

The Peak and Plains Swimming League – Constitutional Rules 2020

Rule 1 – Name

1.1. The name of the organisation shall be The Peak and Plains Swimming League. Here by known as the League below

Rule 2 – Definition

2.1 The League is available to all clubs within Cheshire and its surrounding areas.

Rule 3 – Aims

3.1 The aims of the League shall be to:

3.1.1. Carry out the aims and objectives of the Swim England , Swim England North West Region and the Cheshire County Water Polo and Swimming Association falling within the jurisdiction of the League.

3.1.2. Obey and enforce the laws, regulations, rules and rulings of the Swim England, Swim England North West Region and the Cheshire County Water Polo and Swimming Association falling within the jurisdiction of the League Association.

3.1.3. Manage the sport of swimming throughout the League.

3.1.4. Promote and encourage the knowledge and practice of the discipline of Swimming, by means of championships and competitions.

3.1.5. Develop the sport of swimming in all ways possible.

3.1.6. Produce and implement policies to carry out other activities relevant to the League.

3.1.7. Raise public awareness of the sport and stimulate public opinion in favour of providing suitable accommodation and facilities

Rule 4 – Objectives

4.1 In the furtherance of the aims of the League the following objectives shall be undertaken:

4.1.1. The League is committed to treat everyone equally within the context of their activity and with due respect to the difference of individuals. It shall not apply nor endorse unlawful or unjustified discrimination and shall act in compliance with the protections afforded by the Equality Act 2010

4.1.2. The League shall implement the Swim England Equality policy (as may be amended from time to time)

4.1.3. All persons and clubs affiliated to the League shall consent to be bound whilst engaged in any activity of the League by the Swim England Code of Ethics Swim England Laws and Regulations relating to Safeguarding Children and those parts of the Swim England Judicial Laws, Regulations and procedures necessary for their implementation.

4.1.4. All persons and clubs affiliated to the League whilst engaged in activities under the jurisdiction

of the League shall be subject to all the constraints and privileges of Swim England Judicial Laws and Regulations.

4.1.5 The League shall comply with the Data Protection Act of 2018 as may be modified from time to time.

4.2 The League shall be affiliated to the Swim England North West Region and to the Cheshire County Water Polo and Swimming Association and shall adopt and conform to the rules of those Associations and to such other bodies as the League may determine from time to time.

4.3 The business affairs of the League shall at all times be conducted in accordance with the Articles, Company Regulations, General Regulations, Judicial Regulations and technical Rules of Swim England and in particular:

4.3.1. All members of the League shall be members of a club affiliated to the League.

4.3.2. All clubs who are members of the League shall be affiliated to the Swim England, to the Swim England North West Region and to a County Association.

4.3.3. All competing members shall be eligible competitors as defined in the Swim England Laws and Regulations.

4.3.4. All competitors shall comply with the Competition Conditions of the League and the Swim England

4.4 To promote and develop the aquatic discipline of Swimming through the implementation of:

4.4.1 A League Development Plan

4.4.2 Partnership agreements with appropriate bodies, organisations and external agencies.

4.5 By virtue of the affiliation of the League to the Cheshire County Water Polo and Swim England

all members of the League shall acknowledge that they are subject to the laws and rules of

4.5.1 The Cheshire County Water Polo and Swimming Association.

4.5.2 Swim England North West Region.

4.5.3 Swim England Code of Ethics and

4.5.4 The British Swimming Doping Control Rules and Protocols and the Judicial Code

4.5.5 FINA, the world governing body for the sport of swimming and all its disciplines, together with the Governing Body Rules.

4.6 In the event that there shall be a conflict between any rule or by-law of the League and any Governing Body Rules then the relevant Governing Body Rules shall prevail.

Rule 5 – Powers and Responsibilities of the League

5.1 In general the League shall:

5.1.1 Manage the sport of swimming through the League subject to the strategic direction of the Swim England , Swim England North West Region and the Cheshire County Water Polo and Swimming Association.

5.1.2 Observe, obey and enforce the laws and the judicial and technical rules and regulations of Swim England, Swim England North West Region and of the Cheshire County Water Polo and Swimming Association within its jurisdiction.

5.1.3 Follow and implement the resolutions and rulings of the Swim England Council and the decisions of the Board of the Swim England, Swim England North West Region and of the Cheshire County Water Polo and Swimming Association and ensure they are followed within its jurisdiction.

5.1.4 Be accountable Swim England, Swim England North West Region and the Cheshire County Water Polo and Swimming Association for the proper discharge of its duties and functions.

5.1.5 Produce, maintain and implement such plans based on the strategic criteria set by the Swim England, Swim England North West Region and the Cheshire County Water Polo and Swimming Association and in such as they may from time to time require.

5.1.6 Make available to Swim England, Swim England North West Region and the Cheshire County Water Polo and Swimming Association such information and reports as they may require, at a time and in a format specified by them.

5.1.7 Elect the requisite number of delegates to the Council Meeting and any Special Council Meeting of the Cheshire County Water Polo and Swimming Association and any other body, organisation, or association to which the League is affiliated as required.

5.1.8 Produce and issue as required Constitutional Rules for the League and operate on the basis of an appropriate constitution which shall:

5.1.8.1 Be issued and reviewed from time to time by Swim England and Swim England North West Region.

5.1.8.2 Contain any mandatory provisions in respect of the other parts of the governance and administration of the League received from Swim England, Swim England North West Region and the Cheshire County Water Polo and Swimming Association

5.1.8.3 Contain recommended provisions in respect of the other parts of the governance and administration of the League and any other matter appertaining to the League received from Swim England, Swim England North West Region and the Cheshire County Water Polo and Swimming Association.

