

# **Bingham Penguins Swimming Club Member's Handbook**





**Registered Charity Number** 1093749

**Registered address** 81 North Road  
West Bridgford  
Nottingham,  
NG2 2NG

**Website** [www.binghampenguins.org](http://www.binghampenguins.org)

**email** [info@binghampenguins.org](mailto:info@binghampenguins.org)

**Trustees** Jacob Morgan, Chair, Fundraising Officer  
David Marriott, Treasurer  
Selecia Kench, Welfare Officer  
Mike Pollard, Swim 21 Officer  
Mikenda Plant, Secretary (temporary)  
Geoff Baker  
Hugh Crawford  
Matthew Huckerby  
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## Introduction

Welcome to Bingham Penguins Swimming Club. We hope you enjoy your time with the club and have many happy experiences with us. This handbook provides all you need to know about the club, our policies and guidelines, as well as advice on safe and enjoyable swimming.

Bingham Penguins Swimming Club is a charity. Whilst nominal fees are charged, everything you see is subsidised or paid for by donations - through the hard work of members and the committee, through fundraising, sponsorship and individual endeavour. Bingham Penguins is staffed entirely by volunteers. Whether a helper in the pool, a swimming teacher, a committee member – every one gives their time free of charge and we don't have a single paid member of staff.

We have been successfully coaching swimmers for over twenty years and have a number of international swimmers amongst our current and former members. We take pride in the achievements of all our swimmers – whether it is their first strokes unaided in the pool, or they are representing the country at international swimming events.

I would ask you to treat all members of the club with respect and to remember that we are a charity, run by the enthusiasm and drive of our volunteers. We also draw strength from the commitment of our swimmers and take a genuine pride in their development and growth through their accomplishments. The club thrives through the diversity of its members – swimmers, parents, carers and families alike.

Bingham Penguins welcomes the involvement of parents and carers in the running of the club – please feel free to raise suggestions to any member of the committee and poolside staff. If you have comments that you wish to make, please raise them after the session with a member of staff. I would urge you to participate fully and to get the most out of the club – it is, after all, your club.

Jake Morgan  
Chair, Bingham Penguins

## Charitable status

The club is governed by a constitution adopted on 7 April 2001 as amended 17 March 2002, 10 May 2002, 26 June 2011 and 10<sup>th</sup> June 2012.

The charity is operated in accordance with the Charities Act 1993 as amended by the Charities Act 2006 and has the legal status of unincorporated association.

Trustees, Executive Officers and Committee Members are elected to post via an Annual General Meeting each year and remain in office until their successors are elected at the next Annual General Meeting. A Committee Member also holds office as a Trustee of the club.

All Trustees give their time voluntarily and receive no remuneration or other benefits.

## Affiliations

The club is affiliated to Nottinghamshire ASA, ASA East Midland Region, and conforms to the rules of these Associations

The business and affairs of the club shall at all times be conducted in accordance with the Laws and Technical Rules of the A.S.A. ("A.S.A. Laws") and in particular:

- All competing members shall be eligible competitors as defined in A.S.A. Laws; and
- The club conforms to the A.S.A. Child Safeguarding Procedures
- The club conforms to the A.S.A. Equal Opportunities policy

The club and all members of the club are subject to the laws, rules and constitutions of: ASA East Midland Region and the A.S.A. (to include the A.S.A./IOS Code of Ethics); and British Swimming (in particular it's Doping Control Rules and Protocols and Disciplinary Code); and FINA, the world governing body for the sport of swimming in all its disciplines (together "the Governing Body Rules").

## Committee

Chair	Jacob Morgan
Treasurer	David Marriott
Welfare Officer	Selecia Kench
Swim 21 Officer	Mike Pollard
Fundraising Officer	Jacob Morgan
Secretary	Mikenda Plant (temporary) Geoff Baker Hugh Crawford Matthew Huckerby Patrick Newton

## Poolside staff

Coaches	Geoff Baker Tina Blankley Tina Dickerson Anne Hawker Matthew Huckerby Mikenda Plant Lisa Wright
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All of our poolside coaches are ASA qualified and have all graduated from courses run by the ASA for swimming coaching, as well as specialist courses in working with children and people with disabilities.

All of our teachers, coaches and volunteers have undergone rigorous checks for references and CRB clearance to ensure they are safe to work with children and vulnerable adults.

## Swimming Pool Information

The club meets at Bingham Leisure Centre on Sunday evenings. The Leisure Centre address is: The Banks, Bingham, Nottingham NG13 8BL, telephone 01949 838628. The centre is managed by Parkwood Leisure. If you have any concerns or comments on the facilities please raise them with a member of poolside staff during a session change over, or by emailing the club at [info@binghampenguins.org](mailto:info@binghampenguins.org)

### Emergency procedures:

Please note that if any of the alarms go off during a Penguins session the following procedures MUST be adhered to:

- Spectators upstairs must exit the building by the nearest exit and follow instructions from the Leisure Centre staff
- Poolside staff/spectators and those in the pool must ensure all swimmers get to the side of the pool ready for exiting the pool, and follow instructions from the Lifeguard.
- Bingham Penguins hold regular practices in partnership with the Leisure centre.

## Session information

Bingham Penguins Swimming Club runs two sessions at Bingham Leisure centre on Sunday evenings. The first session runs from 5:30pm until 6:10pm, the second session taking place from 6:20pm until 7pm. Some swimmers are also offered the opportunity to swim for the entire duration.

The club does not run sessions during school holidays or on bank holiday weekends.

Invariably the odd occasion does arise where the club needs to cancel sessions at short notice. This is entirely down to health and safety issues; for example, extreme

weather events such as snow and ice that make accessing the centre dangerous, or shortage of trained poolside staff. The safety of swimmers is paramount and the club cannot and will not run sessions at risk. It is club policy that every session needs to operate with one teacher/coach qualified to a minimum of Level 2 ASA standard in a supervisory role, plus a minimum of three other teaching/coaching staff of Level 1 ASA standard (or above) per session to ensure appropriate levels of supervision and safety.

It is important that you ensure that the club has up to date contact information. In the event of cancellation you will be notified by email, unless you have expressly notified us otherwise.

## **Club Fees, ASA registration and Insurance**

### **ASA Registration and Membership Fees**

All swimmers are required to pay ASA Membership fees by the end of March each year, which provides members with ASA insurance.

These fees are included in the club fee, which contributes towards the running of the club sessions and covers volunteers' ASA membership fees to ensure they are also insured.

Any fees not paid by the end of March will mean that the swimmer will not be permitted to swim as they will not be insured.

