

Dagenham Swimming Club

Annexes to Constitution

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Annex 1

ASA COUNCIL MEETING - RULES OF DEBATE

1. A motion of amendment which has been proposed and seconded and submitted in accordance with ASA Law shall be discussed subject to paragraph 15 below. The Chairman may, at this discretion allow amendments from a member of Council at the meeting provided it does not materially affect the substance of the matter under discussion.
2. A member when seconding a motion or amendment may, if he then states his intention to do, reserve his speech until a later period of the debate.
3. A member will stand when speaking at a meeting of the Council and will address the Chairman. If two or more members rise, the Chairman will decide the order in which they shall speak.
4. A member will direct his speech to the question under discussion, to an explanation, or to a point of order.
5. Wherever the wording of a motion reasonably permits, an amendment shall either delete words and/or add others but such omissions or insertions must not have the effect of introducing a new proposal into, or rendering negative the motion before the Council.
6. If an amendment is lost, other amendments may be moved on the original motion.
7. If an amendment is carried, the motion, as mended, will replace the original motion and become the motion on which any further amendments may be made.
8. A further amendment may not be moved until the Council has disposed of the amendment previously moved.
9. A member may only speak once on any motion or amendment, except:
 - i) where he has reserved the right to speak under paragraph 2 above
 - ii) in the exercise of the right of reply under Paragraph 17 below
 - iii) on a point of order
 - iv) by way of explanation under Paragraph 11 below
 - v) to move any of the resolutions mentioned in Paragraph 10 below
 - vi) when invited to do so by the Chairman
10. A member can, after another member has finished speaking move without comment:
 - i) "That the question be now put"
 - ii) "That the debate be now adjourned"
 - iii) "That Council proceed to the next business"
 - iv) "That the Council now adjourn"

If the motion is seconded and the Chairman agrees that the matter needs no further discussion, he will give the mover of the original motion a right of reply. The procedural motion will then be voted on.

If it is carried, as the case may be

- i) the question before the meeting shall be put to the vote
- ii) the subject of the debate shall not be further discussed at the meeting
- iii) the subject of the debate shall be considered to be disposed of, or,

iv) the meeting shall stand adjourned

11. A member may rise on a point of order or in personal explanation. A point of personal explanation shall be confined to some material part of a former speech by the member concerned at the same meeting, which may have been misunderstood.

A point of order shall only relate to an alleged breach of a Standing Order or of an ASA Law. The member shall specify the Standing Order or ASA Law and the way in which he considers it to have been broken.

A member so rising shall be entitled to be heard but no member shall be entitled to interrupt the speech of any other member.

12. The Chairman may close the discussion when he considers the subject has been sufficiently debated. The Chairman may, at his discretion, sum up the debate before putting a motion or amendment. If the debate involves questions of a legal, technical or administrative nature, the Chairman may request the Chief Executive or any other person to advise the Council.

13. The ruling of the Chairman on a point of order, on a point of personal explanation, or an amendment, shall be final and not open to discussion.

14. Whenever the Chairman speaks or rises during a debate, a member then speaking or standing shall resume his seat and the Council shall be silent.

15. A motion or amendment may be withdrawn by the mover with the agreement of the seconder and of the Council, which shall be signified without discussion. Unless this permission is refused, a member cannot speak on the motion after the mover has asked permission to withdraw it.

16. When a motion is under debate, no other motion (which in this context includes an amendment) shall be moved except the following:

- i) to amend the motion
- ii) to postpone consideration of the motion
- iii) to adjourn the meeting
- iv) to adjourn the debate
- v) to proceed to the next business
- vi) that the question be now put

17. **Right of Reply** The proposer of a motion shall have the right of reply at the close of the debate immediately before the motion is put to the vote or before the motion “that the Council proceed to the next business”, or “That the Council now adjourn” is put. If amendments are proposed he shall be entitled to reply at the close of the debate on each amendment.

The mover of an amendment shall not have the right of reply in the debate on the amendment. However, if the amendment is carried and become the substantive motion he shall have the right of reply in the event of any amendment being moved.