5.2 In relation to its Administration and Finance the League shall:

5.2.1 Determine the uses to which its funds are allocated within the strategic criteria set by Swim England, Swim England North West Region, the Cheshire County Water Polo and Swimming Association and the League

5.2.2 As required, set up and implement a Business Plan including a budget indication the source of the required funding and how it will be spent, based on the strategic criteria set by Swim England,

Swim England North West Region, the Cheshire County Water Polo and Swimming Association and the League.

5.2.3 As required, set up and implement a Development Plan based on the strategic criteria set by Swim England, Swim England North West Region and the Cheshire County Water Polo and Swimming Association.

5.2.4 Have the authority to set the League affiliation and membership fee due from each of the clubs affiliated to it.

5.2.5 Administer, as required, the operation and membership process and the collection and transfer, where applicable, of fees for the League.

5.3 In relation to its accountability the League shall:

5.3.1 As required from time to time, submit its Business and Development Plans to the Cheshire County Water Polo and Swimming Association and Swim England North West Region or its nominated agents for information and approval.

5.3.2 Keep accounts and a balance sheet showing its income and expenditure against the budget as set in its Business Plan.

5.3.3 As required, report to the Cheshire County Water Polo and Swimming Association and Swim England North West Regional Management Board, in such a form as it may from time to time require its:

5.3.3.1 Activities and any issues arising there from

5.3.3.2 Financial Statements

5.3.3.3 Performance against its Development Plan

Rule 6 – Affiliations and Memberships

6.1 The total membership of the League shall not normally be limited. If, however, the Management Committee considers that there is a good reason to impose any limit from time to time the Management Committee shall put forward appropriate proposals for consideration at an Annual or a Special General meeting of the League. The members of the League shall have the right to recommend to the Management Committee that limits should be placed on or removed from total membership, or any category of membership.

6.2 The League shall affiliate those clubs who are affiliated to either the Swim England or Swim Wales who have their headquarters within Cheshire and its surrounding areas.

6.3 The membership of the League shall consist of:

6.3.1 Clubs that are affiliated in accordance with Rule 6.2.

6.3.2 Individual position holders consisting of League Officers and other designated position holders, as decided, from time to time by the Committee. All holders of individual positions shall be members of an affiliated club and shall not be less than eighteen years of age.

6.4 Any club wishing to become a member of the League must submit a written application to the Secretary. Election to membership shall be proposed by one club and seconded by a second different club and determined by the members at a General Meeting of the membership. Any other club affiliated club or individual may make recommendation as to the applicant's acceptability.

The League shall be required to give reasons for the refusal of any application for membership. Any club refused membership may seek a review of this decision before a Review Panel appointed by the Committee 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. The club 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 should be final and binding.

6.5 In its consideration of applications for membership, the League shall not act in a discriminatory manner and in particular, shall adhere to the Equality Act 2010 (as may be amended). Accordingly, the League shall not refuse an application for membership on the basis of a Protected Characteristic within the Act, such as discriminatory grounds, whether in relation to ethnic origin, age, sex, religion, disability, political persuasion or sexual orientation. such as disability; gender or gender identity; pregnancy; race; religion or belief; or sexual orientation. Neither may refusal be made on the grounds of political persuasion.

6.6 All membership shall be renewed on an annual basis through the process of reapplication not later 1st January.

6.7 Any member elected as a League Officer whose club is affiliated to Swim Wales shall have appropriate membership Swim England paid by the League for the duration of the term of office.

Rule 7 – Affiliation and Other Fees

7.1 The Management Committee shall, from time to time, have the power to propose to the Annual General Meeting or any Special General Meeting called for that purpose, the Annual affiliation or membership and other fees. The Management Committee shall in doing so make special provision for different classes of membership as the Annual General Meeting or Special General meeting shall decide.

7.2 The annual affiliation fee shall be due on joining the League and thereafter on the 1st day of January each year.

7.3 Any club whose affiliation fee is unpaid, falling 30 days after the due date for payment may be suspended by the Management Committee from some or all League activities from a date to be determined by the Management Committee and until such payment is made.

7.4 The League Officers shall have the power, in special circumstances, to remit the whole or part of the fees to address issues of special need or significance.

Rule 8 – Suspensions and Resignation

8.1 Any club not having paid its return of club membership to Swim England or Swim Wales, or paid its liabilities to its Region, to its County Association and to the League by the 31st January shall be suspended with immediate effect by the Management Committee from all League Activities until such a time as those liabilities are discharged. The Secretary of the League shall notify the club in writing.

8.2 A member of the club that has not paid their liabilities to Swim England or Swim Wales or paid their liabilities to its Region, to their County Association by the appropriate date shall not be allowed to compete for that club during the period of suspension in any Open competition held by the League.

8.3 Any club not having paid its liabilities to Swim England or Swim Wales, to its Region, to their County Association or to the League by the 31st January shall be deemed to have resigned.

8.4 Where a membership of a club shall be terminated in accordance with Rule 8.3 the club shall be informed in writing that the club is no longer a member of the League.

8.5 Any club resigning from affiliation to Swim England or Swim Wales or its Region shall be deemed to have resigned from membership of the League.

8.6 A club wishing to resign from the League shall give notice to that effect in writing before 31st September to the Secretary

Rule 9 – Expulsions and Other Disciplinary Action

9.1 If a complaint is made or is received by the League expressing dissatisfaction with the actions or behaviour of an individual person, member or club that is an alleged breach of Swim England Law it shall be passed to the Swim England for considered under the Judicial Laws and Regulations of Swim England

9.2 In the case of an internal dispute between any individual members or club affiliated to the League, when referred to the League for consideration, the League shall adopt and comply with requirements of Swim England Judicial Rules and Regulations for handling Internal Disputes as the same may be revised from time to time.

9.3 The Committee shall have power to expel a member when, in its opinion, it would not be in the interest The League in exercising this power shall comply with the provisions of Rules 9.4 and 9.5 below of the League for the club or individual to remain a member.

9.4 Upon exclusion the former member shall not be entitled to have any part of the annual affiliation or membership fee to be refunded and must return any league trophy or trophies held forthwith.

