



SOUTH AYRSHIRE SWIM TEAM CONSTITUTION, BYE-LAWS, REGULATIONS & POLICIES

INDEX

Constitution

SECTION	C1.0	NAME
SECTION	C2.0	OBJECTIVES
SECTION	C3.0	MEMBERSHIP
SECTION	C4.0	GOVERNANCE
SECTION	C5.0	MEETINGS
SECTION	C6.0	AWARDS
SECTION	C7.0	TROPHIES
SECTION	C8.0	DISSOLUTION

Bye-Laws

SECTION	BL1.0	MANAGEMENT
SECTION	BL2.0	Committee Meetings
	BL2.1	Committee Meetings Standing Orders
SECTION	BL3.0	FINANCE AND ACCOUNTS
SECTION	BL4.0	DISCIPLINE
	BL4.1	Suspension and Fines
	BL4.2	Grievances
	BL4.3	Complaints
	BL4.4	Appeals

POLICIES

Scottish Swimming Maintained Policies/Regulations (refer to Scottish Swimming)

- Links to the relevant Policies: (www.scottishswimming.com/clubs/governance-club)
- Complaints & Appeals Procedure: Refer to Scottish Swimming Company Rules Sections R12 to R15. Also refer to the Club Complaints Process, Wellbeing and Protection Policy, Equal Opportunities Policy, Data Protection Policy (GDPR), Code of Conduct (Coach, Athlete, Parent, Volunteer)

Club Policy Documents

SECTION	DESCRIPTION	ELEMENTS	PAGE
1.2	Complaints & Discipline	<ul style="list-style-type: none"> 1.2A: Complaints Procedure 1.2B: Discipline Procedure 	
1.4	Wellbeing & Protection	<ul style="list-style-type: none"> 1.4D Anti Bullying Policy 1.4E: Mobile Phone Policy 1.4F: Club Statement (W&P) 1.4G: Digital Comms & Social Media Policy 1.4H: PVG Referral Policy MAR 24 	
1.5	Codes of Conduct	<ul style="list-style-type: none"> 1.5A: Athletes 1.5B: Parents 1.5C: Coaches 1.5D: Volunteers & Technical Officials 1.5E: Team Managers 1.5F: Teachers 1.5G: Spectators 	
1.6	Role Descriptors	<ul style="list-style-type: none"> 1.6A: President 1.6B: Vice President 1.6C: Treasurer/Finance Manger 1.6D: Secretary 1.6E: WPO 1.6F: Head Coach 1.6G: Membership Secretary 1.6H: Digital Comms Co-ordinator 1.6I: Meet Manager 1.6J: Coach 1.6K: STO Co-ordinator 1.6L: Team Manager 	
1.7	GDPR	<ul style="list-style-type: none"> 1.7A: Club Privacy Notice 1.7B: Data Processing Statement 	
1.8	Health & Safety	<ul style="list-style-type: none"> 1.8A: Policy Statement 1.8B: Training R/A 1.8C: Hosting Meet R/A 1.8D: Attending Meet R/A 1.8E: Team Travel R/A 	
1.11	Clean Sport & Mental Health	<ul style="list-style-type: none"> 1.11A: Anti-doping Resource 1.11B: Mental Health Awareness 	
		<u>New Polices for 2024-25 Season</u>	
		<ul style="list-style-type: none"> 24 xx Club Secure Data Handling Policy MAR 24 24 xxx Recruiting people with convictions policy MAR 24 24 xxxx Safer Recruitment Policy MAR 24 	

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CONSTITUTION

C1.0 NAME

- C1.1 The Club shall be called **South Ayrshire Swim Team** (hereinafter referred to as the Club).

C2.0 OBJECTIVES

- C2.1 The objectives of the Club are best understood from the Club's Mission and Values.
- C2.2 The Club's Mission is:
- "Striving for excellence in swimming, allowing all swimmers to achieve their full potential"*
- C2.3 The Club's Mission is underpinned by the core values of Participation, Opportunity, Achievement, Respect and Inclusivity. These values are at the heart of everything the club does and ensure that effort, commitment, teamwork and performance are valued and rewarded in equal measure.
- C2.4 Taken together these allow the Club to advance the public participation in Aquatic Sports by promoting and managing the teaching, knowledge and practice of one or more Aquatic Sports, in accordance with paragraph C2.1 of the SASA Constitution.

