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## **WARRINGTON SWIMMING and WATER POLO CLUB SWIM ENGLAND LAWS and REGULATIONS**

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Under the Swim England Laws and Regulations a Swimming Club has specifically defined Rights and Responsibilities under the condition of affiliation to the Swim England and to a Region. A protest must now be handled within the requirements of a competition and a club can no longer deal with a complaint. All complaints must be passed to the Swim England for consideration. Swim England Judicial Regulations 281.3 and 281.4 now require a club to include in its rules provision specifying the procedures to be used to handle internal club disputes and for the procedures to comply with the provision of the Swim England Judicial Regulations 150 to 155.

In addition, once a club agrees to host a competition it must comply with the necessary Health and Safety requirements and must satisfy the promoter's conditions for the competition. The move by the Swim England to play all water polo matches in England under the FINA rules of water polo now places particular duties and responsibilities on the Referee(s) for the game. A number of the Swim England Regulations relating to holding competitions are given below.

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## **PROTESTS**

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### **Swim England Regulation 101 Protests Definition**

- 101.1** A protest is an allegation that the Swim England Regulations, Technical Rules or the promoter's conditions governing a competition have not been complied with or have been misinterpreted.
- 101.2** A protest may be made by a competitor (who may nominate another person to act on his behalf) or a club, body or official taking part in the competition. A protest must be made orally to a referee, or if appropriate, to a water polo delegate, and confirmed in writing within thirty minutes following the conclusion of the event or match during which the incident giving rise to the protest took place unless the reason for the protest is known before the event or match, in which case the protest must be made as soon as reasonably practicable before the event or match starts. If a protest is made prior to the appointment of the referee(s) or the water polo delegate(s) then the protest should be made to the promoter who shall refer the protest to a referee or a water polo delegate when he appoints the referee(s) or the water polo delegate(s).
- 101.3** Where material facts are brought to the attention of a competitor, club, body or official taking part in the competition which if they had been known during that competition a protest would have been likely to have been made during that competition or within 30 minutes following the

conclusion of the relevant event, a post-event protest may be made to a referee or, if appropriate, to a water polo delegate who may in his discretion deal with it as if it had been made under Regulation 101.2 provided they are satisfied that it would be in the best interests of the sport to do so and provided further that the individual or other person making a post-event protest did so as soon as was reasonably practicable after acquiring knowledge of those material facts.

**101.4** A protest may not be made against a decision of a referee or any other official regarding placing, fouling or any other facts of a competition. A referee's interpretation of Swim England Regulations, Technical Rules or promoter's conditions must be accepted at the time but may be the subject of a protest.

**101.5** An appeal ("a protest appeal") may be made against the decision of a water polo delegate or a referee on a protest (Regulation 108.1).

**101.6** The promoter of an event at which a protest has been made shall take possession of and store any documents relating to the protest and its resolution or otherwise, for a period of not less than 12 months after the event.

### **Swim England Regulations 156 Procedure to deal with a protest**

**156.1** The procedures for dealing with a protest are set out in Regulations 413, 414 and 415

### **Swim England Regulation 157 Procedure to appeal against a referee's decision on a protest**

**157.1** An appeal against a decision of a referee in regard to a protest shall be made by completing a standard protest appeal form (available from the Office of Judicial Administration), together with appropriate fee. (See Swim England Regulations 101.4 and 110). The completed form (and any other communications to the Office of Judicial Administration under the Swim England Regulations) shall be sent to the Office of Judicial Administration c/o British Para-Swimming St James Building Floor 2, 79 Oxford Street, Manchester M1 6FQ

### **Swim England Regulation 158 Procedure to appeal against an automatic suspension for a breach of FINA Water Polo Rules**

**158.1** An appeal against the imposition of an automatic suspension for a breach of FINA Water Polo Rules shall be made by sending to the Office of Judicial Administration, a completed standard water polo appeal form (available from the Office of Judicial Administration). (See Regulations 108.6)

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## **COMPLAINTS**

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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 150.3 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 Regulation 102 Complaint to Swim England**

**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.

**102.2** If a person, club or other body or organisation is dissatisfied with a decision of a Committee appointed under the Articles an appeal may be made by lodging a complaint with the Judicial Administrator under this Regulation 102 (See Regulation 159). In such cases only decisions of a disciplinary nature may be the subject of an appeal. Decisions made in the normal course of

the business of a Committee on administrative and technical matters, appointments and selection of teams may not be the subject of an appeal.

**102.3** No complaint may be made under the Judicial Regulations against an employee of the Swim England relating to any action taken in the course of their employment. Any complaint about such an action shall be dealt with by Swim England and should be addressed to the Chief Executive Officer.