9.5 A member may not be expelled or subject to Rule 9.6 below, be made the subject of any other penalty unless the panel hearing the complaint shall by a two-thirds majority vote in favour of the expulsion of, or other penalty imposed upon, the member.

9.6 The Officers of the League, or any person to whom the Committee shall delegate this power, may temporarily suspend or exclude a member from particular sessions and/or wider League activities, when in their opinion, such action is in the interests of the League. Where such action is taken the incident or matter will thereafter be dealt with in accordance with the appropriate Judicial Rules and Regulations.

9.7 The Officials in charge of a particular event shall be responsible for the discipline. If further action is required this is to be referred to the Internal Disputes procedures as laid down in Swim England Judicial Laws and Regulations.

Rule 10 – Finance

10.1 All monies payable to the League shall be received by the Treasurer and deposited in a bank account in the name of the League. No sum shall be drawn from the account except by cheque or by electronic means or online sanctioned by two of the three authorised individuals who shall be two elected officers. Any money not required for immediate use may be invested as the Committee in its discretion think fit.

10.2 The income and property of the League shall be applied only in furtherance of the aims and objectives of the League and no part thereof shall be paid by way of bonus, dividend or profit to any members of the League or to an external agency except as set out in Rule 21.2 Dissolution.

10.3 The Management Committee shall have the power to authorise the payment of remuneration and expenses to any Officer, member or employee of the League and to any other person or persons for services rendered to the League.

10.4 The Treasurer shall record the financial transactions of the League in such a manner, as the Executive Committee think is appropriate.

10.5 The financial year of the League shall be the period commencing on 1st September and ending 31st August. Any change to the financial year shall require the approval of the Annual General Meeting.

10.6 The Committee shall not be allowed to borrow money on behalf of the League for any purpose of the League.

Rule 11 – Governance

11.1 There shall be two levels of governance of the League:

11.1.1 The Annual General Meeting of the membership

11.1.2 The Management Committee of the membership

11.2 A person who is not a member of a club affiliated to the League shall not be permitted to be nominated, elected or appointed as a delegate, Committee member, officer or to any other position which carried the right to vote at any level of governance of the League.

11.3 The Officers of the League shall be the Chair, the Treasurer and the Secretary.

NOTE: Officers and Delegates Vote

It is a common requirement of many Leagues and Local Swimming Associations that the individuals attending a General Meeting are delegates are elected by the club they represent. However, once they are elected to the position of Chairman, Secretary or Treasurer, Welfare Officer, Competition

Secretary etc. they cease to be a delegate as they are no longer representing the club but are officers of the League and should act as representatives of the League. As League Officials are members of the AGM in their own right the club is then required to appoint another person to be their delegate to the meeting. The voting conditions at a General Meeting allow each officer and each delegate one vote and the Chairman an additional or casting vote. Once a person has been elected to a position as a League Official they cannot represent a club at the same time as it results in a conflict of interest between the interests of the League and the interests of the club.

Rule 12 – Annual General Meeting

12.1 The Annual General Meeting of the Association shall be held in the month of December

12.2 The Management Committee shall fix the date, the time and the venue of the Annual General Meeting, which shall be notified to clubs with the notice convening the meeting.

12.2.1 Only in the event of exceptional circumstances shall an Annual General Meeting be postponed by the Management Committee once the date, time and venue had been fixed and advised to members. A postponed Annual General Meeting shall normally be reconvened on a date within one month of the original date and a minimum of 7 days advance notice given to the members of the rescheduled date, time and venue. At the meeting, the same agenda as originally issued shall be used.

12.2.2 In any event no more than 15 months shall lapse between any two consecutive Annual General Meetings.

12.3 The membership of the Annual General Meeting of the League shall consist of:

12.3.1 The Chairman.

12.3.2 The Secretary.

12.3.3 The Treasurer.

12.3.4 The delegates of the affiliated clubs.

12.4 Representation to the Annual General Meeting:

12.4.1 Each club affiliated to the League shall be entitled to representation at the Annual General Meeting by one delegate.

12.4.2 A delegate shall be appointed by the club they represent

12.4.3 The Secretary of the club, or other person authorised to do so, shall notify the Secretary of the League that the delegate is a bona fide member of the club and has been duly appointed a delegate to any General Meeting of the League.

12.4.4 A delegate shall only be permitted one vote, irrespective of the number of clubs they may represent.

12.5 Quorum:

The quorum for the Annual General Meeting or any Special General Meeting shall be five members entitled to attend and vote at the meeting which must contain not less than one Officer of the League.

12.6 Responsibilities of the Annual General Meeting:

12.6.1 Deal with any matters of governance according the Rules of the League.

12.6.2 Oversee the work of the Management Committee and to receive its reports and accounts.

12.6.3 Abide by the standing orders for its conduct.

12.6.4 Consider and decide on any proposed additions or alterations to, or deletions from the constitutional rules.

12.6.5 Keep full and accurate minutes of the meeting.

12.7 *The purpose of the Annual General Meeting is to transact the following business:*

12.7.1 To receive and comment on the Annual Report of the activities of the League during the previous year as presented by the Secretary. The Annual Report shall include the report of:

12.7.1.1 The Management Committee

12.7.1.2 Any Standing or Technical Sub Committees

12.7.1.3 Any the committee, as decided by the Management Committee and responsible for the activities of the League during the previous year.

12.7.2 To receive and consider, the accounts of the League for the previous year, ~~the report on the accounts by the independent Financial Examiner and the Treasurer's report as to the financial position of the League.~~

12.7.3 To elect the following who shall retire from office at the Annual Council Meeting each year, but shall be eligible for re-election, each of whom shall be a member of a club affiliated to the club and shall not be less than eighteen years of age:

12.7.3.1 The Chairman

12.7.3.2 The Secretary

12.7.3.3 The Treasurer

12.7.4 To appoint the independent Financial Examiner, as required, who shall not be a member of the Management Committee or a member of the family of a member of the Management Committee.

