

Club Complaints Procedure

What is a Club Complaint?

A Club Complaint is any internal club dispute between members of a club concerning an alleged breach of the club's rules.

Any member of City of Leicester Swimming Club may make a Club Complaint against another member of the Club.

A Club Complaint is not:

- serious misconduct, being the action, behaviour or practice of misconduct liable to bring the sport into disrepute;
- a Complaint alleging that Swim England Regulations have been breached, which should instead be made as a Judicial Complaint; or
- a Complaint not solely within the jurisdiction of City of Leicester Swimming Club.

Any allegation of these forms of conduct should be submitted directly to Swim England as a Judicial Complaint.

An employee of City of Leicester Swimming Club may not be the Respondent to a Club Complaint until any disciplinary process under their contract of employment has ended.

The Judicial Commissioner has the power to direct that any Judicial Complaint made to Swim England must instead be determined as a Club Complaint and vice-versa.

Swim England guidelines and **all relevant forms** can be found [here](#).

Dealing with a Club Complaint

Swim England has defined a 4-step process for a Club to deal with Club Complaints:

Step 1: Amicable Resolution and/or Mediation (optional)

Step 2: Club Complaint Form

Step 3: Club Complaint Hearing

Step 4: Club Complaint Decision

Where a Club Complaint identifies the Club Chair as the Respondent, or where the

Club Chair isn't impartial for any other reason, another member of the committee of City of Leicester Swimming Club shall act in the place of the Chair (the nominee).

Throughout the process, all parties involved should respect confidentiality. The Complaint Decision remains confidential to the parties involved, with the exception of reporting outcomes to Swim England.

Step 1: Amicable Resolution

Prior to commencing a Club Complaint, the parties to a dispute are encouraged to resolve the matter informally by discussing their issues or attending mediation.

Informal resolution ensures that matters are resolved quickly and smoothly and, to encourage such, any timeframes within the Swim England Regulations are paused pending attempts to resolve the dispute informally.

Both parties involved in the discussion should follow up in writing (email) to each other what was discussed and agreed, so that there is a record of what has taken place.

Once an agreement has been reached, records should be kept of the discussion and outcome.

Step 2: Club Complaint Form

If an amicable resolution has not been reached then the Complainant should complete the Club Complaint Form and send it to the Club Chair (or their nominee) within **28 days** of the matter being complained about arising.

The Club Chair (or their nominee) has **7 days** to forward the Club Complaint Form to the Respondent.

The respondent has **28 days** to complete the form and return it to the Club Chair (or their nominee).

The Club Chair (or their nominee) has **7 days** to forward the completed Club Complaint Form to the Complainant.

Note that if any attempt to informally resolve a dispute is made, at any time, either by discussion or mediation, the time limit to bring the Complaint is paused while this informal resolution is taking place.

The Club Complaint Form includes an administrative section for the City of Leicester Swimming Club to complete as the matter progresses, which will assist in recording the Club's compliance with the Judicial Regulations.

Step 3: Club Complaint Hearing

Where a matter cannot be resolved informally, a Club Complaint Hearing will take place. It is still open to the parties to seek informal resolution and to encourage such, any timeframes within the Regulations are paused while the parties seek to come to an informal resolution.

Within **28 days** of receiving the Respondent's reply, the Chair (or their Committee nominee) shall organise a Club Complaint panel of 3 members. The panel must consist of members of City of Leicester Swimming Club, and/or members of any other Club affiliated with Swim England, or its County and/or Region.

The Club Complaint Panel must then appoint one of its members as the Chair.

No one who has been involved with the complaint, or the matter giving rise to it, should sit on the City of Leicester Club Complaint Panel. This includes the Chair and anyone connected with the parties involved, such as relatives or close friends.

Parties to a City of Leicester Club Complaint may object to any individual sitting on the Club Complaint Panel on the basis that the person isn't impartial within **7 days**. Such challenges to the composition of the panel must be by the process described in the Swim England regulations.

Within **21 days** of being appointed, the Chair of the Club Complaint Panel shall arrange the date of the hearing and notify the parties of such.

The hearing must take place **between 14 and 56 days** after the date of notification, unless the parties agree that it can be held sooner.

The Chair of the Club Complaint Panel shall also issue directions on how the hearing will proceed, for example how any evidence will be provided, whether there will be a cap on the number of witnesses, or (if both parties agree) that the Club Complaint will be considered on the basis of paper statements only.

To assist Club Complaint Panel Chairs, Swim England has the power to produce standard directions from time to time, published on the Swim England website. These may be varied by the City of Leicester Club Complaint Panel Chair to suit the circumstances of the issue if required.