**102.4** Grounds for a complaint shall include but shall not be limited to the following:

**102.4.1** misconduct;

**102.4.2** "serious misconduct"; being any action, behaviour or practice liable to bring the sport into disrepute;

**102.4.3** maladministration or breach of Swim England Regulations or the rules of a club, body or organisation etc.

**102.4.4** a breach of the Swim England/ Institute of Swimming Code of Ethics.

**102.5** A complaint may be made by:

**102.5.1** any member who is aged 18 years or over on the date of the complaint;

**102.5.2** the parent of or other person with parental responsibility for a member, who is aged under 18 years on the date of the complaint, on his behalf;

**102.5.3** any affiliated club, body, organisation, association, County Association or Region through its secretary or other officer acting on its behalf;

**102.5.4** the Board or any committee of the Swim England, Region or affiliated organisation through its secretary or other officer acting on its behalf;

**102.5.5** a person officiating at an event;

**102.5.6** any member of an Associated Organisation, a Corporate Organisation, an Associate Association, or an Affiliated Body who is aged 18 years or over on the date of the complaint. Any such complaint may only be made relative to swimming related activities in which the complainant was engaged;

**102.5.7** the parent of or other person with parental responsibility for a member of an Associated Organisation, a Corporate Organisation, an Associate Association or an Affiliated Body, who is aged under 18 years on the date of the complaint, on his behalf. Any such complaint may only be made relative to swimming related activities in which the member was engaged.

**102.6** A complaint which the Commissioner determines (in accordance with Regulation 160) raises an allegation which is properly to be categorised as misconduct and refers the matter to be dealt with by a Disciplinary Committee shall be prosecuted by the complainant pursuant to the disciplinary procedure. (See Regulations 162 et seq.).

A complaint which the Commissioner determines (in accordance with Regulation 160) raises an allegation which is properly to be categorised as serious misconduct liable to bring the sport into disrepute and refers the matter to be dealt with by a Disciplinary Committee shall be prosecuted by a Disciplinary Officer pursuant to the disciplinary procedure. (See Regulations 162 et seq.).

Any other complaint that is permitted to proceed shall be decided by the Commissioner or dealt with under the dispute resolution procedure. (See Regulations 167 et seq.).

**102.7** A complaint must normally reach the Judicial Administrator not later than thirty days after the alleged incident that gave rise to it.

### **Swim England Regulation 159 Procedure to make a complaint**

**159.1** A complaint shall be made by sending to the Office of Judicial Administration a completed standard complaint form (available from the Office of Judicial Administration) incorporating a detailed written statement of the matter(s) with which the complainant is dissatisfied and the reasons for the dissatisfaction stating, where relevant, the Swim England Regulation violated or the particular breach of the Swim England Code of Ethics. The complaint must be accompanied

by the fee (see Regulation 110). The Office of Judicial Administration shall forward a copy of the completed complaint form as soon as reasonably practicable to the Commissioner

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## HEALTH AND SAFETY

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### **203 Duties of all persons**

**Any person participating in any activity organised by an affiliated club, body or organisation including, but not being limited to, any promoter, competitor, official or spectator at any competition in any swimming discipline held in England under Swim England Regulations and Technical Rules or FINA Rules shall:**

#### **203.1** comply with the following:

- 203.1.1** any relevant statutory health and safety requirements;
- 203.1.2** any bye laws or other regulations relating to safety;
- 203.1.3** the conditions of any hire agreement relating to safety;
- 203.1.4** safety instructions or guidance issued by the Swim England or any other body approved by the Board.

#### **203.2** take reasonable care for the health and safety of himself and other persons who may be affected by his acts or omissions within the area for which the promoter, hirer or organiser of the activity is responsible.

### **204 Duties of the promoter**

**The promoter of a competition shall have overall responsibility for the observance and enforcement of the safety requirements and his duties shall include but not be limited to the following. The promoter shall:**