C3.0 MEMBERSHIP

- C3.1 The membership of the Club shall consist of the following categories:-
- a) Adult Member - an adult is an individual 16 years and over.
 - b) Junior Member - a junior is an individual 15 years or under not recognised as an adult and not as defined in Scottish Swimming Company Rule R4.5.6.
 - c) Life Member
- C3.2 The club operates an Equal Opportunities Policy. Membership is open to all and no membership will be refused unless on reasonable grounds, including, but not limited to, swimming ability.
- C3.3 Swimming members must undertake and pass an assessment of their swimming ability prior to membership being granted. The assessment will be undertaken by Club coaches and their decision on suitability for swimming membership will be final. Potential members who are unsuccessful at the swimming assessment must register for a further assessment should they wish to join the Club. Club coaches will advise on the development needs of potential new members.
- C3.4 Membership fees for each squad and payment options shall be as agreed at each Annual General Meeting. The SASA and West District per capita fee will be charged separately. As per the Partnership Agreement between the Club and South Ayrshire Council (SAC), swimmers will be required to be members of South Ayrshire Leisure (SAL) with part of the membership fee being paid to SAL. The Partnership Agreement will be reviewed annually with members being notified accordingly.
- C3.5 The Membership year runs from 1 September to 31 August each year.
- C3.6 The Membership fees of existing members shall become due on 1 September in each year and those of new members (i.e. those joining during the swimming season after 1 September in any given year) on the date of acceptance for

membership. In order to assist members, payments will be in a phased manner spread across 12 months with payment due as per paragraph C3.10

- C3.7 New members will pay 1/12 of the total (annual) membership fee for the squad they are allocated to for each month they are a member during the first year. Members joining on or before the 15th of the month will pay membership fees for that month. Members joining after the 15th of the month will not pay membership fees for that month.
- C3.8 N/A.
- C3.9 Members who move squad during the membership year will be liable for the difference in cost between the membership fee for the lower squad and the higher squad. Members moving on or before the 15th of the month will pay the higher fee for that month. Members moving after the 15th of the month will not pay the higher fee for that month. The total difference in fees will be calculated until the end of the membership fee and where a monthly payment fee issued, the monthly payment fee will be adjusted accordingly.
- C3.10 Existing members who have not renewed their membership by 1 October each year will be deemed to be non-members and will be notified in writing accordingly. Members will be required to have paid month one by 1 October. New members fees must be paid, in the same manner, within 28 days of acceptance for membership otherwise they will be deemed to be non-members.
- C3.11 All members will be excluded from taking part in any of the Club's activities, competitions, and meetings until arrangements for payment of their annual membership are in place. Members may be also suspended or excluded from Club activities if their fees are not up to date.
- C3.12 At any time, any member owing the Club money for membership fees, gala or competition fees or other outstanding debts will not be permitted to take part in any club meet/gala or competition and will not be entered into in meet/gala or competition organised by any other club or swimming body. Should the debt remain outstanding for a period of 40 days or more the committee may elect to terminate membership provided a two thirds majority of those present at a committee meeting agree to do so. The member will be advised in writing.
- C3.13 The Committee shall have the right to terminate the membership of any member at any time provided a two thirds majority of those present at a committee meeting agree to do so. The member will be advised in writing.
- C3.14 All Club Members must be registered with the SASA in accordance with the categories defined in SASA Constitution C3.3.3.
- C3.15 All members joining the Club shall be deemed to accept the terms of this Constitution, the Club Bye-Laws and any Regulations adopted by the Club.
- C3.16 A member wishing to resign from the Club shall inform the Club Finance Manager in writing giving 30 days' notice. Memberships fees will continue to be payable during the notice period.
- C3.17 N/A.
- C3.18 N/A.
- C3.19 A Club member wishing to change their 1st or 2nd Claim Club must do so in accordance with SS Company Rule R5.2.

- C3.20 The Committee shall have the power to turn down an application for membership, provided they act in accordance with paragraph C3.2
- C3.21 When an application for membership is turned down by the Committee, the applicant must be advised of both the reason and their right of appeal to Scottish Swimming, in writing.