### **Session Fees**

In addition to club fees, Bingham Penguins also charges fees for the session(s) a swimmer undertakes. These fees are subsidised by the club and assist with pool and lifeguard hire. Payments for all of the sessions that are offered over the year are spread out evenly over the full 12 months to give a monthly instalment. In order to reduce the overheads of administration the club requests payment via a standing order mandate, available from the Club Secretary.

The club fees are decided upon annually by the Committee and are structured for single adult, single child and family membership. For families, a sliding scale will be adopted: 100% for first child, 75% for second, 50% for third and over. Please note, the 100% will be charged on the most expensive swimmer (ie if you have two children, one attending a £2 session and a £3 session per week and the other attending a weekly £2 session, then the 100% child will be the first (paying £5 a week - £2+£3) with the other child paying £1.50 a week (£2 x 75%).

The club operates a bursary for special cases/hardship. Application for this will need to be in writing and any assistance will be decided by the club committee.

Any increase in subscriptions shall be advised to the members in writing a month in advance of them coming into force with the reasons for any increase to be reported to the members at the next Annual General Meeting. Fees are non-refundable without prior agreement, for example due to long term (over one month) illness or injury.

## Non payment of fees

In the event that you fall behind with payments by two calendar months ('two months in arrears'), without a valid reason or prior agreement, you will be considered to have resigned from the club. Where membership is terminated in this way you will be informed in writing that you are no longer a member by notice handed to you or sent by post to your last known address.

You will not be entitled to a refund of any fees (including membership fees) paid to the club.

If you wish to rejoin then your application will be considered by the committee.

Please note that our ASA Membership agreement means that the ASA Membership Department must be informed should a member resign when still owing money or goods to the club. This may affect future membership of ASA affiliated clubs.

## Fundraising

Bingham Penguins is a charity and relies on donations and fundraising to subsidise the club's activity. If you know of sources of funding or have any ideas for fundraising events, please contact the Fundraising Officer. We encourage all members of the club to get involved in supporting and raising funds for the Club and hold an annual sponsored swim event. The club coincides this with the British Long Distance Postal Swim, enabling swimmers to participate at a national level and raise money for the club.

In addition the club is registered with [www.easyfundraising.org.uk](http://www.easyfundraising.org.uk). This site enables you to register to raise funds for Penguins as you shop online. The site acts as a signpost for online retailers who then donate a percentage of your spend back to Bingham Penguins – all at no extra cost to you. They also run special offers and voucher codes on a regular basis. Most retailers are signed up to this and you can register to raise money at [www.easyfundraising.org.uk/causes/binghampenguins/](http://www.easyfundraising.org.uk/causes/binghampenguins/). To make life even easier, you can download and install a Find & Remind service ([www.easyfundraising.org.uk/find-and-remind/](http://www.easyfundraising.org.uk/find-and-remind/)) to automatically search and highlight easyfundraising retailers - it will automatically show a handy drop-down reminder every time you visit one of their retailers to make sure that you never forget to claim a donation.

## Communication and newsletters

Communication with swimmers and parents is vitally important to the club. A Club Newsletter is published four times a year, we have a club website ([www.binghampenguins.org](http://www.binghampenguins.org)) and also place notices on the Club Notice Board at Bingham Leisure Centre. The first port of call should be the website, which should be referred to regularly for details of changes to sessions, upcoming galas etc. If you have any articles or event reports that you wish to share please contact a member of the Committee. Parents are encouraged to talk to any member of the Committee if they have any concerns or questions.

## Events

The club runs an annual awards evening, coinciding this with the Christmas holiday season. In addition, the club also encourages members to take part social events that we run twice a year.

## Expectations of members: member code of conduct & equity policy

We have in place a Code of Conduct for swimmers and an Equity Policy for all club members to adhere to. You agree to abide by the Code of Conduct and Equity Policy when you join the Club.

Bingham Penguins is fully committed to safeguarding and promoting the well being of its members. In order to do this the club believes that all swimmers, coaches, volunteers and parents associated with the club should at all times abide to a code of conduct. The full Equity Policy can be viewed on the club website.

For swimmers the code of conduct includes the following rules:

1. Enjoy yourself and have fun!
2. Show respect to each other and to coaches, helpers, and organisers.
3. Swimmers should keep to agreed timings for training and competitions or inform their coach or team manager if they are going to be late.
4. Wear the right clothing suitable to the activity at all training sessions.
5. Abide by any health and safety rules made by coaches or organisers.
6. Swimmers must pay any fees for training or events promptly.
7. Share any concerns or complaints that they may have about any aspect of the Club with the Club Welfare Officer or a member of the committee.
8. Help the Club to develop by completing end of year evaluation forms.
9. At competition level, swimmers should aim to win, take pride in doing their best, be a good winner and not be a bad loser.
10. At competitions when representing the club, be polite, keep within the rules, be respectful of officials and their decisions, and promote the Club (including wearing the club T-shirt).
11. Show respect to opponents.
12. Swimmers must not smoke or consume alcohol or drugs of any kind on training or competition premises or whilst representing the Club.

## Poolside Safety

Please ensure you are familiar with the safe operating rules which are displayed within the Leisure centre. In addition to this, as a reminder to all spectators and staff that Bingham Leisure Centre operates a 'no shoes' policy on poolside. Please ensure

that if you are coming on to poolside, you either have a change of suitable footwear or wear the blue plastic covers which are provided in the changing rooms.

Please note that parents should sit upstairs in the viewing area for both the small and large pools and should not interrupt swimmers or teachers during the sessions. Parents should only sit in the poolside seating area if a swimmer is new to the club and still settling in or if you have paperwork to complete with the Club Secretary.

Young swimmers, or those who need poolside supervision, remain the responsibility of their parent or carer until the session commences and should not be left unattended with any of the volunteers until specific permission has been given by a member of the teaching staff. Parents and carers are allowed to assist with entering and exiting the pool but then the swimmer should be left with the volunteer assistant in the water or teacher in charge of the group.

Please refrain from entering poolside unless requested to do so or in an emergency. Parents of new members are welcome to spend initial sessions on poolside, as long as they stay within the seated area, however are expected to withdraw once their swimmer has settled into the club environment.

Please support the club coach and raise any concerns you have in an appropriate manner, after the completion of a coaching session. Do not interrupt the Coach while coaching unless asked to do so or in an emergency. If you wish to have a discussion with the coach please wait until the swimming session is complete so as to ensure the safety of swimmers participating in the session. With the exception of the circumstances mentioned above, only those people with a completed CRB status through the Club and the ASA should be on poolside during the swim sessions.