- 204.1** agree with the owner/operator the areas for which the promoter, as hirer, is responsible;
- 204.2** obtain a copy of the written Pool Safety Operating Procedures from the owner/operator and have it available for reference during the period of hire;
- 204.3** make arrangements for the implementation of relevant sections of the written Pool Safety Operating Procedures (as required by the pool hire agreement) during the period of hire;
- 204.4** brief the referee(s) prior to the competition; on the relevant sections of the written Pool Safety Operating Procedures and the Promoter's Conditions
- 204.5** appoint sufficient competent persons (each of whom shall be a member of an affiliated club) to organise and supervise warm-up and swim-down sessions during the period of hire and brief them on the safety aspects of their duties;
- 204.6** ensure before a competition is permitted to start that first aid and safety equipment to be provided by the owner/operator is in place and ready and available for immediate use and that pool staff who are qualified to operate it are on duty;
- 204.7** ensure that all stewards, lifeguards and other safety staff are in place before any participants are permitted on the poolside, and that adequate numbers are maintained throughout the period of hire;
- 204.8** prevent a competition starting if any of the required facilities and arrangements are absent or deficient;
- 204.9** be present throughout the period of hire of the pool for the competition or, for any period(s) in which they are not present, appoint a deputy to exercise the full powers of the promoter;

**204.10** ensure, before start of each competitive session, that announcements concerning safety arrangements are made in accordance with the recommendations of the Swim England and indicating where a copy of the written Pool Safety Operating Procedures can be seen.

**205 Duties of the Water Polo Delegate or the referee**

**The duties of a water polo delegate or referee shall include but not be limited to the following.**

**205.1** in addition to the duties set out in Regulations 414 or 415 and the relevant Technical Rules and conditions governing a competition, to be responsible for the safe conduct of all activities in those parts of the premises essential for the running of the competition;

**205.2** To ensure that the minimum safe water depths and other dimensions and clearances, facilities and equipment comply with the current Swim England requirements;

**205.3** to ensure that all officials are briefed prior to the competition on the safety arrangements and on any general safety matters (e.g. evacuation procedures) required by the Pool Safe Operating Procedures;

**205.4** to stop a competition proceeding at any stage if any of the required facilities, equipment, personnel and procedures become deficient and report it to the promoter or his deputy.

**206 Duties of officials and stewards**

Any official or steward shall be under the control of the water polo delegate or referee at all times and, in addition to the duties set out in Swim England Regulations or the Technical Rules and conditions governing a competition, shall report immediately to the water polo delegate(s) or referee(s) anything that appears to him to breach, or be likely to breach, the safety regulations.

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**CHILD SAFEGUARDING**

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**Definition and Procedure**

**241 Child Safeguarding**

For the purposes of this Regulation 241, "child" or "young person". means a person under the age of 18 years as defined by the Children Act 1989 and the Chief Executive Officer shall include any acting or interim Chief Executive Officer.

**241.1** No person shall be permitted to be involved in any way with children in the sport of swimming open water swimming, artistic swimming, diving or water polo under the jurisdiction of the Swim England unless:

**241.1.1** they are a member of an affiliated club or of a club, body or organisation whose Child Protection Policies and the measures to enforce them are recognised by the Swim England; or

**241.1.2** if this is impracticable, adequate provisions are made by the organiser of the activity or the promoter of the event to assess the risk and ensure that appropriate measures to protect any children taking part are in place.

**241.2** In this Regulation the expression 'Offence' shall mean any one or more of the offences against a child within the meaning of Schedule 1 to the Criminal Justice and Court Services Act 2000 as amended by the Sexual Offences Act 2003 and any other Offence which reasonably causes the Chief Executive Officer to believe that the person accused of the offence is or may be a risk or potential risk to children or young persons.

**241.3** Upon receipt by the Chief Executive Officer of:

**241.3.1** notification that an individual has been charged with an Offence; or

**241.3.2** notification that an individual is the subject of an investigation by the police, social services or any other authority relating to an Offence; or

**241.3.3** other evidence which causes the Chief Executive Officer reasonably to conclude that an individual may have committed an Offence then in any such case the Chief Executive

Officer may impose upon the individual an interim suspension from any event or activity promoted or authorised by the Swim England or anybody directly or indirectly affiliated to the Swim England wherever held.

