entitled to be heard by invitation of the Chairman only on those matters determined by the Chairman as matters concerning juniors, such as the election of Club captains.
- 11.8 The Secretary, or in his/her absence a member of the Management Committee, shall take minutes at the Annual and Special General Meetings.
- 11.9 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 General Meeting or at a Special General Meeting called for that purpose 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.
- 12.2 The Annual or a General meeting shall consider and decide only the principle and intention of the proposal. The Management Committee shall draft the wording of the changes to implement the principles and intentions approved by the meeting or shall delegate the task to an individual or group of individuals appointed by the Management Committee.
- 12.3 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 North West Region or at a later date decided by the meeting.
- 12.4 Each proposal to change a Constitutional Rule and/or amendment to it shall be proposed and seconded separately and shall be open to discussion by any member entitled to attend and vote at a General meeting with or without prior indication of intent.
- 12.5 Any Senior members who are not excluded under the conditions of Rule 3.9.3 or Rule 3.9.6 shall be entitled to put any proposal, resolution or submission for consideration at any General Meeting provided the proposal, resolution or submission in writing or by electronic means duly proposed and seconded shall have been received by the Secretary of the Club not later than 21 days before the date of the meeting in the case of the Annual General Meeting or a Special General Meeting and thereafter the Secretary shall supply a copy of the proposal, resolution or submission to the members in the manner provided in Rule 11.1 and Rule 11.2.

13 By-Laws and Standing Orders

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

14 Finance

- 14.1 All moneys payable to the Club shall be received by the Treasurer and deposited in a bank account in the name of the Club. No sum above £200 shall be paid from that account except by cheque or by electronic means or online and sanctioned by two of the three authorised individuals who shall be the Treasurer and two other Management Committee members as decided by the Management Committee. Any moneys not required for immediate use may be invested as the Management 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 19.3.
- 14.3 The Management 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 Treasurer shall record the financial transactions of the Club in such a manner as the Management Committee thinks fit.
- 14.5 The financial year of the Club shall be the period commencing on 1st September and ending on 31st August. 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.
- 14.7 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 a

General Meeting.

15 Borrowing

- 15.1 The Management 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 the limits on borrowing as may be laid down from time to time by a 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 Management 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 Management 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 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 assets of the Club for all expenses and other liabilities properly incurred by them in the discharge of their duties.

17 Competitions

- 17.1 The rules governing the Club swimming championships are deemed not to be part of the Constitutional Rules of the Club.
- 17.2 All trophies of the Warrington Swimming and Water Polo Club shall be considered perpetual unless the donor at the time of making the presentation to the Club specifies otherwise.

18 Club Awards

- 18.1 The Club shall award Certificates for services to the Club in two categories as follows:
 - 18.1.1 A Certificate of Achievement
 - 18.1.2 A Certificate of Merit
- 18.2 The Certificate shall be awarded at the discretion of the Management Committee from recommendations or nominations received by the Secretary, in writing, at any time, from any source.
- 18.3 Certificate of Achievement
 - A Certificate of Achievement shall be awarded
 - 18.3.1 To a person elected as a Life Member of the Club
 - 18.3.2 To an individual, group or team, on the recommendation of the Committee or the Annual General Meeting, in recognition of a special performance in competition or any other action deserving of recognition by a member of the Club.
 - 18.3.3 For a substantial contribution to the promotion of any discipline at National, Region or County level for and within the Club.
- 18.4 Certificate of Merit
 - A Certificate of Merit shall be awarded:
 - 18.4.1 To a retiring Chairman
 - 18.4.2 To an Officer, Committee member or post holder of the Club with a minimum of five years service
 - 18.4.3 To any sponsor or supporter who provided significant material benefit to the Club at any time.

19 Dissolution

- 19.1 A resolution to dissolve the Club shall only be considered 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.

- 19.2 The dissolution shall take effect from the date specified in the resolution and the members of the Management Committee shall be responsible for the winding-up of the assets and liabilities of the Club.
- 19.3 Any assets remaining after the discharge of the debts and liabilities of the Club shall be given to a non-profit making organisation having aims and objectives similar to those of the Club for the furtherance of such aims and objectives as nominated by the last Management Committee.

20 ACKNOWLEDGEMENT

- 20.1 The Members acknowledge that these Rules constitute a legally binding contract to regulate the relationship of the members with each other and the Club.

The following statement needs to appear on Club membership forms and is to be signed by the member and 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 the Warrington Swimming and Water Polo 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.

Data Protection Consent Statement:

It shall be a condition of membership that all members shall be subject to and bound by any Swim England Law, Rule, Regulation or Condition, in addition to complying with the Equality Policy, the Child Safeguarding Regulations and the Data Protection Act 2018 which may from time to time apply to them

[Note: This consent needs to be provided to the officers of the club to provide consent for the use of data under GDPR]

The Club will take the protection of the data that we hold about the member seriously and will do everything possible to ensure that data is collected, stored, processed, maintained, cleansed and retained in accordance with current and future UK data protection legislation.