Where a Club Complaint has no real prospect of success, the Chair of the Club Complaint Panel may dismiss it but must give reasons for doing so. This decision may be appealed.

Parties to a City of Leicester Club Complaint are expected to give the issue high priority. If a Complainant does not attend the hearing, the Club Complaint Panel may dismiss the Club Complaint or make another order as it sees fit.

If a Respondent does not attend the hearing, the Club Complaint Panel may proceed in the absence of that party.

Step 4: Club Complaint Decision

Upon completion of the City of Leicester Club Complaint Hearing, the Club Complaint Panel shall provide a written decision to the parties involved and also to the Club Chair, within **28 days** of the Hearing.

The Club Complaint Form will also be completed with the decision and a copy of the final form will be sent to the parties to the Club Complaint.

The Club Complaint Panel shall also provide the written decision to Swim England at judicial@swimming.org. This requirement has been put in place to allow Swim England to monitor issues and identify trends within aquatics nationally, and to seek to resolve common issues.

If the Club Complaint Panel decision is that there has been a breach of the City of Leicester Club rules, the Panel may apply sanctions.

If the Club Complaint Panel believes that a breach of Swim England Regulations has taken place, the matter should be referred to the Office of Judicial Administration as a Judicial Complaint.

Swim England has produced guidance for Clubs to use when imposing sanctions following a Club Complaint. The City of Leicester Club Complaint Panel **will** consider this guidance when applying any sanctions to ensure that they are proportionate and reduce the likelihood of an appeal.

Swim England has also produced a template for determinations that **may** be used by the City of Leicester Club Complaint Panel to write the written decision.

The outcome to a City of Leicester Club Complaint is binding upon the parties to it, however, it may be appealed in certain limited circumstances, according to the rules of Swim England Judicial Complaints [found here](#).

Additional Support

Swim England Friends

A Swim England Friend is an individual who is readily available to provide independent advice to help SE members, or their parent or other representative in the case of junior members, faced with problems. The Swim England Friends are volunteers who work across the SE Regions. They offer support on club complaints, the Swim England Regulations and the judicial procedure.

A Swim England Friend can bring years of experience in the world of aquatics to assist anyone who has a problem within the sport.

For the assistance of a Swim England Friend the Office of Judicial Administration may be contacted by email at judicial@swimming.org or by phone at 01509 640 764.

Legal support

Certain individuals may benefit from free legal advice provided by Swim England insurers.

- The club legal helpline is 0330 100 7901. You will need to quote your policy number, which may be found on the Summary of Cover provided at renewal.
- IOS and Coach Membership members may access legal advice through the insurance provided to them. This helpline may be contacted at 0345 543 8713.
- Citizens Advice - <https://www.citizensadvice.org.uk/>
- Pro bono advice - <https://www.lawworks.org.uk/>
- The Bar Pro Bono Unit - <https://www.weareadvocate.org.uk/>
- The Sport Resolutions Pro Bono Legal Advice and Representation Service - <https://www.sportresolutions.com/services/pro-bono-legal-advice/>

Please note that, while the above organisations may be able to assist, whether they any assistance is up to them and subject to their terms and conditions and eligibility requirements.

Mental health support

Swim England is aware that the circumstances which may give rise to a Complaint, or being subject to a Complaint, may cause some distress to the parties involved. There follows a list of services which may be available to provide mental health support if necessary:

- Your doctor (GP), who will be able to refer you to counselling.
- The Mix (www.themix.org.uk/get-support) – Essential support for under-25s on a range of topics including mental health. The Mix offers a free helpline for young people where they can talk to trained supporters about any issues – 0808 808 4994 (open from 3pm – 12am every day).
- MIND (www.mind.org.uk) may be able to provide you with support or alternatively signpost you to more local support.
- Hub of Hope (www.hubofhope.co.uk) a mental health support database bringing together local, national, peer, community, charity, private and NHS mental health support and services.
- Samaritans (www.samaritans.org or 116 123), who offer a free 24-hour helpline.

- The British Association of Counselling and Psychotherapy (www.bacp.co.uk), for further information on counselling.

Key Contacts

City of Leicester Swimming Club Chair – colscchairperson@gmail.com

The Swim England Office of Judicial Administration (OJA) – judicial@swimming.org

Swim England Friends – signposting@swimming.org

National Safeguarding Team – safeguarding@swimming.org

References and Further Reading

Wavepower: <https://www.swimming.org/swimengland/wavepower-child-safeguarding-for-clubs/>

Swim England Handbook: <https://www.swimming.org/swimengland/swim-england-handbook/>

Version Control:

Policy Adopted:	
Date of Last Review:	
Date of Next Review:	
Policy Owner:	