



Policy and Procedures For The Investigation and Resolution of Internal Club Disputes

Bicester Blue Fins Swimming Club Committee acknowledges their responsibility to have a clear policy and procedure for the investigation and resolution of internal club disputes. This policy is underpinned by the club constitution, the Swim England Judicial Regulations, Code of Ethics and Code of Conduct.

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").

The responsibility for the management of disputes rests with the Executive Committee who will ensure that every effort is made to resolve a dispute through informal and amicable agreement. Where this is not possible, the dispute will be dealt with in accordance with the Swim England Judicial Regulations.

This policy aims to reflect that all persons involved in a dispute will be treated fairly, with respect and without improper discrimination.

All issues relating to child protection with regard to any individual will be referred to the Swim England Department of Legal Affairs, as defined by the Swim England Child Protection Policy.

The Bicester Blue Fins Swimming Club Disputes and Disciplinary Procedure are only applicable to breaches of club rules by members of Bicester Blue Fins Swimming Club. The Committee does not have the powers to consider complaints against non-members, members of other swimming clubs, or address offences under Swim England Law.

1. Sequence of steps to deal with a dispute

1.1 In the event of a situation occurring during training or competition it may be necessary for a Club Official to take immediate action. The Supervising Coach or a Committee Member has the authority to temporarily exclude a club member from that training session or competition. The excluding Officer is required to submit a report to the Club Chairman within 5 days.

1.2 Any club member can make a written complaint about any incident involving any other club member regardless of whether action was taken at the time.

1.3 On receipt of a written dispute Bicester Blue Fins Swimming Club Committee will, where practicable, make every effort to resolve disputes by informal discussion.

1.4 Where a matter cannot be resolved informally, or where it may be necessary to apply sanctions to a member, the Committee will set up a Panel to determine the dispute.

1.5 The Officers of the Club (or any person to whom the Committee shall delegate this power) may temporarily suspend or exclude a member from particular training sessions and/or wider club activities, pending the outcome of a panel hearing.

2. Setting up the Panel

2.1 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.

2.2 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.

3. Procedure before a hearing

3.1 The panel members shall appoint one of their number to act as the Chairman 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.

3.2 The Chairman 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.

4. Procedure at a hearing

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

4.2 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 Chairman shall have the discretion to limit the number of witnesses that would otherwise have been called.

4.3 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

4.4 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.

5. Procedure after a hearing

5.1 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.

5.2 Notwithstanding anything in 5.1 the Chairman 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.

6. Considerations regarding children

6.1 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 Chairman 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.

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

6.3 No child aged fourteen or under shall normally be expected to attend a hearing to give evidence in person. His 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:

6.4 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 Chairman 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:

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

6.6 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.

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

7. Powers of the Disciplinary Panel

7.1 In accordance with Swim England Judicial Regulation 281 the Disciplinary Panel has the power to administer the following sanctions:

- a) Issue a verbal reprimand.
- b) Issue a written reprimand.
- c) Suspend a member for a specified period of time with immediate effect.
- d) Expel a member from the club with immediate effect where a club member has, in the opinion of the panel, compromised the interests of the club. Such action may be subject to any overriding Swim England Complaints Procedure.

7.2 If either party to the complaint is dissatisfied with the findings of the Disciplinary Panel, they retain the right to refer the dispute to the Swim England in accordance with Judicial Regulation 102.