Please read the full privacy notice carefully to see how "The Club" will treat the personal information that you provide to us. We will take reasonable care to keep your information secure and to prevent any unauthorised access.

DELETE IF NOT APPLICABLE:

In addition to email I am happy to receive communications via

☐

SMS

☐

Post

When you become a member of or renew your membership of the Club the club will automatically be registered as a club in membership of Swim England, Swim England North West Region, Cheshire County Water Polo and Swimming Association, Bolton and District Swimming and Water Polo Association, Liverpool and District Swimming and Water Polo Association and Manchester and District Swimming and Water Polo Association

CODE OF ETHICS

Terms of Reference

The content of this Code of Ethics applies to all those involved within the sports of swimming, diving, water polo, open water swimming and artistic swimming. The Code of Ethics should be read in conjunction with the Codes of Conduct contained in Swim England's Child Safeguarding Policy and Procedures (Wavepower).

Code of Ethics

All individuals within the Swim England 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.
- 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 Codes of Conduct contained in Wavepower.
- Adhere to Swim England's Equality Policy
- Adhere to the Rules and Regulations of Swim England.
- Adhere to the British Swimming Anti-Doping Rules.

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

Swim England 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 has not power to handle a dispute relating to a member of another Club nor deal with an offence against Swim England Law.

The key principle to be followed is that Swim England laws and 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 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 Laws 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 Swim England Head Office, Loughborough.

5 Further Information

Additional guidance can be obtained from the Swim England Handbook Judicial Regulations. The Sports Council have also issued a booklet "Getting it Right" a Guide to Sports Ethics and Disciplinary Procedures.

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.

SWIM ENGLAND LAWS and REGULATIONS

INTERNAL CLUB DISPUTES

1 CLUB RIGHTS and RESPONSIBILITIES

The rights and responsibilities of a Club in terms of its discipline, its internal dispute procedures and the sanctions it can impose are given in Swim England Regulation 281 which specifies:-

281. Club discipline and internal dispute procedures

281.1 For a breach of its own rules, but subject to Swim England Regulations 150 and 151, an affiliated club or body may:

281.1.1 apply sanctions to a member relating to activities wholly within its own jurisdiction up to and including suspension from any or all of them;

281.1.2 expel a member, provided that before doing so it informs the member of the alleged offence and gives them a reasonable opportunity to defend themselves against the charge. If the alleged offence is also a breach of Swim England Regulations the club or body shall not deal with it but may make a complaint under the Judicial Regulations.

281.2 A club or body may expel from membership and/or refuse to renew the membership of any member who has been suspended according to Regulation 109 or Regulation 241 provided that any such expulsion or initial refusal shall not be lawful after the 12 months immediately following the end of the suspension.

281.3 Each club shall include in its rules provisions specifying the procedures to be carried out to handle internal club disputes which shall include compliance with Swim England Judicial Regulations.

281.4 Any such provisions shall comply with the Swim England Recommended Club Constitution and the accompanying Guidance Notes.

2 COMPLAINT TO Swim England

Any dispute that involves an allegation of a breach of Swim England Law must be submitted to the Swim England and dealt with as a complaint under the condition of Swim England Regulation 150.4 and Swim England Regulation 281.1.2. Swim England Judicial Regulation 102 deals with the circumstance of a complaint made to the Swim England It provides the necessary explanation that defines a complaint, the grounds on which a complaint can be made, who can make a complaint and the procedure to be used.

Swim England Judicial Regulation 102. Complaints

102.1 A complaint is a formal expression of dissatisfaction with the actions or behaviour of any person, including an individual or a club, or other body, or organisation or with alleged unfair practice in connection with the sport. Decisions of a club, body, organisation, association, County Association or Region on selection of teams may not be the subject of a complaint.

3 INTERNAL DISPUTES

When a dispute arises between two or more members of the same Club, body or organisation it must be handled using the Internal Disputes procedure specified in the Club Constitutional Rules and the following Swim England Judicial Regulations 150 to 155.

Swim England Judicial Regulation 150 General

150.1 The primary objective of the Regulations in this section is to set out ways by which a just outcome of an internal dispute between the members of a club, organisation, association or body may be secured as expeditiously as possible.

- 150.2** An 'internal club dispute' is a dispute involving an alleged breach of the club's rules, between two or more club members, any or none of whom may be an officer of the club, or one or more club members and one or more employees of the club (the 'parties').
- 150.3** Any dispute which involves an allegation that there has been a breach of Swim England Regulations by a member must be dealt with as a complaint under Regulation 102 and the other relevant Regulations.
- 150.4** If the dispute involves an allegation against a paid employee of the club the issue must be dealt with under the terms of their contract of employment.
- 150.5** A failure by a club or any of the parties to comply with these Regulations 150 to 155 inclusive shall be grounds for a complaint under Regulation 102.
- 150.6** Organisations, associations or bodies affiliated to Swim England shall conform with such parts of Regulations 150 to 155 inclusive as may reasonably be applied to them, in all respects as if they were a club.