C4.0 GOVERNANCE

- C4.1 The Club, and its members, shall be subject to and bound by, the Scottish Swimming Governance Documentation (SASA Constitution, Company Articles and Company Rules) and the appropriate SASA District Rules.
- C4.2 The Club shall comply with the Scottish Swimming Codes of Conduct, Ethics and Wellbeing and Protection Policies.
- C4.3 The Club shall be governed by its Constitution, Bye-Laws, Regulations and Policies.
- C4.4 Amendments to the Constitution shall only be made at an AGM, provided at least a two thirds majority of those present and voting is secured.
- C4.5 Amendments to the Bye-Laws shall only be made at an AGM provided a simple majority of those present and voting is secured.
- C4.6 The Club has policies and procedures covering many aspects of the running of the Club. These are included in the Regulations and Policies section of the Constitution and are deemed to be part of the Club Regulations. The Committee shall have the power at any time to publish and enforce such Regulations and Policies as the Committee feels necessary to govern the activities of the Club.

C5.0 MEETINGS

C5.1 Annual General Meeting

- C5.1.1 The Club shall hold an AGM in the month of August.
- C5.1.2 The Club Secretary shall give written notice of not less than 30 days prior to the date of the AGM to all Adult and Life Members. The format of the notice shall be agreed by the Committee and will be published on the Club website. Parents who are not members of the Club can attend AGMs on behalf of a Junior Member.
- C5.1.3 Appended to the notice of intimation of an AGM shall be the Agenda, minutes of the last AGM, a note of the process governing alteration to the Constitution, Bye-Laws and nomination for the Committee.
- C5.1.4 Nominations for Officers of the Club and other members of the Committee shall be submitted in writing using a form provided by the Club for this purpose. The form will be signed by two Adult or Life Members and the nominee and sent to the Club Secretary no later than 14 days prior to the date of the AGM.
- C5.1.5 Changes to the Constitution and Bye – Laws
- a) Proposed changes to the Constitution or Bye-Laws, and notices of motion must be submitted in writing to the Club Secretary, signed by two members eligible to vote, not later than 14 days prior to the date of the AGM.

- b) Any changes to section C2.0 requires the consent of the Office of Charity regulator (OSCR) prior to any change being adopted. Any other change(s) to the constitution must be notified to the OSCR within 3 months of the changes being made.
- C5.1.6 Conduct of Business - The conduct of business shall be in accordance with Scottish Swimming Company Rules Section R16
- C5.1.7 Having received all nominations and proposed alterations to the Constitution and Bye-Laws, the Club Secretary shall arrange for this information to be displayed on the Club website and circulated to all Adult and Life Members not later than 7 days before the meeting.
- C5.1.8 The business for an AGM shall include:
 - a) Apologies for Absence
 - b) Approval of minutes from previous AGM & matters arising
 - c) Chairperson's Report
 - d) Head Coach's Report
 - e) Finance Manager's Report
 - f) Proposed changes to Constitution
 - g) Proposed changes to Bye-Laws
 - h) Notices of Motion
 - i) Election of Committee Members
 - j) Confirmation of Club Captains
 - k) Appointment of Auditors / Independent Examiners
 - l) Life Membership Awards
 - m) Other relevant business
- C5.1.9 A quorum of two Officers of the Club plus 20 members entitled to vote is required at an AGM.
- C5.1.10 An AGM can only be chaired by an Officer of the Club
- C5.1.11 All Adult Members and Life Members are entitled to attend, take part and vote at the AGM unless specifically excluded from doing so by the Club's Constitution.
- C5.1.12 Voting
 - a) Decisions put to a vote at the AGM shall be resolved by a simple majority.
 - b) Voting shall be by a show of hands unless decided otherwise by a majority of those attending the meeting.
 - c) Proxy voting at an AGM will be permitted for Life Members only.
- C5.1.13 Conduct of Business

The conduct of business shall be in accordance with Bye-laws section BL2.1

C5.2 Extraordinary General Meeting (EGM)

- C5.2.1 An EGM shall be called by an application in writing to the Club Secretary supported by at least fifteen Adult or Life Members of the Club. The Committee shall also have the power to call an EGM by decision of a simple majority of its members.
- C5.2.2 The Club Secretary will give notice, in writing and via the club website of all EGMs, stating the Agenda, to all Adult and Life Members at least 30 days prior to such meetings being held.