12.7.5 To appoint the Welfare Officer who shall be a member of a Club affiliated to the League and who must be not less than eighteen years of age, who should have an appropriate background and who is required to undertake appropriate training in accordance with 'Wavepower'. The Welfare Officer shall not be an officer or a member of the Management Committee of the league, or a member of the family of an officer or committee member of the league or a club's team management. The Welfare Officer shall not be a member of the committee but will have a right to attend Committee meetings without a power to vote and shall report to the Committee on all aspects of welfare concerning members of the league.

12.7.6 To appoint a delegate to the Swim England North West Region, to the Cheshire County Water Polo and Swimming Association and to other organisations to which the League is affiliated, as required.

12.7.7 To decide on changes to the Constitutional Rules and other resolutions.

12.7.8 To decide on any other resolution that may be duly submitted in accordance with Rule 14.3

12.7.9 To present Association awards as required.

12.8 The Annual General Meeting may:

12.8.1 Discuss any matters that are relevant and pass resolutions and orders concerning them.

12.8.2 Appoint a special committee to consider and report upon any matter. The number of members of the committee and a quorum shall be determined by the meeting. The Officers of the League shall be ex-officio members of any such committee unless the meeting dictates otherwise.

12.8.3 If a majority of two thirds of those present and voting is in favour of a motion to the effect that a club affiliated to the League has rendered itself unworthy to continue to be affiliated to the League expel the club from membership of the League. Notice of such a motion must have previously been included in the agenda for the meeting.

12.8.4 At an Annual General Meeting or at a Special General Meeting, delegate the whole, or any part of its powers, to the Management Committee.

Rule 13 – Special General Meeting

13.1 The Management Committee shall call a Special General Meeting at any time in response to:

13.1.1 A resolution to that effect passed at the Annual General Meeting at any other Special General meeting.

13.1.2 A requisition in writing, received by the Secretary, signed on behalf of not less than two different clubs. The request is to be signed by an Officer of the club. The request shall state the purpose for which the meeting is required and the resolutions proposed.

13.1.3 An order of the Management Committee.

13.2 The Secretary shall call a Special Meeting of Council within twenty eight days of the receipt of a requisition to call the meeting.

13.3 Not less than fourteen day notice of a Special meeting shall be given to all affiliated clubs. The notice shall specify the object of the meeting. The date, venue and time of the meeting shall be at the discretion of the Management Committee.

13.4 No business shall be discussed at such a meeting other than that prescribed by the Annual General Meeting, the Management Committee or that stated in the request for the meeting, as the case may be.

13.5. Only in the event of exceptional circumstances shall a Special General Meeting be postponed by the Management Committee once the date, the time and the venue has been fixed and advised to the members. A postponed Special General Meeting shall be reconvened on a date within one month of the original date and a minimum of seven days advance notice given to the members of the rescheduled date, time and venue. At this meeting, the same agenda as originally issued shall be used.

Rule 14 – Procedures at Annual and Special General Meeting

14.1 Chairman

14.1.1 The Chairman of the League shall be the Chairman at all meetings of the League if he is present. If the Chairman is absent, or unable to act or declines to act the most immediate Past Chairman shall act as Chairman. If a Chairman is still not available the meeting shall elect a Chairman from the members present.

14.1.2 The Chairman shall:

14.1.2.1 Have unlimited authority upon any question of order.

14.1.2.2 Be, for the purpose of the meeting, the sole interpreter of the rules governing the meeting.

14.1.2.3 Have a deliberative and a casting vote.

14.2 Secretary

14.2.1 The Secretary shall be responsible for providing each affiliated club and each member of the Management Committee:

14.2.1.1 Electronic Email notice of the date, time and place of the Annual General Meeting or of a Special General Meeting at least 28 days before the date of the meeting.

14.2.1.2 Email copies of the agenda and the other supporting papers including any reports, the resolutions and motions to be considered and any proposals to change the Constitutional Rules of the League at least fourteen days before the date of the Annual General Meeting or of a Special General Meeting.

14.2.1.3 In the case of the Annual General Meeting a copy of the Annual report, a list of the nominees for the Officers and the Management Committee posts and a copy of the examined accounts not less than fourteen days before the date of the meeting.

14.2.2 The Secretary, or in the absence of the Secretary a member of, and selected by, the Management Committee shall take the minutes of the meeting.

14.3 Adjourned Annual General Meeting

If the Annual General meeting commences but is adjourned for want of time (or other good reason); the adjourned meeting shall be held in a period not exceeding two months. The members present at the meeting will be notified there and then of the adjourned date if practicable. If not and the meeting is adjourned for not more than 28 days all members shall receive 7 days notice in writing or by electronic means of the adjourned meeting; otherwise all members shall receive not less than 14 days notice in writing or by electronic means of the adjourned meeting.

14.4 Proposals, Resolutions and other Motions

14.4.1 A proposal, motion or resolution for consideration at the Annual General Meeting which does not embody a proposal to change a Constitutional Rule of the Association, may be submitted:

14.4.1.1 By the Management Committee.

14.4.1.2 By any member of the Annual General Meeting.

14.4.1.3 By a club affiliated to the League.

14.4.2 In cases where multiple nominations are received for the same office or for membership of the Management Committee and it is necessary to hold a ballot, the Secretary shall call for a

Curriculum Vita for each person involved in the ballot. The Curriculum Vita to be circulated with the papers for the Annual General Meeting.

14.4.3 Proposals, motions and resolutions received in accordance with this section shall be submitted in writing to the Secretary not less than twenty one days prior to the date of the Annual General Meeting and any Special General meeting.

14.4.4 Proposals, motions and resolutions received in accordance with this section shall be sent to clubs entitled to be represented at the Annual General Meeting or a Special General meeting not less than fourteen days before the date of the meeting.