## **Safe Training**

Please be reminded that it is important that all swimmers are fit and well when attending sessions, if they have coughs colds, sore throats, etc. or any injuries, they should not be swimming unless they are fit enough to do so. Please discuss with a coach should you have any concerns.

All swimmers will need a water based drink during or following their session, and must have appropriate clothing to go home in – please ensure swimmers have warm clothing as it is important to keep warm following a swim session.

If your child has any issues with day time enuresis or encopresis, please ensure that you provide them with appropriate swimming nappies and inform a member of the coaching team.

## **Declaration of health issues**

All swimmers, parents and carers are required to declare any disabilities and provide up to date information regarding any health or medication issues. This is paramount for the safe operation of the club.

Club membership forms record details of disabilities and medical conditions affecting a member's ability to participate in water activities or any other activity run by the club. The club recognises the confidentiality of these details and will ensure they are only made available to coaches and volunteers on a need to know basis and with the agreement of the member and/or their parent(s) or principal carer.

In any cases where a member has a medical condition that could potentially put them at risk, such as epilepsy, diabetes, asthma or challenging behaviour, the information will need to be shared with teachers and staff, this will be done sensitively and remain as confidential as possible.

Consent is also required in order that, in the event of an illness or accident, any necessary treatment can be administered, which may include the use of anaesthetics. Whilst coaches and support staff will take every precaution to ensure that accidents do not happen, they cannot necessarily be held responsible for any loss, damage or injury suffered by a club member.

Any information given will be kept confidential within the club records and used for administration purposes only. Please inform the Club Secretary of any changes that occur so we can update our records.

This information will be held on a database for club use to contact people in an emergency and to mail out any club information.

## **Child Protection**

The ASA has strict policies on child protection procedures. In complying with the policy the details of all new coaches, poolside staff and volunteers are passed to the ASA and they are vetted through the Criminal Records Bureau. Bingham Penguins also requires coaches, poolside staff and volunteers to undergo 'Safeguarding Children' training.

If you have any concerns about the welfare of a child there are options available to you. The club has a Welfare Officer who can give advice, or you could notify an officer of the club, i.e. the Chairperson, Secretary or a Coach.

The ASA is committed to promoting the welfare of children in swimming and has joined with the National Society for the Prevention of Cruelty to Children (NSPCC) in creating 'Swimline'. The service is provided for anyone involved in swimming, including children and young people who believe that the welfare of a young child is at risk. This could be neglect or abuse, bullying or fear of someone, or anything that is worrying you and you don't know who to discuss it with. The number for the ASA's confidential 'Swimline' helpline is 0808-100-4001. The NSPCC Child Protection Helpline direct number is 0808 800 5000 (freephone, 24 hours a day); Textphone: 0800 056 0566.

## **Nutrition**

Please ensure swimmers and pool assistants bring a watery drink with them for sessions, as it is very easy to get dehydrated on poolside and in the pool. Young

swimmers should have a drink during or at least immediately following the session. More advanced swimmers need to keep taking sips during their training session. Please avoid fizzy soft drinks when swimming as this can cause stomach upsets.

## **Training plan and swimmer development**

Our coaching philosophy is underpinned by the latest techniques and is individually tailored to the needs of each swimmer. Careful regard is paid to swimmers' needs. It may appear that swimming is, at times, more recreational than overtly challenging, but this seeks to underpin a lifelong enjoyment of swimming and a considered, safe, introduction to the sport.

Swimmers are tutored in small, similar ability groups. The groups are all run by qualified swimming teachers supported by volunteers and assistants in the water. The club aims to provide an atmosphere where swimming is an enjoyable and sociable experience.

Bingham Leisure Centre has a small shallow pool, ideal for an early experience of swimming. The main pool is roped off into lanes for more confident swimming groups.

The National Plan for teaching scheme is being used throughout the sessions where appropriate, with swimmers being able to work at their own pace to achieve their potential and work towards a valued award scheme

## **Galas and competitions**

Bingham Penguins encourages members to attend development and fun galas as well as more competitive events: the Disability Swimming Event regional held locally; the Reading Open Swimming Championships for people with a Learning Disability; the National Downs Syndrome Gala; local, county and regional championships. The skills that these young people learn within the team are paramount to their social development and life skills.

Swimmers who attend galas will be classified according to the nature of their disability. Classification is the grouping of swimmers to ensure that there is a fair playing field. It is based on an individual swimmers functional ability to swim a particular stroke. It is important to note that swimmers who are said to have the same disability have many individual differences. Their abilities and impairment factors will vary making it impossible to pigeonhole swimmers and create guidelines on a one-size-fits-all basis.

## **Anti doping**

Random drug testing does take place at more advance competition level. For further information see the British Swimming Web Site: [www.swimming.org/britishswimming/](http://www.swimming.org/britishswimming/)

## **Parent and Carer involvement**

Bingham Penguins encourages parents, carers and other family members to be involved with the club. Whether attending the AGM, social events or helping and volunteering within the club, supporting your swimmer is an important part of Penguins.

We rely on volunteers to enable the club to run smoothly and successfully. We work to ensure that we always have a sufficient number of qualified volunteers working within the Club. You do not need to be part of the Committee to help with any of the jobs - if you would like to help then please volunteer!

There are many different roles within the Club: committee posts, coaching, poolside assistants, helping organise run our social events – on the door, organising food, raffles etc. If you would like to know more about the opportunities available, please contact a member of the committee.

We also encourage you to attend the AGM and to take an active part in the club – it is, after all, your club and its success is down to the participation of swimmers and their families, as well as our outstanding volunteers.

## **Code of Conduct for Parents/Carers**

Bingham Penguins Swimming Club is fully committed to safeguarding and promoting the well being of its members. In order to do this the club believes that all swimmers, coaches, volunteers, parents and carers associated with the club should at all times abide to a code of conduct. For parents and carers this includes the following rules:

1. Encourage your child to swim, never force them.
2. Understand what the swimmer wants from sport, the benefits they want to gain and their expectations.
3. Help the swimmer to recognise good performance and effort, not just results.
4. Support the swimmers involvement and help us to ensure they enjoy their sport.
5. Abide by any health and safety rules made by coaches.
6. Put the well-being, health and safety of members above all considerations including developing performance.
7. Ensure that the swimmer has adequate provisions (correct equipment, plenty of drinks and refreshments, sun tan lotion etc.)
8. Ensure you do not use inappropriate language within the club environment.
9. Be realistic about your child's ability.
10. Set a good example to swimmers by recognising fair play, accepting official decisions and applauding the good performance of all.
11. Show respect to coaches, opposing teams and organisers.
12. Ensure that the club has up to date contact (including emergency contact) numbers for you.
13. Inform the Coach before training of any illness/injury your child may have.