A member exercising a right of reply shall only answer previous speakers and shall not introduce new matters. The Chairman’s ruling on this shall be final. After every reply to which this Standing Order refers, a decision shall be taken without further discussion subject to the provision contained in the Rules of Debate.

18. **Disorderly Conduct** If a member, in the opinion of the Chairman, behaves irregularly, improperly, or offensively or intentionally disrupts the business of Council, the Chairman may request the immediate discontinuance of this behaviour. If the member continues to misbehave, the Chairman shall ask the member to leave the room for the remainder of the meeting.

If the member does not then leave, the Chairman or any member may move “That the member named leave the room and be excluded during the remainder of the meeting”. If the motion is seconded, it shall be put and determined without discussion.

If carried the Chairman shall then order the removal of the offending member from the room. Whether he retire upon request or is removed, he shall be excluded from the remainder of the meeting.

The ruling of the Chairman relating to disorderly conduct, or on any consequent motion, and any other requirements or instructions of the Chairman to ensure the orderly debate and proper conduct of the Councils business, shall be accepted without discussion by the members.

If misconduct is continued or there is a general disturbance making orderly business impossible, the Chairman shall adjourn the meeting for as long as he thinks necessary.

19. **Business of an Objectionable Nature** If the Chairman considers any matter to be objectionable or undesirable he may, either before or after it is brought forward, put to the vote a motion that it be not heard. No discussion shall be entered into on the Chairman’s proposal. If carried, the matter shall be considered as disposed of.
- 20 Any happening or matter occurring which these rules do not encompass shall be decided upon by the Chairman whose decision shall be binding on Council.

Annex 2

CODE OF ETHICS

This Code of Ethics was written with specific reference to Teachers and Coaches. However, most aspects of this Code are also applicable to other people involved in the sport. Therefore all Members of the ASA, need to be aware that this Code also applies to them. Please see the accompanying Note for Guidance which does not form part of this Code but which are intended to assist Members in its interpretation.

The ASA and IOS acknowledge that a large part of this Code of Ethics has been derived from the code produced by the Industry Lead Body for Sport and Recreation. The Code published below will remain operational unless and until notice of any changes and amendments is given by the ASA.

The British Swimming Coaches & Teaching Association (BSCTA) endorses this Code of Ethics.

Teaching/Coaching and Instructing

Even though the NVQ standards focus on and describe work functions, they are based on a number of accepted assumptions and values which underpin good practice in teaching/coaching and instructing. The British Institute of Sports Coaches has articulated these into a **Code of Ethics** much of which has been incorporated into the following Code of Ethics for Swimming Teachers/Coaches. Throughout the following Code the expression 'Teacher/Coach' whether used in the singular or plural shall include all teacher/coaches, assistants and other helpers whose activities are connected with the disciplines regulated by the Amateur Swimming Association (the ASA) and all members of the Institute of Swimming (IOS). Where the context of the code admits the expressions Teacher/Coach and Sports coach this may also include Officials and others involved in the sport of swimming in any capacity.

The purpose of the Code of Ethics (referred to throughout the remainder of the document as the Code) is to establish and maintain standards for Teachers/Coaches and to inform and protect members of the public using their services. Ethical standards comprise such values as integrity, responsibility, competence and confidentiality. Individuals who are members of the ASA/IOS are deemed to have assented to the Code and as such recognise and adhere to the principles and responsibilities embodied in it.

The Code creates a framework within which Teachers/Coaches when engaged in sports coaching - in the fullest sense of the expression - should always work. The code has been written as a series of guidelines rather than a set of instructions. However violations of the Code may result in complaints being made to the ASA Judicial System and, in which case the relevant Tribunal in determining whether a conduct complained of has brought the sport into disrepute or amounts to a violation of the ASA Laws will consider the Code's provisions when assessing the guilt of individuals against whom complaints have been made and/or the appropriate sanctions to apply.

