

# DISCIPLINE, DISPUTES AND COMPLAINTS PROCEDURE

## Fishguard Flyers Swimming Club

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Pembrokeshire County Swimming, subsequently referred to as the 'Club' is affiliated to Swim Wales and is administered under the Swim Wales Constitutional Laws and the Club's Constitution that is in force at the time.

Swim Wales, all affiliated bodies and registered members and all committees shall be bound by the laws, regulations, codes and decisions of British Swimming which are promulgated within the powers and functions conferred and devolved.

### Purpose

This document is designed to assist the Club and its members in handling discipline, disputes and complaints. With due regard to Swim Wales Code of Ethics it is important that internal discipline, disputes and complaints are handled correctly from the outset. Occasionally it is necessary to discipline swimmers for minor incidents or improper behaviour, this can be done fairly by the Club Coach or the relevant responsible Officer present. In the event of more serious discipline matters a Disciplinary Committee may need to be convened. Occasionally, Clubs may have to deal with disputes or complaints between Committee members, parents or swimmers. The Club will always aim to resolve disputes and complaints amicably to reach a satisfactory outcome that allows individuals to move forward with concerns resolved.

In the event that the dispute or complaint cannot be resolved within the Club or if either party is dissatisfied with the decision reached within the Internal Club Disputes & Complaints Procedure, the Complainant has the option to appeal to the club. The club will then arrange for an independent panel to hear the appeal. Only on the appeal not be settled satisfactorily the matter may be referred to Swim Wales.

Sometimes disputes of a more serious nature may arise, and as they do not occur frequently the Club may be unsure of how to handle the matter. Therefore the dispute may become more serious with resource and reference to the judicial procedures becoming necessary

## DISCIPLINE, DISPUTES AND COMPLAINTS PROCEDURE

It must be noted that the Club only has power to legislate for a breach of its own rules and can only suspend or expel swimmers from its own activities. The Club does not have the power to handle a dispute or complaint relating to another Club.

The key principle to be followed is that the Club conforms 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. Therefore, the message when dealing with disputes and complaints is to ensure that:

- All parties are treated fairly.
- The Complainant has the opportunity to present the case.
- The Complainee (subject of the Complaint) has the opportunity to respond.

The Club 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<sup>1</sup>.

On occasion matters may be referred to the authorities which may include the police, on these occasions if any authority led investigation is required the club will provide all necessary information to the authorities and step back during their investigation. It may be that following any investigation that no further action is required by the authorities the club deem it appropriate to conduct an internal investigation.

### Responsibility of Management

The Club structure and method of operation requires that all individuals are accountable to the 'PERSON IN CHARGE' of their particular activity.

The 'PERSON IN CHARGE' reports to the Officers of the Club through the Management Committee.

All disciplinary/disputes matters will be dealt with in accordance with the Club Constitution that is in force at the appropriate time.

### Complaint or Grievance by a Member, or the Members Parent/Guardian:

Such a complaint or grievance shall be made to the Club Secretary not later than 7 days after the incident (or series of incidents) to which the complaint refers. After this period, the Club, without further consideration or appeal shall dismiss a complaint, unless good reason is shown why it could not have been brought within the period of the 7 days.

The Club Secretary, and in their absence, the Club Chairperson must receive full details of the complaint or grievance from the member, or member's parent/guardian.

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<sup>1</sup> These guidelines do not apply to a paid employee of the Club. If the Club is in dispute with a paid employee, then the employment contract and employment law needs to be considered. Specialist legal advice may be sought.

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The Club Secretary, when informed of a complaint, should immediately inform the Club Chairperson of the complaint or grievance. The Chairman should proceed in accordance with the 'Internal Club Dispute procedures'

If the complaint or grievance is made regarding another member, the Club Secretary must inform the member whom the complaint is being made against as soon as possible after the receipt of the complaint, but not later than 7 days from the date of notification.

## Club Discipline

There are occasions when a problem arises in a Club, for example fighting between members in a training session, or a member(s) misbehaving or causing disruption in a training session and immediate action is required. Examples of such action would be, verbal warning, written warning or temporary suspension or exclusion from a training session or from wider club activities.

Committee are given the power to invoke a temporary suspension or exclusion, when in their opinion such action is in the interest of the Club and /or its members.

In instances where temporary suspension or exclusion has been imposed, the Coach or the Responsible Officer should log the incident for continual monitoring using the "Disciplinary Offence Summary Sheet" (Annex A).

If the incident concerns child welfare or safeguarding issues, the Child Welfare Officer is to be notified within 24hrs.