14. Refrain from entering poolside unless requested to do so or in an emergency. Parents of new members are welcome to spend initial sessions on poolside, but are expected to withdraw once their swimmer has settled into the club environment.
15. Support the club coach and raise any concerns you have in an appropriate manner, after the completion of a coaching session.
16. Do not interrupt the coach while coaching unless asked to do so or in an emergency. If you wish to have a discussion with the coach please wait until the swimming session is complete so as to ensure the safety of swimmers participating in the session.
17. Share any concerns or complaints that they may have about any aspect of the club with any member of the committee.
18. Help the club to develop by completing end of year evaluation forms.
19. Parents/carers must not smoke or consume alcohol or drugs of any kind on training or competition premises or whilst representing the club.
20. Keep payments of club, ASA registration and entry fees up to date.

## Photography policy

Consent for photography and filming: to comply with the Data Protection Act 1989, it is important that we get your permission before we take or use any images of you or your child.

Images may be stored indefinitely and used for Bingham Penguins promotional material including the website and for the Amateur Swimming Association. Consent is required to hold information on a database, administer/support emergency treatment, and for taking and storing photographs or films.

## Data Protection, Membership Data Collection & Consent

The Data Protection Act 1988 (“the Act”) sets out certain requirements for the protection of your personal information (i.e. information about you) against unauthorised use or disclosure. The Act also gives you certain rights. References below to the Amateur Swimming Federation of Great Britain Ltd. (ASFGB Ltd) include a reference to the three members of ASFGB Ltd, the Amateur Swimming Association (ASA), Scottish Swimming Association (SASA) and Welsh Swimming Association (WASA). By virtue of your membership direct or indirect to ASA, SASA and WASA you agree to your personal data being made available to ASFGB Ltd and its members, subject always to compliance with the Data Protection legislation. This does not include sensitive personal data such as health or medical conditions, which require the explicit consent of the data subject, i.e. a signature for this specific purpose.

Except to the extent that your club or ASFGB Ltd is required or permitted by law, the information obtained or provided during the course of your membership (“the

Information”) will be used solely for the purposes of processing your application and dealing with you as a member.

If you cease to be a member of the ASFGB Ltd, the Information will not be held for longer than is necessary, after which time it will be destroyed.

You agree to use all reasonable endeavours to keep your club and ASFGB Ltd informed of any changes to your personal data.

## Club Kit

The club has distinctive red and black t-shirts, polo shirts and hoodies. The order form is included with copies of the newsletter, for all members who wish to purchase or renew kit. Fill in the form and return to the named club volunteer on the form with full payment at a club session and they will place an order on your behalf. T-shirts are provided free of charge for volunteers - please fill in an order form and return and your t-shirt is free.

## Complaints

We might not always get everything right. Should you have a complaint it is requested that you first raise the matter with a member of the committee or a coach. In the event that you wish to pursue a complaint or raise a matter formally, please put the complaint in writing and send it to the registered address at the start of the handbook. Please be explicit as to the nature of your complaint. The matter will then be considered at the next committee meeting and a reply will be sent to your home address. It is accepted that this procedure may not necessarily suit young swimmers or some learning disabled swimmers who may have a complaint, and in these circumstances we would encourage them to seek support from a carer in making their complaint or approach one of the coaches who can then relay the detail to a member of the committee.

## Sources of help

Details of local and national organisations that are able to help people with disabilities can be found on our website. If you know of a source of help or information that we have not listed, which you think will be helpful to other members of the club, please let us know – you can email the details to [info@binghampenguins.org](mailto:info@binghampenguins.org)

# Appendices

## Club Constitution & Rules



Registered Charity No. 1093749

### Rules of Bingham Penguins Swimming Club (“the Charity”) as at 10 June 2012

#### 1. Name

- 1.1. The name of the Charity shall be Bingham Penguins Swimming Club

#### 2. Charitable Status

- 2.1. The Charity shall be operated in accordance with the Charities Act 1993 as amended by the Charities Act 2006.
- 2.2. Subject to the matters set out below the Charity and its property shall be administered and managed in accordance with this constitution by the Trustees hereafter known as the Committee, constituted by the Clause 10 of this constitution (Committee)
- 2.3. Reference to the Charity throughout this document also means the Club.

#### 3. Objects

- 3.1. To provide or assist in the provision of recreation or other leisure time occupation for people with disabilities, their families and carers, in particular by the establishment and provision of a swimming club in the interest of social welfare with the object of improving their conditions of life.

#### 4. Affiliations

- 4.1. The Charity shall be affiliated to Nottinghamshire ASA, ASA East Midland Region, and shall adopt and conform to the rules of these Associations, and to such other bodies as the Charity may determine from time to time.
- 4.2. The business and affairs of the Charity shall at all times be conducted in accordance with the Laws and Technical Rules of the A.S.A. (“A.S.A. Laws”) and in particular:
  - 4.2.1. All competing members shall be eligible competitors as defined in A.S.A. Laws; and

- 4.2.2. The Charity shall in accordance with A.S.A. Laws adopt the A.S.A. Child Safeguarding Procedures; 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.
- 4.2.3. Members of the Charity shall in accordance with A.S.A. Laws comply with the A.S.A. Child Safeguarding Procedures.
- 4.2.4. The Charity shall implement the A.S.A. Equal Opportunities policy
- 4.3. By virtue of the affiliation of the Charity to ASA East Midland Region, the Charity and all members of the Charity acknowledge that they are subject to the laws, rules and constitutions of:
  - 4.3.1. ASA East Midland Region and
  - 4.3.2. the A.S.A. (to include the A.S.A./IOS Code of Ethics); and
  - 4.3.3. British Swimming (in particular it's Doping Control Rules and Protocols and Disciplinary Code); and
  - 4.3.4. FINA, the world governing body for the sport of swimming in all its disciplines (together "the Governing Body Rules").
- 4.4. In the event that there shall be any conflict between any rule or by-law of the Charity and any of the Governing Body Rules then the relevant Governing Body Rule shall prevail.