The Code

Issues of responsibility

Teaching/Coaching is a deliberately undertaken responsibility, and sports Teacher/Coaches are responsible for the observation of the principles embodied in the Code of Ethics.

Humanity

Teacher/Coaches must respect the rights, dignity and worth of every human being and their ultimate right to self-determination. Specifically, Teacher/Coaches must treat everyone equally within the context of their activity, regardless of sex, ethnic origin, religion, disability or political persuasion.

All club members should refrain from any conduct which may constitute bullying.

Bullying may be defined as deliberately hurtful behaviour, usually repeated over a period of time. Bullying can be:

Physical e.g. Hitting, kicking or theft.

Verbal: e.g. Racist, sexist or homophobic remarks, threats, name-calling

Emotional e.g. Isolating an individual from activities, putting them down, destroying self esteem

(See Notes for Guidance)

Relationships

The good Teacher/Coach will be concerned primarily with the well-being, health and future of the individual performer and only secondary with the optimisation of performance.

A key element in a teacher/coach relationship is the development of independence. Performers must be encouraged to accept responsibility for their own behaviour and performance in training, in competition, and in their social life. Teachers/Coaches are responsible for setting and monitoring the boundaries between a working relationship and friendship with their performers. This is particularly important when the coach and performer are of opposite sex and/or when the performer is a young person. The Teacher/Coach must realise that certain situations or friendly actions could be misinterpreted, not only by the performer, but by outsiders motivated by jealousy, dislike or mistrust and could lead to allegations of sexual misconduct or impropriety.

The relationship between coach and performer relies heavily on mutual trust and respect. In detail this means that the performer should be aware of the Teachers'/Coaches' qualifications and experience and must be given the opportunity to consent to or decline proposals for training and performance.

Commitment

Teachers/Coaches need to clarify in advance with performers and/or employer the number of sessions, fees (if any) and method of payment. They also need to explore with performers and/or employers the expectation of the outcome of teaching/coaching.

Teachers/Coaches have a responsibility to declare to their performers and/or employer any other current teaching/coaching commitments. Teachers/Coaches should also find out if any prospective client is currently receiving guidance from another Teacher/Coach. If so, that teacher/coach should be contacted to discuss the situation.

Teachers/Coaches who become aware of a conflict between their obligation to their performers and their obligation to their Governing Body or other organisation employing them must make explicit the nature of conflict, and the loyalties and responsibilities involved, to all parties concerned.

Co-operation

Teachers/Coaches should communicate and co-operate with other sports and allied professions in the best interest of their performers. An Example of such contact would be the seeking of educational and career advice/counselling for young performers whose training impinges upon the performance of their studies.

Teachers/Coaches must communicate and co-operate with medical and ancillary practitioners in the diagnosis, treatment and management of their performers' medical and psychological problems.

Advertising

Advertising by sports teacher/coaches in respect of qualifications and/or services shall be accurate and professionally restrained.

Teachers/Coaches shall not display any affiliation with an organisation in a manner that falsely implies sponsorship or accreditation by that organisation.

Integrity

Teachers/Coaches should refrain from public criticism of fellow Teachers/Coaches. Differences of opinion should be dealt with on a personal basis and more-serious disputes should be referred to the Governing Body (ASA) or to the IOS.

Teachers/Coaches must not encourage performers to violate the rules of their sport and should actively seek to discourage such action. Furthermore, teachers/coaches should encourage performers to obey the spirit of such rules.

Teachers/Coaches must not compromise their performers by advocating measures which could be deemed to constitute seeking to gain an unfair advantage. Above all, teachers/coaches must never advocate the use of proscribed drugs or other banned performance enhancing substances.

Teachers/Coaches must treat opponents and officials with due respect both in victory and defeat and should encourage their performer to act in a similar manner.

Teachers/Coaches must accept responsibility for the conduct of their performers insofar as they will undertake to discourage inappropriate behaviour.

Confidentiality

Teachers/Coaches inevitably gather a great deal of personal information about performers in the course of a working relationship. Teacher/Coach and performers must reach agreement as to what is regarded as confidential information, i.e. not divulging to a third party without the express approval of the performer.