14.4.5 A motion of which due notice has not been given may not be discussed or voted upon unless sanctioned by the Chairman and two thirds of the members present and voting and provided it does not involve a change to the Constitutional Rules of the League.

14.4.6 Approval of the Annual Report other than those items where due notice has been given to amend, add or reject, shall be proposed en block by the Chairman and put to the vote without debate.

14.4.7 All business for an Annual General Meeting or of an Special General Meeting shall be printed on the agenda and no other motion shall be discussed therein except:

14.4.7.1 To record the name of the Chairman of the meeting, if other than the Chairman.

14.4.7.2 To record the name of the Secretary of the meeting, if other than the Secretary

14.4.7.3 For adjournment.

14.4.7.4 For leave to withdraw a motion.

14.4.7.5 For a vote of thanks.

14.4.7.6 For persons other than Members of the meeting to withdraw.

14.4.8 Every motion shall be proposed and seconded.

14.4.9 Resolutions that emanate from the Management Committee shall be proposed by a member of the Management Committee while those that emanate from a standing order or other committee shall be proposed by the Secretary of that committee. If the committee secretary, or a substitute, shall be allowed to speak in support of the resolution.

14.4.10 Any amendment shall be disposed of before another amendment is considered. The Chairman may accept, without notice, verbal amendments that do not affect substantially the nature of the proposal under discussion.

14.4.11 A proposal to change the Constitutional Rules of the League shall be carried only if at least two thirds of those present and voting are in favour. All other proposals, including amendments to

proposals whether to change a Constitutional Rule of the League or otherwise, shall require a simple majority of those members present and voting.

14.5 Voting at General Meetings

14.5.1 Unless the Chairman directs otherwise, voting on all motions or amendments shall be by show of hands or delegates cards

14.5.2 Each member present and entitled to vote, with the exception of the Chairman or acting Chairman for the meeting, shall have one vote and a simple majority shall pass any resolution.

In the event of an equality of votes the Chairman, or the acting Chairman for that meeting, shall have a casting vote.

14.5.3 Voting on elections shall be by secret ballot and any ballot paper containing more votes than the number required shall be void.

14.5.4 Completed voting papers shall be collected by the tellers as directed by the Chairman.

14.5.5 The Chairman shall appoint two tellers to count the votes from persons present at the meeting who shall not be members of the Council.

14.5.6 The result of each ballot shall be announced by the Chairman during the meeting and the Chairman shall indicate the number of votes cast for each candidate and the number of spoiled ballot papers.

14.5.7 Any discrepancy or irregularity found after the conclusion of the meeting shall be dealt with by the Management Committee which may disqualify votes with the validity of which it is not satisfied. The revised result and the reasons for the disqualification of any vote shall be published and circulated to affiliated clubs.

Rule 15 – Changes to League Constitutional Rules

15.1 Any proposal to change a Constitutional Rule of the League shall only be considered at the Annual General Meeting or at a Special General Meeting called for that purpose. The Management Committees shall submit them where necessary to the Swim England North West Region for its consideration and approval.

15.2 Any changes to the Constitutional Rules of the League shall become effective upon approval by the Swim England North West Region Management Board or at a specific later date as determined by a General meeting.

15.3 A proposal to change a Constitutional Rule of the League shall only be considered at a General Meeting of the membership if it has been:

15.3.1 Made by the Management Committee at a meeting twenty-eight days prior to the General meeting and appears in the minutes of that meeting.

15.3.2 Made by a committee appointed by a General meeting or the Management Committee and appears in the minutes of that committee that have been approved by the Executive Committee twenty-eight days prior to the General meeting .

15.3.3 Made by a club affiliated to the Association and has reached the League Secretary by a date not less than twenty eight days prior to a General meeting.

15.3.4 Made as a matter of urgency, approved by the Management Committee, sent to the clubs affiliated to the League at least fourteen days before a General Meeting and approved as a suitable matter for consideration by the meeting by at least two thirds of the delegates present and voting.

15.3.5 Mandated as a change to either a Swim England Law or Regulation or by the Rules of the Swim England North West Region.

15.3.6 Included in a resolution or request for a Special General Meeting of the membership.

15.3.7 Referred to the Executive Committee, unless emanating from it. The Management Committee shall indicate its support or opposition and may propose amendments, which shall be included on the Agenda of the General Meeting.

15.3.8 Included on the agenda of the General Meeting.

15.4 Every proposal to change a Constitutional Rule of the League and/or amend it shall be proposed and seconded separately and shall be open for discussion by any delegate with or without prior indication of intent.

15.5 An amendment to any proposal to change a Constitutional Rule of the League may be proposed by any member, supported by another member as a seconder, and shall reach the Secretary of the League not less than twenty eight days prior to a General meeting.

15.6 A schedule of all such amendments shall be sent to the clubs entitled to be represented at a General meeting at least fourteen days prior to the date of the meeting at which they are to be considered.

15.7 If any addition, alteration or deletion from either an Swim England Law or Regulation or a Rule of Swim England North West Region causes a League Rule to conflict with it, the Management Committee shall be authorised to change the League Rule to conform to it. Any such changes shall be notified to the next Annual General Meeting following the change of Rule.

Rule 16 – Management Committee

16.1 Committee Membership

16.1.1 The Membership of the Management Committee shall be:

16.1.1.1 The Chairman

16.1.1.2 The Secretary

16.1.1.3 The Treasurer

16.1.1.4 One representative from each club in membership of the League

16.1.2 All members of the Management Committee must be members of an affiliated club, association, organisation or league and must be not less than eighteen years of age.

16.1.3 The Secretary and Treasurer shall be proposed, seconded and elected by ballot at the Annual General Meeting each year and shall remain in office until their successors are elected at the next Annual General Meeting. The retiring officers shall be eligible for re-election.