## **5. Extent of Charitable Powers**

- 5.1. In furtherance of the objects but not otherwise the Committee may exercise the following power.
  - 5.1.1. Power to raise funds and to invite and receive contributions provided that in raising funds the Committee shall not undertake any substantial permanent trading activities and shall conform to any relevant requirements of the law;
  - 5.1.2. Power to buy, take on lease or in exchange any property necessary for the achievement of the objects and to maintain and equip it for use;
  - 5.1.3. Power subject to any consents required by law to sell, lease or dispose of all or any part of the property of the Charity;
  - 5.1.4. Power subject to any consents required by law to borrow money and to charge all or any part of the Charity with repayment of the money so borrowed;
  - 5.1.5. Power to employ such staff (who shall not be members of the Committee) and involve volunteers as are necessary for the proper pursuit of the objects and to make all reasonable and necessary provision for the payment of pensions and superannuation for staff and their dependants;

- 5.1.6. Power to co-operate with other charities, voluntary bodies and statutory authorities operating in furtherance of the objects or of similar charitable purposes and to exchange information and advice with them;
- 5.1.7. Power to establish or support any charitable trusts, associations or institutions formed for all or any of the objectives;
- 5.1.8. Power to appoint and constitute such advisory Committees as the Committee may think fit;
- 5.1.9. Power to do all such other lawful things as are necessary for the achievement of the objects.

## **6. Membership**

- 6.1. The total membership of the Charity shall not normally be limited. If however the Committee considers that there is a good reason to impose any limit from time to time then the Committee shall put forward appropriate proposals for consideration at a General Meeting of the Charity. The members shall have the right to impose (and remove) from time to time any limits on total membership (or any category of membership) of the Charity.
- 6.2. All persons who assist in any way with the Club activities shall become members of the Club and hence of the A.S.A. and the relevant A.S.A. membership fee shall be paid. Assisting with the Charity'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 A.S.A.'s educational certificates. Members of the swimming club under the age of eighteen are not eligible to be committee members or trustees of the Charity. They are eligible to stand for committee and, if elected will become trustees of the Charity, on reaching the age of eighteen.
- 6.3. Any person who wishes to become a member of the Charity must submit a signed application to the Secretary (and in the case of a junior swimmer the application must be signed by the swimmer's parent, carer or guardian). Election to membership shall be determined by the Membership Officer but other person(s) authorised by the Committee may make recommendation as to the applicant's acceptability.
- 6.4. The Membership Officer shall be required to give reasons for the refusal of any application for membership. Any person refused membership may seek a review of this decision before a Review Panel appointed by the Committee ("Review Panel") comprised of not less than three members (who may or may not be members of the Committee). The Review Panel shall [wherever practicable] include one independent member nominated by the ASA East Midland Region. The person refused membership shall be entitled to make representations to the Review Panel. The procedures for review shall be at the discretion of the Review Panel whose decision shall be final and binding.

- 6.5. The Charity shall not refuse an application for membership on discriminatory grounds, whether in relation to ethnic origin, sex, religion, disability, political persuasion or sexual orientation.
- 6.6. The Charity may refuse membership only for good and sufficient cause, such as conduct or character likely to bring the Charity or the sport into disrepute.

## **7. Subscription and Other Fees**

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

## **8. Resignation**

- 8.1. A member wishing to resign membership of the Charity must give to the Secretary written notice of his resignation. A member's resignation shall only take effect when this (Rule 8.1) has been complied with.
- 8.2. The member who resigns from the Charity in accordance with Rule 8.1 above shall not be entitled to have any part of the annual membership fee or any other fees returned.
- 8.3. Notwithstanding the provisions of Rule 8.1 above a member whose subscription is more than two months in arrears shall be deemed to have resigned. Where the membership of a member shall be terminated in this way he/she shall be informed in writing that he/she is no longer a member by notice handed to him/her or sent by post to his last known address.
- 8.4. The A.S.A. Membership Department shall be informed should a member resign when still owing money or goods to the Charity.

## **9. Expulsion and Other Disciplinary Action**

- 9.1. The Committee shall have power to expel a member when, in its opinion, it would not be in the interests of the Charity for the individual to remain a member. The Charity in exercising this power shall comply with the provisions of Rules 9.3 and 9.4 below.
- 9.2. Upon expulsion the former member shall not be entitled to have any part of the annual membership fee to be refunded and must return any Charity or external body's trophy or trophies held forthwith. Charities in exercising this power are required to comply with the provision of Rules 9.3 and 9.4 below.
- 9.3. The Charity shall comply with the relevant Judicial Rules for handling Internal Charity Disputes ("the Rules") as the same may be revised from time to time. The Rules are set out in the A.S.A. Judicial Laws and appear in the A.S.A. Handbook. (A copy of the current Rules may be obtained from the A.S.A. Department of Legal Affairs.)
- 9.4. A member may not be expelled or (subject to Rule 9.5 below) be made the subject of any other penalty unless the panel hearing the complaint shall unanimously vote in favour of the expulsion of (or other penalty imposed upon) the member.
- 9.5. The Officers of the Charity (or any person to whom the Committee shall delegate this power) may temporarily suspend or exclude a member from particular training sessions and/or wider Charity activities, when in their opinion such action is in the interests of the Charity. Where such action is taken the incident or matter will thereafter be dealt with in accordance with the appropriate Judicial Rules.

## **10. Committee**

- 10.1. The Committee shall consist of the Chairperson, Secretary, Treasurer (together "the Executive Officers of the Charity") and no less than two nor more than nine further elected members all of whom must be members of the Charity. All Committee members must be not less than 18 years of age though the Committee may allow younger member(s) to attend their meetings without power to vote.
- 10.2. The Committee shall appoint a member of the Charity as Welfare Officer who must be not less than 18 years of age, who should have an appropriate background and who is required to undertake appropriate training in accordance with A.S.A Child Safeguarding courses. The Welfare Officer will have a right to attend Committee meetings. The Welfare Officer shall not be or be a relative of any of the Executive Officers, the Coaches or Teachers or Team Managers."
- 10.3. The Executive Officers and Committee members shall be proposed seconded and elected at the Annual General Meeting each year and shall remain in office until their successors are elected at the next Annual General Meeting and will take office when the Chairperson has closed the meeting. Any vacancy occurring by resignation or otherwise may be filled by the