- C5.2.3 The order of Business for an EGM shall be:
a) Chairperson's Remarks
b) Apologies for Absence
c) Business to be transacted of which due notice has been given.
- C5.2.4 No business shall be transacted at the EGM other than business of which due notice has been given.
- C5.2.5 All Adult Members and Life Members are entitled to attend, take part and vote at the EGM unless specifically excluded from doing so by the Club's Constitution.
- C5.2.6 A quorum of 30 persons present and entitled to vote is required at an EGM.
- C5.2.7 An EGM can only be chaired by an Officer of the Club.
- C5.2.8 Proxy voting at an EGM will not be permitted.

C6.0 AWARDS

C6.1 Life Membership

- C6.1.1 Life membership may be presented to person(s) who have given outstanding service, over many years, to the Club and shall be presented at the Annual General Meeting or at any other time decreed suitable by the Committee.
- C6.1.2 A recommendation for Life Membership may be made by any Adult or Life Member to the Club Secretary for submission to the Committee. Full details of the nominee's service should be included with the recommendation
- C6.1.3 In the event that a Life Membership should require to be removed from any recipient, the Committee will make the decision to rescind and notify the member concerned.

C7.0 TROPHIES

- C7.1 All trophies belong to the Club in perpetuity and cannot be won outright.
- C7.2 The Finance Manager shall act as Trustee of Club Trophies.
- C7.3 The winner of a Club trophy shall guarantee safe custody and return of the trophy when requested by the Committee.
- C7.4 The Club shall be responsible for arranging and funding the engraving of the winners name on all Club trophies

C8.0 DISSOLUTION

- C8.1 In the event of the dissolution of the Club, any funds, property and other assets shall not be distributed amongst the members of the Club in any way whatsoever, but shall be applied solely for charitable purposes, as agreed by OSCR

BYE-LAWS

BL1.0 MANAGEMENT

- BL1.1 The affairs of the Club shall be conducted by a Committee which shall consist of the Officers of the Club plus additional Adult Committee Members and ex-officio members set out in Bye-Law BL1.5.1. Adult Committee Members can be Adult or Life Members of the Club.
- BL1.2 The Officers of the Club shall consist of a Chairperson, Vice Chairperson, Club Secretary and Finance Manager who shall be elected at an Annual General Meeting.
- BL1.3 If the post of any Officer or Adult Committee Member should fall vacant after such an election, the Committee shall have the power to fill the vacancy.
- BL1.4 All Officers of the Club and committee members shall be Adult or Life Members of the Club.

BL1.5 Committee

- BL1.5.1 The Committee shall comprise the Officers of the Club (as defined in paragraph BL1.2), plus the Wellbeing and Protection Officer, Officials Co-ordinator, Head Coaches, Coaches Representative and no more than eight other general committee members. Ex-officio members of the committee may include a representative from Scottish Swimming, South Ayrshire Council and Club Captains.
- BL1.5.2 All committee positions with the exception of the Head Coaches, Coach's Representative, Wellbeing and Protection Officer and Club Captains will be subject to election at the AGM.
- BL1.5.3 Club Captains, comprising a male and female swimming member of the Club, will be recommended to the Committee for appointment by a panel comprising the Vice Chairperson, the Head Coaches and one other member of the committee. Club Captains will be appointed for one year and will be invited to attend committee meetings from time to time but will have no voting rights.
- BL1.5.4 The term of office for all committee positions, with the exception of the ex-officio positions, and Head Coaches, will be two years. The Coaches Representative will be elected by the Coaching Team and serve a term of office of one year.
- BL1.5.5 Retiring members of the Committee may offer themselves for re-election with the exception of elected Officers of the Club who may serve no more than two terms in office (four years). The exception to this is where there is no one willing to fill an Officer of the Club position. In this case a further term of office of 12 months may be served by an elected Officer of the Club. This means no elected Officer of the Club will serve in the same position for a period exceeding five years.
- BL1.5.6 The service of a Committee member(s) elected or co-opted to fill a vacancy part way through a term of office shall not count towards their two year term of office.
- BL1.5.7 Committee members elected or co-opted by the committee to fill a vacancy shall be subject to endorsement at the first EGM or AGM thereafter.
- BL1.5.8 The Committee shall be responsible for:
- a) Running and day to day management and affairs of the Club
 - b) The efficient and effective operation of the Club.
 - c) The organisation and control of all members during Club hours.
 - d) The appointment of coaches and instructors.
 - e) The selection of members to represent the Club.