16.1.4 An affiliated club can only provide one League Officer per year,

(That is for example - the club that provides the Secretary; cannot also provide the Chairman or Treasurer, this is to prevent a single club gaining a monopoly)

16.1.5 The Chairman shall be elected each year at the Annual General Meeting from a nomination received from the clubs in rotations in alphabetical order of the name of the club. The Chairman shall not be eligible for re-election the next year but may be eligible at a subsequent time.

16.1.6 The members of the Management Committee, other than the officers, shall be appointed at the Annual General Meeting from the list of delegates submitted to the League on the basis of one member from each club in membership of the League.

16.1.7 The Management Committee shall have the authority to co-opt or invite such other persons as deemed necessary for any specific purpose who shall serve up to the next Annual General Meeting. Co-opted members shall not be allowed to vote at meetings of the Committee and shall not be counted in establishing whether a quorum is present. Co-opted members shall not be less than 18 years of age

16.2 Meetings of the Committee

16.2.1 Meetings of the Management Committee shall be held not less than twice per year save where the Management Committee itself shall, by a simple majority, resolve not to meet.

16.2.2 The Chairman and the Secretary shall have discretion to call further meetings of the Management Committee if they consider it to be in the best interests of the League.

16.2.3 The Secretary shall give all members of the Management Committee not less than seven days written notice of a Management Committee meeting.

16.2.4 The Chairman or in the absence of the Chairman the members present at the meeting shall elect a Chairman from their members and he shall act as Chairman of meetings of the Management Committee.

16.2.5 Decisions of the Management Committee shall be made by a simple majority of the votes cast. Each member present shall have one vote

16.2.6 The Secretary, or in the absence of the Secretary a member of the Management Committee shall take the minutes of the meeting.

16.3 Quorum

16.3.1 The quorum for a Management Committee meeting shall be five members, in include not less than one Officer.

16.3.2 In the event that a quorum is not present within thirty minutes of the published starting time, a meeting shall stand adjourned. The Secretary shall notify the date of the reconvened meeting within a maximum period of one month.

16.4 Powers and Responsibilities

16.4.1 The responsibilities of the Management Committee shall include but not be limited to:

16.4.1.1 Determine the strategies of the League within the overall policies and plans agreed by the Annual General Meeting and published by Swim England, Swim England North West Region and the Cheshire County Water Polo and Swimming Association.

16.4.1.2 Carry out any other specific duty given to it by a General meeting of the membership.

16.4.1.3 Have day to day management of the affairs of the League including but not being limited to, the oversight the production of any plans of the League for the approval of the Annual General meeting and for submission to Swim England, Swim England North West Region and to the Cheshire County Water Polo and Swimming Association as required, together with their implementation, monitoring and evaluation.

16.4.1.4 Appoint any officers, officials, coordinators and members of the Standing and other committees, not elected by the Council.

16.4.1.5 Monitor and evaluate the work of the Standing and other committees and any other person appointed to a specific task within the League, including the production of full and accurate minutes of their meetings and reports of their activities.

16.4.1.6 Maintain appropriate channels of communications with the clubs, bodies, associations, organisations, leagues and individuals.

16.4.2 The Management Committee shall:

16.4.2.1 Determine any question arising as to the correct interpretation of any of these rules, or any other question not herein provided for.

16.4.2.2 Set the affiliation fee in line with the budget.

16.4.2.3 Set the level of competition and championship fees in line with the budget.

16.4.2.4 Determine who shall be the authorised signatories of the accounts of the Association.

16.4.2.5 Ensure that full and accurate minutes of its meetings are kept.

16.4.2.6 At its first meeting after the Annual General Meeting appoint the members of any Standing or Technical Committees each of who shall be a member of a club affiliated to the League.

16.4.2.7 Have the power to authorise the payment of remuneration, expenses or grants for services to the League received from any:

16.4.2.7.1 Officer, Committee member or Official of the League

16.4.2.7.2 Other person or persons as decided by the Management Committee

or by a General Meeting of the membership

16.4.2.7.3 External agents as part of a partnership agreement

16.4.2.8 Draw up and implement with immediate effect a change of the Constitutional

Rules of the League if they are in conflict with any addition, alteration to, or deletion from, a Swim England Law or Regulation, a Rule of Swim England North West Region or the Cheshire County Water Polo and Swimming Association.

16.4.2.9 Determine the terms of reference of any Standing, Technical or sub-committee or working group.

16.4.2.10 Be accountable to the Annual General Meeting of the League and report to it as such times and in such a form as it may require.

16.5 The Management Committee may:

16.5.1 Fill any vacancy occurring on the Management Committee, after due notice.

16.5.2 Contract and set up partnership agreements with outside agencies in support and furtherance of the aims and objectives of the League.

16.5.3 Appoint a special committee to consider and report on any matter, the number of an appointment of the members of the committee and a quorum to be determined by the Management Committee.

16.5.4 Discharge, by a two thirds majority of those present and voting for any breach of, and under the provisions of, Swim England Code of Conduct for Volunteers, any volunteer person from any elected or appointed office or position and replace them.

16.5.5 At its discretion, discharge any Standing, Technical or other committee and elect a new one in

its place.

16.5.6 From time to time appoint from among its member such other committees or working groups as it may consider necessary and may delegate to them such powers and duties as the Management Committee may determine.

16.6 The Management Committee shall be governed by the following standing orders:

16.6.1 If the Chairman is unable or unwilling to act as the Chairman at a meeting the members present at the meeting shall elect a Chairman from their members and he shall be entitled to act in all respects as if he were the Chairman.

16.6.2 The Chairman shall have unlimited authority upon every question of order at each meeting of the Management Committee and for the purpose of any meeting shall be the sole interpreter of the rules governing the Management Committee.

16.6.3 The minutes of the previous meeting as circulated shall be considered as the first substantive item on the agenda.