- Committee. Retiring Executive Officers and members of the Committee shall be eligible for re-election.
- 10.4. Committee meetings shall be held not less six times per year (save where the Committee itself shall by a simple majority resolved not to meet), and the quorum of that meeting shall be such number as shall represent not less than fifty percent of the Committee members (to include not less than one Executive Officer). The Chairperson and the Secretary (or any two members of the Committee) shall have discretion to call further meetings of the Committee if they consider it to be in the interests of the Charity. The Secretary shall give all the members of the Committee not less than four days notice of a meeting. Decisions of the Committee shall be made by a simple majority (and in the event of equality of votes the Chairperson (or the acting Chairperson of that meeting) shall have a casting or additional vote.) The Secretary, or in his absence a member of the Committee, shall take minutes.
  - 10.5. The Chairperson shall act as Chairperson at meetings of the Committee. If the Chairperson is absent from any meetings, the members of the Committee present shall choose one of their number to be Chairperson of the meeting before any other business is transacted.
  - 10.6. In the event that a quorum is not present within 30 minutes of the published start time, a meeting shall stand adjourned to the time and date falling seven days after the date of the meeting, or such other date and time as may be determined by the Chairperson. If a quorum is not present at the adjourned meeting then those Committee members attending may act for the purpose of calling a Special General Meeting of the members, to which the provisions as to minimum notice contained in Rule 16.1 shall not apply.
  - 10.7. In addition to the members so elected the Committee may co-opt up further members of the Charity who shall serve until the next Annual General Meeting, provided that the number of co-opted members does not exceed one third of the total number of the elected members serving on the Committee. Co-opted members shall not be entitled to vote at the meetings of the Committee and shall not be counted in establishing whether a quorum is present. Co-opted members shall not be deemed to be Trustees of the Charity
  - 10.8. The Committee may from time to time appoint from among their number such sub-committees as they may consider necessary (and to remove (in whole or in part) or vary the terms of reference of such sub-committees) and may delegate to them such of the powers and duties of the Committee as the Committee may determine. All sub-committees shall periodically report their proceedings to the Committee and shall conduct their business in accordance with the directions of the Committee.
  - 10.9. The Committee shall be responsible for the management of the Charity. The Committee shall have power to enter into contracts for the purposes of the Charity on behalf of all the members of the Charity. The Committee shall be responsible for ensuring that the Accounts of the Charity for each financial year be examined by an independent examiner to be appointed by the members in General Meeting.

- 10.10. No Person shall be entitled to act as a member of the Committee whether on a first or on any subsequent entry into office until after making a declaration of acceptance and of willingness to act in the trusts of the Charity.
- 10.11. The members of the Committee shall be indemnified by the members of the Charity against all liabilities properly incurred by them in the management of the affairs of the Charity.
- 10.12. The Committee shall maintain an Accident Book in which all accidents to Charity members at swimming related activities shall be recorded. Details of such accidents shall be reported to the A.S.A. Membership Department. The Charity shall make an annual return to the A.S.A. 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.
- 10.13. The Committee shall have power to make regulations, create by-laws (see Rule 19.1) and to settle disputed points not otherwise provided for in this Constitution.

## **11. Membership of the Committee**

- 11.1. A member of the Committee shall cease to hold office if he/she:
- is disqualified from acting as a member of the Committee by virtue of Section 72 of the Charities Act 1993 as amended by the Charities Act 2006 (or any statutory re-enactment or modification of that provision);
  - becomes incapable by reason of mental disorder, illness or injury of managing and administering his or her own affairs;
  - is absent without permission of the Committee from all their meetings held within a period of six months and the Committee resolve that his or her office be vacated or
  - notifies to the Committee a wish to resign.

## **12. Committee Members not to be personally interested**

- 12.1. (Subject to the provision of sub clause 12.1.2 of this clause) no member of the Committee shall:
- 12.1.1. Acquire any interest in property belonging to the Charity (otherwise than as a trustee for the Charity) or receive remuneration or be interested (otherwise than as a member of the Committee) in any contract entered into by the Committee.
- 12.1.2. Any member of the Committee for the time being who is a Solicitor, Accountant or other person engaged in a profession may charge and be paid all the usual professional charges for business done by him or her, his or her firm when instructed by the other members of the Committee to act in a professional capacity on behalf of the Charity: provided that at no time shall a majority of the members of the Committee benefit under this provision and that a member of the Committee shall withdraw from any meeting at which his or her own

instruction or remuneration, or that of his or her firm, is under discussion.

### **13. Officers and Honorary Members/Life Members**

- 13.1. The Annual General Meeting of the Charity, if it thinks fit may elect a President and Vice-Presidents. A President or Vice-President need not be a member of the Charity on election shall, ex officio, be an honorary member of the Charity and must be included in the Charity's Annual Return of Members to the A.S.A.
- 13.2. The Committee may elect any person as an honorary member of the Charity for such period as it thinks fit, or as a Life Member, and they shall be entitled to all the privileges of membership except that they shall not be entitled to vote at meetings and serve as Officers or on the Committee unless any such person shall have retained in addition their ordinary membership of the Charity. Such honorary members and Life Members must be included in the Charity's annual return as to membership.

### **14. Annual General Meeting**

- 14.1. The Annual General Meeting of the Charity shall be held each year on a date in May or June each year or as soon as practicable thereafter. The date, time and venue for the Annual General Meeting shall be fixed by the Committee. The secretary shall give at least 21 days' notice of the annual general meeting to all members of the Charity. Members of the Charity shall be entitled to attend and vote at the meeting.
- 14.2. The purpose of the Annual General Meeting is to transact the following business:
- 14.2.1. to receive the Chairperson's report of the activities of the Charity during the previous year;
  - 14.2.2. to receive and consider the accounts of the Charity for the previous year and the report on the accounts of the independent examiner and the Treasurer's report as to the financial position of the Charity;
  - 14.2.3. to remove and elect the independent examiner (who must not be a member of the Committee or a member of the family of a member of the Committee) or confirm that he/she remain in office;
  - 14.2.4. to elect the Executive Officers and other members of the Committee;
  - 14.2.5. to decide on any resolution which may be duly submitted in accordance with Rule 14.3
- 14.3. Nominations for election of members to any office or for membership of the Committee shall be made in writing by the proposer and seconder to the

Secretary not less than twenty one days prior to the Annual General Meeting. The nominee shall be required to indicate in writing on the nomination form his willingness to stand for election. Should the number of expressions of interest exceed posts, election shall be by ballot. Notice of any resolution proposed to be moved at the Annual General Meeting shall be given in writing to the Secretary not less than twenty one days prior to the Annual General Meeting.

## **15. Special General Meeting**

- 15.1. A Special General Meeting may be called at any time by the Committee. A Special General Meeting shall be called by the Charity within 28 days of receipt by the Secretary of a requisition in writing signed by not less than ten members entitled to attend and vote at a General Meeting or, if greater, such number as represents one-tenth in number of such members, stating the purposes for which the meeting is required and the resolutions proposed. This will form the agenda for the meeting. There may not be more than one meeting in a six month period on a related issue, except at the discretion of the Committee.