- 241.4** Upon receipt by the Chief Executive Officer of a recommendation from the Swim England Independent Child Protection Officer including the results of a Disclosure and Barring Service search or other information received which causes the Chief Executive to conclude on reasonable grounds that the individual concerned is unsuitable to work with or have unsupervised access to children within the sport of swimming open water swimming, artistic swimming, diving or water polo the Chief Executive Officer may impose upon the individual an interim suspension or a suspension for a specified term decided by the Chief Executive Officer from any event or activity promoted or authorised by the Swim England or anybody directly or indirectly affiliated to the Swim England wherever held. There shall be a right of appeal to the Independent Disciplinary and Dispute Resolution Appeals Panel against the decision of the Chief Executive Officer to impose a suspension under this Regulation 241.4 (see Regulation 108.8).
- 241.5** In reaching his determination as to whether an interim suspension should be imposed the Chief Executive Officer shall give consideration, *inter alia*, to the following factors:
- 241.5.1** whether a child or children or young person(s) are or may be at risk of harm;
  - 241.5.2** whether the allegations are of a serious nature;
  - 241.5.3** whether a suspension is necessary or proportionate to allow the conduct of any investigation (by Swim England or any other authority or body) to proceed unimpeded.
- 241.6** Where an individual shall have been convicted or have been the subject of a caution in respect of an Offence the Chief Executive Officer shall have power summarily to impose the suspension for a specified term decided by the Chief Executive Officer of the individual from any event or activity promoted or authorised by the Swim England or any other body directly or indirectly affiliated to the Swim England wherever held. There shall be a right of appeal to the Independent Disciplinary and Dispute Resolution Appeals Panel against the decision of the Chief Executive Officer under this Regulation 241.6 (see Regulation 108.8).
- 241.7** if a Local Authority forms a belief under the formal belief system derived from the Children Act 1989, as amended, regarding an individual's suitability to work with children the Chief Executive Officer shall have the power summarily to suspend that person for a specified term decided by the Chief Executive from all Swim England activities, provided that:
- 241.7.1** the Local Authority has informed the Swim England that such a belief has been formed;
  - 241.7.2** the person concerned has been formally made aware by the Local Authority that such a belief has been formed;
- There shall be a right of appeal to the Independent Disciplinary and Dispute Resolution Appeals Panel against a decision of the Chief Executive Officer under this Regulation 241.7 (see Regulation 108.8).
- 241.8** All affiliated clubs shall participate in and take reasonable steps to comply with the procedures of the Disclosure and Barring Service and its checking services in regard to Child Safeguarding matters and/or any subsequent procedures by the Swim England including but not being limited to requests for further information.
- 241.9** All members of affiliated clubs shall participate in and comply with the procedures of the Disclosure and Barring and its checking services in regard to Child Safeguarding matters and/or any subsequent procedures by the Swim England including but not being limited to requests for further information.
- 241.10** Any individual who fails to comply with a specific requirement of the Child Safeguarding procedures may be suspended by the Chief Executive Officer until such time as they have complied with any outstanding matters, provided that the individual has been warned of their liability to such a suspension. There shall be a right of appeal to the Independent Disciplinary and Dispute Resolution Appeals Panel against a decision of the Chief Executive Officer under this Regulation 241.10 (see Regulation 108.8).

**241.11** A club, body, organisation or individual suspended by the Chief Executive Officer under this Regulation 241 shall not participate in any swimming activity organised by an affiliated club or controlled by Swim England Regulations. An individual shall not act as a representative of a club or other affiliated body nor shall ~~he~~ they be a member of any board, the Members Forum, committee, subcommittee or council concerned with the direction or government of swimming. An individual so suspended shall not act as an official at any competition, exhibition, meeting or any other activities within Swim England

**241.12** The suspension of any individual for a specific term decided by the Chief Executive Officer imposed under this Regulation 241 shall not be lifted unless and until the individual has submitted to a formal forensic risk assessment with regard to their suitability to be involved with children in the sport of swimming

**241.13** It shall be a condition of membership or affiliation to any Region of the Swim England that:

**241.13.1** an affiliated club adopts the Swim England Child Safeguarding Policy and Procedures; and

**241.13.2** the members of the affiliated club comply with the Wavepower Child Safeguarding Policy and Procedures.

**241.14** Without prejudice to the generality of Regulation 241.13 the Swim England may from time to time issue guidance or directions with regard to compliance with Regulation 241.13.

**241.15** Swim England will promptly notify the individual of the details of any interim suspension or specified term suspension. The notification shall be copied to the applicable Swim England affiliated club, or anybody directly or indirectly affiliated to Swim England where held and the notification may also be made available to any relevant authorities, other sports governing bodies and/or any such other individuals and bodies on a need to know basis. 241.16

#### **241.16 Adults at Risk**

The Swim England Safeguarding Adults at Risk Policy which can be found on the website sets out the definition of an “Adult at Risk” and the procedures to follow if any concerns arise relating to an Adult at Risk. If an individual is working with Adults at Risk they may be in Regulated Activity as defined in the Safeguarding Vulnerable Groups Act 2006 and the Protection of Freedoms Act 2012 in which case it may be necessary to obtain a Disclosure and Barring Service disclosure and check the individual against the Adults barred lists. The provisions of Swim England Regulation 241 are applicable to Adults at Risk and those working with them in the sport of swimming, open water swimming, artistic swimming, diving and water polo in the same way as they apply to children or young persons and those working with them