The Coaches will keep a register of offenders, stating details of the offence and of the punishment, it is recommended that the "Disciplinary Offence Summary Sheet" is copied, one for the Swimmer and one for the Coaches log.

If the same member continues to offend, the Coaches may decided to refer the matter Club Secretary who should then treat it as a dispute between the Club and the member and follow the "Internal Club Dispute procedure".

## Internal Club Disputes

It is assumed for the purpose of these procedures that the dispute is between the Club and one or more of its members. It is important that the same people in the Club do not become both the prosecutor and the judge, or the defender and the judge. If the Committee or its Officers are either the prosecutor or the 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.

## Procedures

- On receipt of the dispute the Club Secretary will inform the Chairperson.

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- If the dispute is connected to a Child Protection Issue, Health & Safety matter or relating to an injury then the Child Welfare Officer must be informed of the dispute within 24 hrs. In their absence the club chairperson
- The Chairperson should ensure that every effort is made to resolve the matter by informal discussion but must ensure that the safety of the club members is not compromised in any way. If this fails, the Chairperson 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 Disciplinary Committee to deal with the matter.

### Disciplinary Committee

The Committee should consist of 3 persons with one to act as Chairperson. A Secretary may also be needed. Persons selected must not be involved with the dispute, and the Club may need to ask individuals from outside the Club to sit on the panel. The full Club Committee could hear the dispute, but given the number of people on a full Committee, this could be seen to be intimidating and is usually preferable to have a smaller number of people to hear the disciplinary matter, hence the recommendation to set up a Disciplinary Committee of 3 persons.

- The Club Chairperson should notify both parties of the date, time and place of the hearing and the names of the Disciplinary Committee members.
- Both parties should be given copies of all the papers and every effort should be made to hear the dispute within 14 days of the receipt of the dispute.
- If either party is aged 18yrs or less, or involves a 'vulnerable adult' then they must be advised of their right to be accompanied by a parent (or other person with parental responsibility for them) friend, or Coach to help them present their case. Every effort shall be made to ensure that the Disciplinary Committee does not hear any charge against a member of the Club aged 18yrs or less or a vulnerable adult unless a parent, guardian or an appropriate accompanying adult is present. This is strongly advised but not mandatory. Any other club member aged 18yrs above, against which a disciplinary charge has been made, shall have the right to have one other member of the club present with them at the hearing, and such additional members shall have the right to speak.
- Both parties should be allowed to bring witnesses.

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

- The Complainant should present evidence first and the accused should have the right to reply.
- Both parties should be able to call witnesses. The Complainant going first and each party being allowed to question the other party's witnesses

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- Witnesses should wait outside the hearing room until called. After questioning they should remain in the hearing room without taking any further part in the hearing.
- The Chairperson or Secretary should make notes of the hearing, and the Disciplinary Committee should make every effort to announce their decision verbally to all parties without delay, followed by written confirmation to be sent to all parties within 7 days.

The Committee may take any one or more of the following decisions in relation to the dispute. The Committee shall have power to:

- Seek compensation for damages
- Give a Verbal Warning
- Give a Written Warning
- Temporary suspension / Exclusion from Meet
- Expel

### Appeals as a result of Disciplinary Action

- Any member found guilty by the Disciplinary Committee shall have the right to appeal to the Management Committee of the Club within 21 days of receiving notice of the decision of the Disciplinary Committee.
- The Management Committee shall, within 7 days of receiving such notice, set up an Appeals Committee, which shall consist of 3 members of the Club who are independent of the Disciplinary Committee, and shall be chaired by a representative of the area applicable to the Club, (West Wales ASA).
- Any member, whose appeal is not upheld, has a final right of appeal to Swim Wales in accordance with the Association's appeals procedure; by giving notice to Swim Wales within 14 days of receiving in writing the decision of the Appeals Committee.
- The Club Secretary will be required to supply, within 14 days of being notified, all relevant papers and evidence.
- Pending the hearing of an appeal, the sentence imposed by the Disciplinary Committee shall be suspended.

### Unacceptable Behaviour

In the event of any incident involving 'unacceptable' behaviour the dispute report must outline:

- The reasons why such action was instigated
- The events immediately preceding the incident
- The actions taking during the incident
- The events immediately following the incident
- The names of all involved in the incident
- The names of all witnesses to the incident

These documents form the basis of any subsequent investigation and will be used in the event of any disciplinary proceedings arising from the incident.