## **16. Procedure at the Annual and Special General Meetings**

- 16.1. The Secretary shall personally be responsible for the handing out or sending to each member at his last known address a written agenda giving notice of the date, time and place of the General Meeting together with the resolutions to be proposed thereat at least fourteen days before the meeting and in the case of the Annual General Meeting a list of the nominees for the Committee posts and a copy of the examined accounts. The Secretary may, alternatively, with the agreement of member(s) concerned distribute these materials by e-mail or similar form of communication. The Notice of Meeting shall in addition wherever possible be displayed on the Charity Notice Board where one exists.
- 16.2. The quorum for the Annual and Special General Meetings shall be seven members entitled to attend and vote at the Meeting or, if greater, such number as represents one-tenth in number of such members.
- 16.3. The Chairperson, or in the Chairperson's absence a member appointed by the Committee, shall take the chair. Each member present shall have one vote and resolutions shall be passed by a simple majority. For the procedures for submitting resolutions to be considered at a General Meeting members are referred to Rule 14.3. In the event of an equality of votes the Chairperson shall have a casting or additional vote.

Only paid up members who have reached their 18<sup>th</sup> birthday shall be entitled to be heard and to vote on all matters. (Members who have not reached their 18<sup>th</sup> birthday shall be entitled to be heard and vote only on those matters determined by the Chairperson as matters concerning juniors, such as the election of Charity captains.)

- 16.4. The Secretary, or in their absence a member of the Committee, shall take minutes at the Annual and Special General Meetings.
- 16.5. The Chairperson 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 Charity.

## **17. Notices**

- 17.1. Any notice required to be served on any member of the Charity shall be in writing and shall be served by the secretary of the Committee on any member either personally or by sending it through the post in a prepaid letter addressed to such member at his or her last known address in the United Kingdom, and any letter so sent shall be deemed to have been received within 10 days of posting.

## **18. Alteration of the Constitution and Other Resolutions**

- 18.1. Subject to the following provisions of this clause the Constitution may be altered by resolution at an Annual or Special General Meeting provided that the resolution is carried by a majority of at least two-thirds of members present and entitled to vote at the General Meeting. The notice of the general meeting must include notice of the resolution, setting out the terms of the alteration proposed.
- 18.2. No amendment may be made to Clause 1, Clause 3, Clause 12, Clause 25 or this clause without prior consent in writing of the Commissioners.
- 18.3. No amendment may be made which would have the effect of making the charity cease to be a charity at law.
- 18.4. No amendment to the Constitution shall become effective until such amendment shall have been submitted to and validated by such person as is authorised to do so by the ASA East Midland Region.
- 18.5. Any member shall be entitled to put any proposal for consideration at any General Meeting provided the proposal in writing shall have been handed to or posted to the Secretary of the Charity so as to be received by him/her not less than twenty one days in advance of the Annual General Meeting or, in the case of a Special General Meeting, twenty eight days before the date of the meeting and thereafter the Secretary shall supply a copy of the proposal or resolution to the members in the manner provided in Rule 16.1.
- 18.6. The Committee should promptly send to the Commission a copy of any amendment made under this clause.

## **19. By-Laws**

- 19.1. The Committee shall have power to make, repeal and amend such by-laws as they may from time to time consider necessary for the well being of the

Charity which by-laws, repeals and amendments shall have effect until set aside by the Committee or at a General Meeting.

## **20. Finance**

- 20.1. All moneys payable to the Charity shall be received by the Treasurer and deposited in a bank account in the name of the Charity. No sum shall be drawn from that account except by cheque signed by two of the three signatories who shall be the Chairperson, Secretary and Treasurer. Any monies not required for immediate use may be invested as the Committee in its discretion think fit.
- 20.2. Subject to the provisions of the sub clause 20.3 of this clause, the Committee shall cause the title to all land held by or in trust for the Charity which is not vested in the Official Custodian for Charities and all investments held by or on behalf of the charity; to be vested either in a corporation entitled to act as custodian trustees or in not less than three individuals appointed by them as holding trustees. Holding trustees may be removed by the Committee at their pleasure and shall act in accordance with the lawful directions of the Committee. Provided they act only in accordance with the lawful directions of the Committee, the holding trustees shall not be liable for the acts and defaults of its members.
- 20.3. If a corporation entitled to act as custodian trustee has not been appointed to hold the property of the charity, the Committee may permit any investments held by or in trust for the charity to be held in the name of a clearing bank, trust corporation or any stockbroking company which is a member of the International Stock Exchange (or any subsidiary of any such stockbroking company) as a nominee for the Committee, and may pay such a nominee reasonable and proper remuneration for acting as such.
- 20.4. The income and property of the Charity shall be applied only in furtherance of the objects of the Charity and no part thereof shall be paid by way of bonus, dividend or profit to any members of the Charity, (save as set out in Rule 25.3).
- 20.5. The financial transactions of the Charity shall be recorded by the Treasurer in such manner as the Committee thinks fit.
- 20.6. The financial year of the Charity shall be the period commencing on 1<sup>st</sup> January and ending on 31<sup>st</sup> December. Any change to the financial year shall require the approval of the members in a General Meeting.

## **21. Accounts**

- 21.1. The Committee shall comply with their obligations under the Charities Act 1993 as amended by the Charities Act 2006 (or any statutory re-enactment or modification of that Act) with regard to:
  - the keeping of accounting records for the Charity;
  - the preparation of annual statement of accounts for the Charity;
  - the auditing or independent examination of the statements of account of the Charity; and

- the transmission of the statement of account of the Charity to the Commissioners.

21.2. The Committee shall retain all financial records relating to the Charity and copies of Minutes of all meetings for a minimum period of six years.

## **22. Annual Return**

22.1. The Executive Committee shall comply with their obligations under the Charities Act 1993 as amended by the Charities Act 2006 (or any statutory re-enactment or modification of the Act) with regard to the preparation of an annual return and its transmission to the Commissioners.

## **23. Borrowing**

23.1. The Committee may borrow money on behalf of the Charity for the purposes of the Charity from time to time at their own discretion [up to such limits on borrowing as may be laid down from time to time by the General Meeting] for the general upkeep of the Charity or with the (prior) approval of a General Meeting for any other expenditure, additions or improvements.

23.2. When so borrowing the Committee shall have power to raise in any way any sum or sums of money and to raise and secure the repayment of any sums or sums of money in such manner or on such terms and conditions as it thinks fit, and in particular by mortgage of or charge upon or by the issues of debentures charged upon all or any part of the property of the Charity.

23.3. The Committee shall have no power to pledge the personal liability of any member of the Charity for the repayment of any sums so borrowed.

## **24. Property**

24.1. The property of the Charity, 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.

24.2. The Custodians shall be elected at a General Meeting of the Charity and shall hold office until death or resignation unless removed by a resolution passed at a General Meeting.

24.3. The Custodians shall be entitled to an indemnity out of the property of the Charity for all expenses and other liabilities properly incurred by them in the discharge of their duties.