- f) The organisation of swimming activities as may be requested by other bodies.
- g) Appointing the Boy and Girl Club Captains annually.
- h) Considering and approving or otherwise nominations for Life Membership of the Club.

BL1.5.9 The Committee shall appoint such sub-committees as may be considered necessary and may co-opt members of the club to serve on such sub-committees, although any co-opted members will have no voting rights at any committee meeting.

BL1.5.10 To ensure the continued good governance of the club, the Committee may co-opt members of the club onto the committee even where a vacancy does not exist. Any co-opted member will have no voting rights at a committee meeting.

BL1.5.11 The Committee shall appoint at least one Wellbeing and Protection Officer (WPO) in accordance with section C10.6 of the SASA Constitution.

BL2.0 Committee Meetings

BL2.2.1 The club shall hold Committee Meetings no less frequently than every two months.

BL2.2.2 A Committee Meeting shall be called by the Chairperson when there is business to transact or on request of another Officer of the Club or by an application in writing by at least seven Adult and Life Members of the Club.

BL2.2.3 A quorum for Committee Meetings shall be at least one Officer of the Club and six Committee members.

BL2.2.4 The business of the meeting shall be enacted in accordance with Section BL2.1.

BL2.2.5 The Chairperson will give notice of the date, time and venue of each committee meeting at least 7(seven) days prior to the meeting. The format of the notice shall be agreed by the Committee.

BL2.2.6 Adult or Life Members who are not members of the Committee, may attend, but may only participate with the agreement of the Chair.

BL2.2.7 All committee members, except ex-officio members, shall have a deliberative vote, with the Chair of the meeting having a casting vote if required.

BL2.2.8 No decision of the Committee may be altered or revoked without 14 (fourteen) days prior notice of intent, in writing, being given to the Club Secretary.

BL2.1 Committee Meetings Standing Orders

BL2.1.1 At all meetings, if a quorum is present, the Chair shall be taken not later than fifteen minutes after the appointed time of the meeting.

BL2.1.2 All Members when called to order at any meeting or gathering of the Club and not complying with the "rule of order" shall be expelled from the meeting.

BL2.1.3 The Chair at all meetings of the Club shall be the Chairperson. In the absence of the Chairperson, the Vice Chairperson shall substitute. In the absence of the Chairperson and the Vice Chairperson another Officer of the Club or person selected by those present will chair the meeting.

- BL2.1.4 In the event of equality of votes in any resolution before the meeting which requires a choice to be made for the continued good governance of the Club, the Chair of a meeting shall have a second or casting vote.
- BL2.1.5 The Chair of a meeting shall be the sole judge of questions of order and interpreter of the “rules” governing the Club.
- BL2.1.6 A meeting must keep a record, in writing, of every decision taken by the meeting. The general rule is that any decision made by the meeting must be either a unanimous decision or a majority decision.
- BL2.1.7 The minutes of all meetings will be circulated within the members’ area on the club website.
- BL2.1.8 A person is able to exercise the right to speak and vote at a meeting when:
a) that person is able to communicate and vote, during the meeting, on the business of the meeting; and
b) that person's vote can be taken into account in determining whether or not such motions are passed at the same time as the votes of all other persons attending the meeting.
- BL2.1.9 A meeting need not be held in any particular place and the meeting may be held without any number of those participating in the meeting being together at the same place. In determining attendance at a meeting, it is immaterial whether any two or more persons attending it are in the same place as each other.