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Behaviour becomes “unacceptable” when it is considered “offensive” to others. This includes but is not limited to the following:

- Theft
- Willful damage to property
- Acts of Vandalism
- Abuse of alcohol and/or drugs
- Bullying
- Offensive language
- Aggressive/violent acts
- Threatening behaviour
- Failure to Comply with instructions/directions
- Failure to Comply with the Club Constitution
- Failure to Comply with the Club Discipline Code
- Failure to Comply with Swim Wales Discipline Code
- Failure to comply with official teaching/coaching Codes of Conduct
- All breaches of safety practices
- Bringing the Club into disrepute
- Bringing the Sport of Swimming into disrepute

**WARNING!** Failure to comply could mean expulsion from the Club.

Matters not otherwise provided for

If the person or persons investigating a complaint or grievance, in accordance with these procedures, finds that a particular matter is not otherwise provided for, he/she shall take such action as consistent with these procedures.

Swim Wales Child Safeguarding Policy (SWCSP) Codes of Conduct

The Club aims to achieve best practice across all of its activities. A number of Codes of Conduct and Policies are available to assist and include:

[Swim Wales](#)

SWCSP is the Safeguarding Policy for Swim Wales and can be found here: <http://www.swimwales.org/safeguarding> . SWCSP includes Codes of Conduct for Athletes, Parents, Teachers and Coaches, Committee, Officials and Volunteers. All members are expected to comply with and adhere to the relevant SWCSP Code(s) of Conduct.

Updating

The Club Committee will receive and update the ‘Club Disciplinary and Complaints Procedures’ document as and when required by new circumstances, Pool Operator

Reviewed 2<sup>nd</sup> November 2017

# DISCIPLINE, DISPUTES AND COMPLAINTS PROCEDURE

Requirements or changes to the current British Swimming / Swim Wales requirements. The Club is committed to continually update policies and procedures in line with National guidelines. This document was drawn up having full regard to the Club's Current Constitution, Swim Wales Model Discipline Policy and Swim Wales Child Protection Policy (SWCSP).

Annexe:

A. Pembrokeshire County Swimming - Disciplinary Offence Summary Sheet.

Annex A.

## PEMBROKESHIRE COUNTY SWIMMING - DISCIPLINARY OFFENCE SUMMARY SHEET

**SWIMMERS NAME:** \_\_\_\_\_

**DATE:** \_\_\_\_\_

Disciplinary Offence		Procedure 1	Procedure 2	Procedure 3	Procedure 4
<b>Stage 1 ( examples of )</b>	Tick	<b>Verbal Warning. By Coach</b>	<b>“Club Discipline” procedure By Committee</b>	<b>“Internal Club Procedure” By Committee</b>	<b>“Appeals Procedure”</b>
Lateness - (repeated)		Minor offences should be <b>Noted</b> and dealt with via a <b>Verbal Warning or Written Warning.</b>  <b>Parent to be notified</b>	If these Offences continue, with no signs of improvement. Then the “party” shall be referred to and dealt with via the <b>“Club Discipline”</b> procedure. Actions could include :- <b>Temporary Suspension</b> <b>Written Warning</b>	If these Offences continue, with no signs of improvement. This is considered as a <b>“Dispute”</b> - and the <b>“Internal Club Procedure”</b> will be followed. PCS Secretary Notified Actions could include: - <b>Permanent Suspension,</b> <b>Exclusion from Meet.</b>	If the “party” does not agree with any decision made, then the Clubs <b>“Appeals procedure”</b> will be followed.
Poor / unauthorised attendance (below accepted levels)					
Offensive Language					
Breaches of safety practices					
Failure to Comply with Instructions					
Improper Behaviour / conduct towards others.		<b>On record for 3 Months</b>	<b>On record for 3 Months</b>		
<b>Stage 2 ( examples of )</b>		<b>Procedure 3 “Internal Club Procedure”</b>			
Theft		If these Offences continue, with no signs of improvement. This is considered as a <b>“Dispute”</b> - and			
Vandalism/damage to property					

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Bullying		the "Internal Club Procedure" will be followed.  Actions could include: - <b>Permanent Suspension,</b> <b>Exclusion from Meet.</b>	
Threatening Behaviour / fighting			
Abuse of Alcohol or Drugs			
Bringing the CLUB into Disrepute			
Bringing the SPORT into Disrepute			

Comments -	Sanction. - Verbal Warning / Written Warning. .. - Exclusion from session/ sessions. .. - Temporary Suspension (_____ days). .. - Exclusion from Meet. .. - Permanent Suspension	Coaches Signature: _____ _____  Swimmers Signature: _____ _____
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