

Club Complaints Procedure

What is a club complaint?

A complaint or conflict that is referred to the City of Leicester Swimming Club Committee.

A Club Complaint (Regulation 103 of the Swim England Handbook, Jan 2023) is defined as:

a complaint involving an alleged breach of the club's rules or any other dispute not relating to an alleged breach of Swim England regulations, 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;

which excludes:

- a breach of Swim England Regulations (dealt with under Regulation 104 by the Swim England Office of Judicial Administration (OJA) see Swim England Handbook for details)
- allegations against paid employees of City of Leicester Swimming Club (dealt with under their Contract of Employment and also under Regulation 104 if also a breach of Swim England Regulations, as above)

Dealing with a club complaint

Swim England has defined a 5-step process to dealing with club complaints:

Step 1: Amicable Resolution

Step 2: Club Complaint Log Form

Step 3: Mediation (optional)

Step 4: Club Complaint Hearing

Step 5: Club Complaint Outcome

Throughout the process, all parties involved should respect confidentiality. All outcomes remain confidential to the parties involved, with the exception of reporting outcomes to the Club Chair (or their nominee should the Chair be involved).

Step 1: Amicable Resolution

This first step is an essential one, where an amicable and informal resolution is sought via a discussion between the two people involved in the dispute. There should not be a third party trying to broker the discussion at this stage.

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 Log Form

If an amicable resolution has not been reached then the complainant should request a Club Complaint Log Form from the Club Chair. If the Club Chair is involved in the dispute then this request will be made to the Chair's nominee.

The request for the form must be made within **14 days** of the issue that has caused the complaint to be raised.

The complainant has **7 days** to return the form to the Club Chair or their nominee.

The Club Chair or nominee has **3 days** to forward this form to the respondent.

The respondent has **7 days** to complete the form and return it to the Chair or their nominee.

Both parties have the option to agree to mediation. If mediation is agreed, move to Step 3, if not then move to Step 4.

Step 3: Mediation (Optional)

Swim England and the City of Leicester Swimming Club strongly recommend that mediation is considered. All parties retain ownership of the process and agree the outcome.

If both parties agree to mediation, the Chair or their nominee will appoint an independent mediator to arrange a meeting, either online or in person, within **14 days** of mediation being the agreed route.

It is recommended that the Chair or their nominee is not the independent person in mediation as this will preclude them from pulling together a panel for the Step 4, if needed.

Mediation is a confidential process and the meeting should not be discussed with anyone else other than the outcome being shared with the Chair or their nominee.

Step 4: Club Complaint Hearing

If both parties do not agree to mediation, or if the mediation fails, a Club Complaint Hearing should then take place.

Within **7 days** of the mediation outcome, or if mediation is not agreed to under Step 2, the Chair or their nominee shall organise a panel of 3 independent (of the complaint) members. One of the 3 members should be proposed by Swim England East Midlands region to act as Chair of the panel.

Either party can object to any panel member for good reason (see Regulation 103.5.3) but it must be done within 3 days of notification of the make-up of the panel.

The Club Complaint Hearing must take place within **28 days** of the panel's appointment.

Each party may have a maximum of 3 witnesses but permission must be granted by the panel.

Upon completion of the hearing, the panel must provide a copy of the decision within **14 days**.

Step 5: Club Complaint Outcome

Sanctions may be applied accordingly or if appropriate the matter may be referred to the Office of Judicial Administration as a Judicial Complaint.

The outcome of the hearing is final and binding unless there are grounds to make a Judicial Complaint:

- if a party believes that the club or panel did not comply with Judicial Regulation 103; or
- if a party believes that a sanction imposed by the panel is disproportionate

A Judicial Complaint may NOT be made by a party to a club complaint on the sole basis that a panel's decision was not in their favour.

City of Leicester Swimming Club's Rights and Responsibilities

The City of Leicester Swimming Club's Chair is responsible for ensuring adherence to timelines and appropriate record keeping, and the club is responsible for ensuring that a fair and open disciplinary system for handling internal club complaints exists and that it conforms to Swim England Judicial Regulation 103.

Under Swim England Regulation 281.1, the City of Leicester Swimming Club may apply sanctions to a member for a breach of its own rules (subject to Swim England Regulation 103) relating to activities wholly within its own jurisdiction up to and including suspension from any or all of them. The City of Leicester Swimming Club may also expel a member, provided that before doing so it informs the member of the alleged offence and gives them a reasonable opportunity to defend themselves against the charge. If the alleged offence is also a breach of Swim England Regulations, the City of Leicester Swimming Club shall not deal with it but may make a complaint under the Judicial Regulations.

Under Swim England Regulation 281.2, the City of Leicester Swimming Club may expel from membership and/or refuse to renew the membership of any member who has been suspended according to Regulation 103 or Regulations 241 – 246, provided that any such expulsion or initial refusal shall not be lawful after the 12 months immediately following the end of the suspension.

Swim England Friends

Swim England Friends are volunteers who are available to give impartial assistance and guidance to Swim England member, or their parents, on matters involving:

- Swim England Judicial Regulations
- Club Constitutions and Rules
- Swim England Code of Ethics
- Codes of Conduct

Friends have a wealth of experience in the world of aquatics and a knowledge of the regulations, constitution and judicial procedures. They also have in-depth knowledge of swimming clubs and how issues raised to them have been resolved in the past.

Friends can provide either one-off or ongoing advice.

Friends are assigned on a case-by-case basis, by contacting signposting@swimming.org

Key Contacts

City of Leicester Swimming Club Chair – colscchair@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:	