16.6.4 The minutes of any Standing, Technical or other committees and reports of officers or other individuals shall not be considered unless they have been circulated with the agenda, unless the Chairman and the members of the Management Committee agree by a two thirds majority that it will not prejudice the good governance of the League to do so.

16.6.5 Every motion shall be proposed and seconded.

16.6.6 Any amendment shall be disposed of before another amendment is considered. The Chairman may accept, without notice, verbal amendments that do not affect substantially the nature of a proposal under discussion.

16.6.7 All proposals, including amendments to proposals shall require a simple majority of these members present and voting unless otherwise specified in these rules.

16.6.8 The Chairman shall have a deliberate and a casting vote.

16.6.9 Unless the Chairman decides otherwise, voting on all motions or amendments shall be by a show of hands.

16.6.10 Meetings of the Management Committee shall not be open to the public.

16.6.11 The minutes of the Management Committee shall be circulated to each member of the Management Committee only.

16.6.12 The members of the Management Committee shall be indemnified by the members of the Association against all liabilities properly incurred by them in the management of the affairs of the Association.

Rule 17 – Independent Financial Examiner

17.1 One Independent Financial Examiner shall be appointed at the Annual General Meeting, who shall not be a member of the Management Committee nor related to any member of the Management Committee. The Independent Financial Examiner shall examine the annual statement of the accounts and the balance sheet and shall certify the same before they are circulated to the affiliated clubs.

Rule 18 – Trophies

18.1 All trophies belonging to the League shall be perpetual.

18.2 The winner of a championship team trophy shall give a guarantee of safe keeping and return to the Secretary.

Rule 19 – Competition Conditions

19.1 The competition conditions for all the League events shall not be considered part of the Constitutional Rules for the purpose of these rules. The competition conditions will be considered by the Management Committee or referred to a relevant Standing committee. The Management Committee shall have full power to approve any changes.

19.2 The Management Committee shall have power to make, repeat and amend such competition laws and rules as they may from time to time consider necessary for the wellbeing of the League which laws and rules, repeats and amendments shall have effect until set aside by the Management Committee or at a General Meeting of the membership.

Rule 20 – By-Laws

20.1 The Committee shall have the power to make, repeat and amend any such by-laws as they shall from time to time consider necessary for the well-being of the League, which by-laws, repeats and amendments shall have effect until set aside by the Committee or at a General Meeting.

Rule 21 – Interpretation of Rules

21.1 In the event of any question arising as to the correct interpretation of the Constitution or the Rules of the

League or any other question not here-in provided for, such question shall be referred to the Management Committee, whose decision shall be final.

Rule 22 – Dissolution

22.1 A resolution to dissolve the League shall only be considered at a General Meeting and shall be carried

by a majority of at least three quarters of the members present and voting.

22.2 The dissolution shall have effect from the date of resolution and members of the Management Committee shall be responsible for the winding up of the assets and liabilities of the League.

22.3 Any property remaining after the discharge of the debts and liabilities of the League shall be given to a charity or charities or other non-profit making organisation having aims and objectives similar to those of the League for the furtherance of such aims and objectives as determined by the last Management Committee.

Appendix 1

CODE OF ETHICS

Terms of Reference

The content of this Code of Ethics applies to all those involved within the sport of Swimming, Diving, Water Polo, Open Water Swimming and Synchronised Swimming. The Code of Ethics should be read in conjunction with the Codes of Conduct contained in 'Wavepower' (Child Safeguarding Policy and Procedures).

Swim England Code of Ethics

All individuals within the Swim England aquatic disciplines will at all times:

- Respect the rights, dignity and worth of every person, be they adult or child, treating everyone equally within the context of the sport.
- Respect the spirit of the sport adhering to the rules and laws in and out of the pool, incorporating the concept of friendship and respect for others.
- Promote the positive aspects of the sport and never condone the use of inappropriate or abusive language, inappropriate relationships, bullying, harassment, discrimination or physical violence.
- Accept responsibility for their own behaviour and encourage and guide all Swim England members and parents of junior members to accept responsibility for their own behaviour and conduct.
- Ensure all concerns of a child safeguarding nature are referred in accordance with 'Wavepower' (Swim England Child Safeguarding Policy and Procedures).
- Conduct themselves in a manner that takes all reasonable measures to protect their own safety and the safety of others.
- Promote the reputation of the sport and never behave or encourage or condone others to behave in a manner that is liable to bring the sport into disrepute.
- Adhere to 'Wavepower' the Swim England Child Safeguarding Policy and Procedures.
- Adhere to the Swim England Anti-Doping Rules.
- Adhere to the Swim England Equity Policy.
- Adhere to the Swim England Laws and Regulations.
- Adhere to the Swim England Codes of Conduct.

Appendix 2

GUIDELINES FOR HANDLING INTERNAL CLUB DISPUTES

1. Introduction

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

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

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

2. General Principles

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

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

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

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

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

There are occasions when a problem arises in a Club, for example fighting between members in a training session, where immediate action is required such as a temporary suspension or exclusion

from a training session or from wider Club activities. Coaches and officers should always be given the power to invoke a temporary suspension. A report should then be made, immediately, to the Club officers who should follow the procedures in the relevant section of the rules.

3. Procedures

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

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

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

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

Both parties should be allowed to bring witnesses.

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

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

4. Powers of the Clubs

The powers of Clubs regarding the disciplinary action they can apply must not exceed those in Swim England Judicial Regulations which can result in full suspension from Club activities for whatever

period the panel shall decide or in expulsion. The panel if it wishes can impose a lesser penalty such as a written or verbal reprimand.

If either party to the dispute is dissatisfied with the outcome they are still entitled to make a Complaint to the Judicial Commissioner at Swim England Head Office, Loughborough.

5. Further Information

Additional guidance can be obtained from the Judicial Regulations in the Swim England Handbook.