BL3.0 FINANCE & ACCOUNTS

- BL3.1 The financial year shall run from 1 July to 30 June each year.
- BL3.2 The Finance Manager shall be responsible for the preparation of Annual Accounts of the Club.
- BL3.3 The Accounts shall be audited / examined by an independent person(s) elected annually at the Annual General Meeting.
- BL3.4 All invoices/expenses received by the Club should be signed off by an Officer of the Club before being processed by the Finance Manager. All cheques drawn against the Club’s funds shall be signed by a minimum of two Officers of the Club. When payments are required to be made by direct Bank transfer the Finance Manager shall obtain e-mail written agreement from the Chairperson or another authorised Officer of the Club prior to making an electronic payment.
- BL3.5 The Committee can enter into contracts and/or partnerships, on behalf of the Club, provided each proposal is fully discussed at and recorded in the Minutes of a quorate committee meeting prior to the commitment being made.
- BL3.6 As an unincorporated organisation the responsibility for the financial liabilities of the club shall normally be dependent on who was responsible for the liability.
- BL3.7 Any surplus of the Club’s income will be re-invested in the Club and not distributed to its members by way of dividend, distribution, bonus, honoraria or otherwise by way of profit. Decisions on reinvestment, including decisions on reserve funds, will be made by the committee.
- BL3.8 The Club’s assets must not be distributed or otherwise applied other than for charitable purposes, as agreed by OSCR.

- BL3.9 The Finance Manager shall arrange for the Auditor/ Independent Examiner to examine and certify the accounts and balance sheet before presentation of a certified summary to the AGM.
- BL3.10 Following acceptance of the financial report at the AGM, the Finance Manager shall send a copy of the certified accounts to OSCR.
- BL3.11 The Finance Manager shall submit a budget, to the last meeting of the Committee prior to the AGM, for the following financial year.
- BL3.12 The Finance Manager shall submit a financial statement to the Committee at every committee meeting.
- BL3.13 All outgoing payments shall be made by cheque or direct Bank Transfer duly authorised in accordance with paragraph BL3.4.

BL4.0 DISCIPLINARY PROCEDURE, COMPLAINTS and APPEALS

BL4.1 General

- BL4.1.1 All Complaints and Appeals, except for doping, wellbeing or protection, or alleged criminal offences, shall be dealt with in accordance with Sections BL4.2, BL4.3 and BL4.4.
- BL4.1.2 Complaints involving doping should be referred to British Swimming as per Scottish Swimming Company Rule R13.1.3.
- BL4.1.3 Complaints involving wellbeing or protection or other criminal offences shall be referred to the Scottish Swimming within 48 hours, in accordance with Scottish Swimming Company Rule R13.2.1

BL4.2 Disciplinary Procedure

- BL4.2.1 In the event that the behaviour of a swimmer, member of the coaching team or Management Group or a parent volunteer contravenes the Club's codes of conduct, the following action may be taken.
- BL4.2.2 The President, or a deputising club official, will conduct an investigation into the alleged breach of the Club's codes of conduct as they see fit and all persons and parties shall co-operate fully with the same. Failure to co-operate may amount to misconduct.
- BL4.2.3 The Investigating Club Official shall thereafter be entitled at any time to decide to:
- Apply a sanction to the person(s) being investigated
 - Refer the matter to a Club Complaint panel
 - Take no further action
 - Pursue an alternative resolution, which may include Mediation, Arbitration or Conciliation.
- BL4.2.4 The Club will keep a record of each stage of the disciplinary process.

BL4.3 Complaints

- BL4.3.1 A complaint is a formal expression of dissatisfaction or allegation of unfair practice in connection with aquatic sports as governed by Scottish Swimming, can be made by:
- a) Any member of the Club
 - b) A parent or guardian on behalf of a junior member as defined in paragraph C3.1
 - c) A parent or guardian on behalf of a member classified as a Vulnerable Person, defined as a person who lacks sufficient capacity to present a grievance by themselves.
 - d) Any Individual

- BL4.3.2 A complaint must be made in accordance with SS Company Rules, Section R12 to R15.

BL4.4 Appeals

- BL4.4.1 An appeal may be made against decisions taken by the Club in respect to the outcome of a submitted complaint or against decisions taken by a National Complaints Committee.

- BL4.4.2 An appeal must be made in accordance with Scottish Swimming Company Rules Sections R12 to R15

BL4.5 Suspensions & Fines

- BL4.5.1 The Committee may take action (e.g. fine, suspend or cancel membership) against any Club Member proved guilty of conduct or breach of the Constitution, Bye-laws, Regulations which is detrimental to the interests or aims of the Club or for acting in such a manner as to bring disrepute to the Club. Such action shall only be taken if the principles and procedures embodied in the Complaints, Appeals and Suspension & Fines sections of the Scottish Swimming Governance Documentation (Sections R12 to R15) have been applied.