## **25. Dissolution**

25.1. If the Committee decides that it is necessary or advisable to dissolve the Charity it shall call a meeting of all members of the Charity, of which not less than 21 days notice (stating the terms of the resolution proposed) shall be given. A specific date for the dissolution shall be included in the resolution. If

the proposal is confirmed by two-thirds majority of those present and voting, the Committee shall have power to realise any assets held by and on behalf of the Charity. Any assets remaining after the satisfaction of any proper debts and liabilities shall be given or transferred to such other charitable institution or institutions having objects similar to the objects of the Charity as the members of the Charity as the members of the Charity may determine or failing that shall be applied for some other charitable purpose.

25.2. The dissolution shall take effect from the date specified in the resolution and the members of the Committee shall be responsible for the winding-up of the assets and liabilities of the Charity.

25.3. A copy of the statement of accounts, or account statement, for the final accounting period of the Charity must be sent to the Commissioners.

## **26. Acknowledgement**

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

## **27. Adoption**

27.1. This constitution was adopted on the date mentioned above by the persons whose signatures appear at the bottom of these documents.

## Disciplinary procedure

The Bingham Penguins Swimming Club Disciplinary Procedure provides guidelines for disciplining members of the club who contravene the Code of Conduct. This policy is set out to guide the management committee and inform members of the club and parents/carers of the discipline process.

The club is committed to everyone having the right to enjoy their sport in an environment free from threat of discrimination, intimidation, harassment and abuse. The safety of club members, parents, carers and families is paramount.

Breaches of the Code of Conduct for Parents & Carers, by parents or carers, will normally be reported to the Club Secretary and dealt with in accordance with ASA guidelines by the club's management committee. Sanctions for breach of any code may include a verbal or written warning, or suspension from club activities. The club also has the right under its constitution to suspend or expel a swimmer for breaches by the relevant parent or carer of the Code of Conduct for Parents & Carers.

If the conduct of an individual is felt to be compromising the safety and welfare of other club members, the club reserves the right to seek immediate removal of the individual from the pool or poolside. If this occurs the committee will be informed and sanctions may result.

### Principles

- All matters will be dealt with in accordance with the Club Constitution.
- It is expected that most matters will be dealt with informally at the time of the event on poolside or at the point of incidence.
- Any behaviour that is considered to be unacceptable by coaching staff or poolside instructors may lead to a sanction.
- Persistent or serious breaches of conduct will be reported to the club chairman, preferably in writing.
- No member will be dismissed or suspended from the club for a first breach of conduct except in the case of gross misconduct.

### Sanctions

Breaches of the ASA Code of Conduct and Ethics, the Bingham Penguins Swimming Club Code of Conduct, Code of Conduct for Parents & Carers and other Bingham Penguins Swimming Club policy documents will be dealt with in the first instance by the coach or poolside coordinator. He/she will report the incident to the Club Welfare Officer for inclusion in the Accident/Incident Record Log.

### Procedures

Each stage of the disciplinary procedure will be notified to the Bingham Penguins Swimming Club Management Committee and noted in its minutes so that an accurate record of events and decisions is maintained.

More serious incidents must be reported to the Club Welfare Officer on the correct form (Incident/Concern Log Sheet) and the parents or carers of the swimmers/s involved will be informed that the incident has been reported to the Club Welfare Officer for inclusion in the Accident/Incident Record Log. When an injury has occurred, this must be recorded on an Accident Report Form and forwarded to the

Club Welfare Officer without delay for inclusion in the Accident/Incident Record Log. The Coach must inform the parents/carers of the swimmer/s. All reports are private and confidential and will only be disclosed to the ASA Child Protection Officer (as required) and those entitled to see them under law.

### **Stage 1 - Verbal Warning**

Where an individual's conduct does not meet acceptable standards or he/she commits a minor offence or incident, the coach/poolside instructor, at their discretion, will issue a formal verbal warning, of which a written record will be kept. The individual's age, previous disciplinary record and the seriousness of the incident will be taken into account. The individual (or parent/carer if under 18), will be informed in writing of: -

1. The reason for the warning, the improvement required and the date when the warning expires;
2. That such action is taken under the first stage of the Disciplinary Procedure;
3. That action under Stage 2 of the Disciplinary Procedure will be considered if there is no satisfactory improvement before the expiration of the verbal warning period or if further acts of misconduct occur;
4. His/her rights of appeal as laid out by the ASA in the Current ASA Laws. Upon the expiry of the verbal warning, the member or parent/carer will be informed in writing of the expiration of the verbal warning and that no further action will be taken.

### **Stage 2 - Written Warning**

In the case of more serious incidents, or if a further offence occurs (whether of a similar or different nature) a written warning will be issued to the individual and/or parent/carer by the coach or the Chair of the Club. This will give reasons for the warning, the improvement required and the date when the warning expires. It will warn that action under Stage 3 of the Disciplinary Procedure will be considered if there is no satisfactory improvement or further acts of misconduct occur and will advise of his/her rights of appeal as in section 4) above.

### **Stage 3 - Termination of Membership**

If conduct is still unsatisfactory and the individual still fails to reach the prescribed standards despite receiving a written warning, or if the individual has committed an act of gross misconduct, termination of membership by Bingham Penguins Swimming Club may occur. Only the Management Committee of the Bingham Penguins Swimming Club can make a decision to terminate membership.

Termination of Membership may also result in the following circumstances:

1. After a serious breach of any of the ASA or Bingham Penguins Swimming Club codes or policies;
2. Failing to meet the criteria for remaining in the squad;
3. Poor attendance

4. In the case of a parent/carer: harassment of poolside staff in a manner likely to endanger the safety of other members; repeated failure to comply with the Parents & Carers Code of Conduct.

Before termination of membership is made by Bingham Penguins Swimming Club for any of the above reasons, a full investigation and exit interview will be carried out. Self-termination of membership (resignation) can be requested at any time by formal letter to the Secretary. Any appeal against termination of membership must be submitted to the Club Secretary within 14 days by formal letter.

### **ASA Law**

As an affiliated Club, ASA law for policy and procedure has overriding affect. More information, including the ASA Handbook can be found at [www.swimming.org](http://www.swimming.org).

## Leavers policy

### Resignation:

- You should let the Club Secretary know in writing. A member's resignation shall only take effect when this has been complied with.
- If you resign from the club in the above manner, you shall not be entitled to have any part of the annual membership fee or any other fees returned
- You will be liable for fees up to the end of the calendar month that you notify us you are leaving and no refunds will be given for this period.
- If a payment is collected in error after you have left the club, you will be entitled to a full refund of the erroneous fee.
- In the event that club membership is terminated by the committee due to disciplinary action fees will not be refundable.