Confidentiality does not preclude the disclosure of information, to persons who can be judged to have a 'right to know', relating to performers when relevant to the following:

- evaluation of the performer within the sport for competitive selection purposes and recommendations concerning performers for professional purposes;
- pursuit of disciplinary action involving performers within the sport;
- pursuit of disciplinary action by the ASA and/or IOS involving fellow coaches in alleged breaches of this Code of Ethics and Conduct.

Abuse of Privilege

The Teacher/Coach is privileged, on occasion to have contact with performers and to travel and reside with performer in the course of teaching/coaching and competitive practice. Consequently, a Teacher/Coach must not attempt to exert undue influence over the performer in order to obtain personal benefit or reward.

Personal Standards

The Teacher/Coach must consistently display high personal standards and project a favourable image of their sport and of teaching/coaching - to performers, other teachers/coaches, officials, spectators, the media and the general public.

Personal appearance is a matter of individual taste but the sports teacher/coach has an obligation to project an image of health, cleanliness and functional efficiency.

The Teacher/Coach should never smoke when teaching/coaching.

Teachers/Coaches should not drink alcohol so soon before teaching/coaching that their judgement may be impaired and the smell will still be on their breath when working with performers.

Safety

Teachers/Coaches have a responsibility to ensure the safety of the performers with whom they work as far as possible within the limits of their control.

All reasonable steps should be taken to establish a safe working environment.

The work done and the manner in which it is done should be in keeping with regular and approved practice within that sport.

The activity being undertaken should be suitable for the age, experience and ability of the performers.

Performers should have been systematically prepared for the activity being undertaken and made aware of their personal responsibilities in terms of safety.

Issues of Competence

Teachers/Coaches shall confine themselves to practice in those fields of sport in which they have been trained/educated, and which are recognised by the ASA and IOS as being valid. Valid areas of expertise are those directly concerned with sports coaching. Training includes the accumulation of knowledge and skills through both formal Teacher/Coach education courses and by experience at a level of competence acceptable for independent teaching/coaching practice.

Teachers/Coaches must be able to recognise and accept when to refer performers to other agencies. It is the responsibility of the Teacher/Coach as far as possible, to verify the competence and integrity of the person to whom they refer a performer.

Teachers/Coaches should regularly seek ways of increasing their professional development and self awareness.

Teachers/Coaches should welcome evaluation of their work by colleagues and be able to account to performers, employers, Governing Bodies and colleagues for their actions.

Teachers/Coaches have a responsibility to themselves and their performers to maintain their own effectiveness, resilience and abilities, and to know when their personal resources are so depleted as to make it necessary for them to seek help and/or withdraw from teaching/coaching whether temporarily or permanently.

Violations of this Code

An alleged breach of this Code shall be grounds for making a complaint under ASA Law. This is a formal expression of dissatisfaction with the actions of behaviour of clubs, bodies, organisations or individuals or with alleged unfair practice in connection with the sport and will be dealt with by a Judicial Tribunal.

The procedures for making a complaint are set out in the ASA Judicial Laws which are reproduced in the current edition of Laws of the Sport and the ASA Handbook. Any complaint relating to matter contained in this Code may be referred by the ASA Judicial Administrator for investigation as is required under A.S.A. Law. Dependent upon the outcome of the investigation the Judicial System may direct that the matter may not proceed as a complaint under the ASA judicial system. In such a situation the Chief Executive may authorise such other action for instance the offering of guidance of education support or the issue of a warning as to future conduct, as may be appropriate in the circumstances. Thereafter dependant upon the outcome of such other action the Chief Executive may refer the matter back to the Judicial System for reconsideration as to whether the matter may proceed as a complaint.

The ASA Child Protection Officer shall have the power in exceptional circumstances to commence or take over conduct of any complaint made in respect of any breach of any of the provisions of this Code.