6. Conclusions

The key message when dealing with disputes is to ensure:

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

Appendix 3

SWIM ENGLAND REGULATIONS

INTERNAL CLUB DISPUTES

1. CLUB RIGHTS and RESPONSIBILITIES

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

Regulation 281: Club discipline and internal dispute procedures

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

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

281.1.2 Expel a member, provided that before doing so it informs the member of the alleged offence and gives him a reasonable opportunity to

defend himself against the charge. If the alleged offence is also a breach of Swim England Regulations the Club or body shall not deal with it but may make a complaint under the Judicial Regulations.

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

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

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

2. COMPLAINT TO SWIM ENGLAND

Any dispute that involves an allegation of a breach of Swim England Regulations must be submitted to Swim England and dealt with as a complaint under the condition of Swim England Regulations 150.4 and 281.1.2.

Judicial Regulation 102 deals with the circumstance of a complaint made to 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.

Judicial Regulation 102: Complaints

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

3. INTERNAL DISPUTES

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

Judicial Regulation 150: General

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

150.2 An 'internal Club dispute' is a dispute involving an alleged breach of the Club's rules, between two or more Club members, any or none of whom may be an officer of the Club, or one or more Club members and one or more employees of the Club (the "parties").

150.3 Any dispute which involves an allegation that there has been a breach of Swim England Regulations by a member must be dealt with as a Complaint under Regulation 102 and the other relevant Regulations.

150.4 If the dispute involves an allegation against a paid employee of the Club the issue must be dealt with under the terms of his contract of employment.

150.5 A failure by a Club or any of the parties to comply with Regulations 150 to 155 inclusive shall be grounds for a complaint under Regulation 102.

150.6 Organisations, associations or bodies affiliated to Swim England shall conform with such parts of Regulations 150 to 155 inclusive as may reasonably be applied to them, in all respects as if they were a Club.

Judicial Regulation 151: Sequence of steps to deal with a dispute

151.1 The parties shall use any reasonable means to settle the issues between them informally and amicably.

151.2 If such a resolution cannot be achieved, the dispute shall be referred to the Chairperson of the Club committee or, if he is a party to the dispute, to another officer of the Club who is not a party who within seven days of the reference shall appoint an independent person to act as a mediator between the parties. The mediator may be a member of the Club or a member of another Club affiliated to Swim England.

151.3 If the mediator is unable to bring about a satisfactory settlement within twenty one days, the Club committee shall within a further fourteen days appoint a panel (the 'panel') to determine the dispute.

151.3.1 The panel shall consist of three persons who have not been involved in the dispute, either from the members of the Club or, if this is not possible or desirable, from the members of any other Club affiliated to Swim England.

151.3.2 The parties shall be given the opportunity to object to any of the members of the panel at least seven days before the scheduled date of any hearing. The Club committee shall consider any such objections, decide whether they are justified and act accordingly.

Judicial Regulation 152: Procedure before a hearing

152.1 The panel members shall appoint one of their numbers to act as the Chairperson and either appoint another of their number, or alternatively appoint an additional person without any other powers, to act as the clerk of the hearing.

152.2 The Chairperson of the panel shall arrange the date of the hearing and notify the parties of the arrangements at least fourteen days in advance of the date set. The notified date shall not be changed unless one or more of the parties has a compelling reason for not being able to attend on the notified day or time.

Judicial Regulation 153: Procedure at a hearing

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

153.2 The panel shall not be bound by the judicial rules of the courts of England and Wales governing procedure or the admissibility of evidence provided that the hearing is conducted in a fair and orderly manner and that each party is given a reasonable opportunity to give and call evidence, address the panel and present his case. The Chairperson shall have the discretion to limit the number of witnesses that would otherwise have been called.

153.3 Witnesses shall normally be provided with an area outside the hearing room and not take any part in the hearing other than giving evidence and responding to questions.

153.4 The parties shall be informed of their right to make a complaint under Regulation 102 if they are dissatisfied with the conduct of the hearing or the grounds upon which the decision was made or if they consider any sanction imposed to be disproportionate.

Judicial Regulation 154: Procedure after a hearing

154.1 The panel shall come to a decision as soon as reasonably practicable after the hearing and if possible announce its findings and decisions orally to the parties.

154.2 Notwithstanding anything in Regulation 154.1 the Chairperson shall notify the parties and, if the Club was not a party to the dispute, the Club secretary in writing of its findings and decisions within five days of the hearing.

Judicial Regulation 155: Considerations regarding children

155.1 Any person under the age of eighteen (a 'child') who is a party to a dispute or who has been called as a witness shall normally be accompanied by a parent, a person with parental responsibility or a suitable adult. The Chairperson shall have the sole discretion as to whether a child is permitted to present or defend a case or be questioned as a witness and may order that the child be assisted or represented by an adult.

155.2 The Chairperson shall give due consideration to any child attending a hearing as a party to a dispute or to give evidence and in particular:

155.2.1 No child aged fourteen or under shall normally be expected to attend a hearing to give evidence in person. His/her evidence shall normally be given as a written statement with the assistance of a Club welfare officer or other person acceptable to the child and parent. Questions and responses may be relayed by a panel member. If the child appears distressed the panel shall rely only on the written evidence.

155.2.2 A child over the age of fourteen shall only attend a hearing as a party to the dispute or to give evidence in person provided he wishes to, and the Chairperson has consulted with the parent and child and is satisfied that they both understand the nature of the hearing and what will happen and that the child is competent to attend.

155.2.3 If there is a disagreement between parent and/or child and the Chairperson on any of the considerations above, the Chairperson shall consider requesting advice from the Independent Child Protection Officer via the Swim England Legal Department.

155.3 During the hearing, a child who is expected to give evidence in person and his accompanying adult(s) shall be required to attend only those parts of the hearing which are necessary for him to give his evidence and shall be provided with a separate waiting area with no contact with any of the [other] parties.

155.4 After the hearing the Chairperson shall inform the parent of the panel's findings and decisions and shall discuss whether he or the parent shall inform the child.