Swim England Judicial Regulation 151 Sequence of steps to deal with a dispute

- 151.1** The parties shall use any reasonable means to settle the issues between them informally and amicably.
- 151.2** If such a resolution cannot be achieved, the dispute shall be referred to the Chair of the club committee or, if he is a party to the dispute, to another officer of the club who is not a party who within seven days of the reference shall appoint an independent person to act as a mediator between the parties. The mediator may be a member of the club or a member of another club affiliated to Swim England.
- 151.3** If the mediator is unable to bring about a satisfactory settlement within 21 days, the club committee shall within a further 14 days appoint a panel (the 'panel') to determine the dispute.
- 151.3.1** The panel shall consist of three persons who have not been involved in the dispute, either from the members of the club or, if this is not possible or desirable, from the members of any other club affiliated to Swim England.
- 151.3.2** The parties shall be given the opportunity to object to any of the members of the panel at least seven days before the scheduled date of any hearing. The club committee shall consider any such objections, decide whether they are justified and act accordingly.
- 151.4** If a dispute cannot be resolved fairly and amicably between the parties concerned, and does not include a breach of Swim England Regulations, it may be dealt with under the relevant provisions of Regulation 281 which deal with club rights and responsibilities.

Swim England Judicial Regulation 152 Procedure before a hearing

- 152.1** The panel members shall appoint one of their numbers to act as the Chairman and either appoint another of their number, or alternatively appoint an additional person without any other powers, to act as the clerk of the hearing.
- 152.2** The Chairman of the panel shall arrange the date of the hearing and notify the parties of the arrangements at least fourteen days in advance of the date set. The notified date shall not be changed unless one or more of the parties has a compelling reason for not being able to attend on the notified day or time.

Swim England Judicial Regulation 153 Procedure at a hearing

- 153.1** The procedure shall be flexible and it shall be the responsibility of the Chairman of the panel to ensure the orderly and effective conduct of the hearing.

- 153.2 The panel shall not be bound by the judicial rules of the courts of England and Wales governing procedure or the admissibility of evidence provided that the hearing is conducted in a fair and orderly manner and that each party is given a reasonable opportunity to give and call evidence, address the panel and present his case. The Chairman shall have the discretion to limit the number of witnesses that would otherwise have been called.
- 153.3 Witnesses shall normally be provided with an area outside the hearing room and not take any part in the hearing other than giving evidence and responding to questions
- 153.4 The parties shall be informed of their right to make a complaint under Regulation 102 if they are dissatisfied with the conduct of the hearing or the grounds upon which the decision was made or if they consider any sanction imposed to be disproportionate.

Swim England Judicial Regulation 154 Procedure after a hearing

- 154.1 The panel shall come to a decision as soon as reasonably practicable after the hearing and if possible announce its findings and decisions orally to the parties.
- 154.2 Notwithstanding anything in Regulation 154.1 the Chairman shall notify the parties and, if the Club was not a party to the dispute, the Club secretary in writing of its findings and decisions within five days of the hearing.

Swim England Judicial Regulation 155 Considerations regarding children

- 155.1 Any person under the age of eighteen (a "child") who is a party to a dispute or who has been called as a witness shall normally be accompanied by a parent, a person with parental responsibility or a suitable adult. The Chairman shall have the sole discretion as to whether a child is permitted to present or defend a case or be questioned as a witness and may order that the child be assisted or represented by an adult.
- 155.2 The Chairman shall give due consideration to any child attending a hearing as a party to a dispute or to give evidence and in particular:
 - 155.2.1 No child aged fourteen or under shall normally be expected to attend a hearing to give evidence in person. His evidence shall normally be given as a written statement with the assistance of a Club welfare officer or other person acceptable to the child and parent. Questions and responses may be relayed by a panel member
If the child appears distressed the panel shall rely only on the written evidence:
 - 155.2.2 A child over the age of fourteen shall only attend a hearing as a party to the dispute or to give evidence in person provided he wishes to, and the Chairman has consulted with the parent and child and is satisfied that they both understand the nature of the hearing and what will happen and that the child is competent to attend:
 - 155.2.3 If there is a disagreement between parent and/or child and the Chairman on any of the considerations above, the Chairman shall consider requesting advice from the Independent Child Protection Officer via the Swim England Legal Department.
- 155.3 During the hearing, a child who is expected to give evidence in person and his accompanying adult(s) shall be required to attend only those parts of the hearing which are necessary for him to give his evidence and shall be provided with a separate waiting area with no contact with any of the [other] parties.
- 155.4 After the hearing the Chairman shall inform the parent of the panel's findings and decisions and shall discuss whether he or the parent shall inform the child.