Team Staff Appointments Policy

The policy of the Amateur Swimming Association and Amateur Swimming Federation of Great Britain is as follows:

Where one athlete aged below eighteen years of age is travelling they must be accompanied by one member of staff and parental consent obtained with regard to the identity of the staff member.

Where there are two or more athletes travelling they must be a minimum of two members of staff accompanying the athletes. Where the group of athletes are of mixed sex, there must be staff members of each sex.

NOTES FOR GUIDANCE

Under the ASA/IOS Code of Ethics Honorary officials are entitled to expect the same respect and dignity of treatment as that to which employees are entitled. It follows from this that if an official is not performing satisfactorily in their role the official is entitled to be told, to be given an opportunity to respond to the criticism and the opportunity to improve.

Further, the Club may wish to consider establishing a mentoring system with senior figures(s) in the Club (possibly a Past President) offering guidance and support to officials and also encouraging the development of new talent to ensure successions within the Club's administration.

Conduct of Meetings

In particular any member wishing to make any direct overt-criticism of an official or other member of the club in a general meeting must advise the Chairman in good time to enable the Chairman to advise such person in advance of the meeting in order that he is able to prepare himself for such criticism.

Furthermore, as a separate obligation on the chairman of the meeting when an official or member is the subject of criticism the chairman must specifically afford such person the opportunity to respond to include if requested consideration of an adjournment to enable the person to collect their thoughts.

Any failure to follow these principles may give rise to a complaint to the Judicial System under the ASA/IOS Code of Ethics. It is not intended that the Code should be used to stifle democratic debate but ethical considerations and indeed common sense decency dictates that advance warning should be given to anyone who is to be the subject of criticism in a general meeting.

Bullying

The damage caused by bullying is frequently underestimated and can and does cause considerable distress and harm to children. It is important that all settings in which children are provided with services or activities promote a policy which is not tolerant of bullying. No swimmer will be able to reach their full potential if they feel they are the victims of bullying, by an adult or one of their peers. Tackling bullying must be the responsibility of everyone in the club.

Guidelines and strategies to support an anti-bullying policy

The chances of bullying happening in a club can be greatly reduced if there is a general atmosphere where members are valued and cared for. The following strategies which are embodied in the ASA Code of Ethics will support a club's attempt to prevent bullying:

- 1• Encourage an ethos of mutual respect for difference throughout the club
 - 2• Give positive encouragement and promote the value of self and others
 - 3• Raise awareness of all to the possible cause and effect of bullying
 - 4• Make it clear that bullying will not be tolerated and is unacceptable, but that both victims and bullies will be given the necessary support
 5. Enable swimmers, coaches and teachers to understand that no form of bullying, be it physical, verbal or emotional, will be tolerated by the club or the Association.
 6. Enable members to feel confident that their concerns will be listened to and taken seriously
- Publicise Swimline and the NSPCC Child Protection Helpline

Any club where bullying is evident but not addressed will be considered to be breaching the ASA Code of Ethics. Clubs should ensure that any bullying which involves children should be seen in the same light as other child protection concerns and the ASA Child Protection Procedures should be implemented if a serious concern is raised.

Annex 3

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

ASA Judicial Laws 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 Administrator.

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 ASA Law.

The key principle to be followed is that ASA Law conforms to the law of the land in so much that an individual accused of an alleged offence is innocent until proven guilty and he must have reasonable opportunity to present a defence and have his views heard.

In these notes reference is made to the term 'dispute' to avoid confusion with the term 'Complaint' used in formal ASA 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 (or 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.

3.3 Procedures

3.1 On receipt of the dispute every effort should be made to resolve the matter by informal discussion. In difficult cases the Chairman 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 Chairman. 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.

3.2 The Chairman 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.

3.3 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.

3.4 Both parties should be allowed to bring witnesses.

3.5 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 Chairman 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 ASA Judicial Laws 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 Administrator at ASA Head Office, Loughborough.

5 Further Information

Additional guidance can be obtained from the ASA Handbook Judicial Laws. The Sports Council have also issued a booklet 'Getting it Right' a Guide to Sports Ethics and Disciplinary Procedures.

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.