

## **Belper Marlin Swimming Club Disciplinary Procedures.**

**The primary objective of the Disciplinary Procedure is to encourage members to behave in a manner which is respectful of themselves and others and to ensure that rules, regulations and codes of conduct are adhered to.**

**Belper Marlin Swimming Club follows guidance provided by Swim England in formulating our rules, regulations and codes of conduct and in having robust procedures in place for when these are breached.**

**Belper Marlin Swimming Club** recognises that the vast majority of our members meet and exceed the club's expectations of behaviour and conduct and we pride ourselves on this in training, at galas and even outside of swimming. Unfortunately, there are occasions when these standards are breached and BMSC has set out disciplinary procedures to ensure that any issues are dealt with fairly and appropriately.

This procedure is set out to provide guidelines for disciplining members of BMSC who contravene the code of conduct and their obligations as set out in the club's policies. The main objective is to encourage members to comply with the rules, regulations and codes of conduct and fulfil their obligations set out in the club policies and under Wave Power.

### **General principles**

BMSC disciplinary procedures are based on the following principles:

- The disciplinary rules and procedures are intended to be non-discriminatory and are to be applied equitably, irrespective and respectful of an individual's protected characteristics
- All matters are to be dealt with in accordance with the Club Constitution
- It is expected that most matters can be dealt with quickly and appropriately in the first instance
- All matters relating to a disciplinary action will be dealt with as quickly as possible
- A person making a complaint about inappropriate behaviour/conduct should normally do so within 3 days of the incident verbally and then in writing to one of the Officers of the club within 7 days in order for this matter to be dealt with as soon as possible
- Persistent or serious breaches of misconduct and or behaviour must be reported to the Club Secretary in writing within 7 days
- No member will be dismissed or suspended from the club for a first breach of conduct except in the case of serious misconduct, or a series of misconduct, or gross misconduct
- Club members will have a right to appeal against any formal disciplinary decision

## **Four stages of Disciplinary Action.**

### **Stage 1. Normal Coaching Intervention/Interaction and conduct review**

It is anticipated that most issues regarding behavioural issues can be dealt with appropriately, effectively and quickly through normal, informal intervention and discussion at the time of the event taking place with those parties responsible.

This will always be the first action taken by the Teacher/Coach and whilst it does not require observation or verification by others, the respective coach may inform or consult with the relevant parents/carers if considered appropriate for the situation or behaviour that has taken place. The Teacher/Coach has the authority to exclude the swimmer where the incident takes place and invite the swimmer to a conduct review meeting with the swimmer, the Head Coach and the parent/carer should they deem this necessary.

Teachers/Coaches may use their discretion and judgement to repeat Stage 1 on any number of occasions prior to moving to Stage 2, which should always be a final resort once it is clear that normal interventions are not resolving the matter.

#### **Examples of conduct deemed worthy of the above:**

- Misbehaviour
- Not completing the training set/programme
- Talking over instructions and not listening to information or advice
- Being disrespectful to anyone
- Disobeying instructions

#### **Summary Outcome**

This is an informal approach to highlight the issue raised regarding conduct and discussed in the correct manner sufficient for the member to take the advice and reasoning on board and accept that their behaviour is not within our code of conduct.

Discretion is required in assessing if the member has taken the advice and is prepared to work hard to improve their conduct.

Moving onto to Stage 2 should always be a final resort if normal methods are not working.

## **Stage 2 Verbal Warning Issued**

Where a swimmer's conduct does not meet the acceptable standards or they commit a minor offence or incident, the Teacher/Coach (at their discretion) will issue a verbal warning to the swimmer of which a written record will be sent to the club secretary. The swimmer's previous disciplinary record and the seriousness of the incident will be taken into account. If the member is under 18 the teacher/coach will make all reasonable efforts to inform the respective parent/carer prior to leaving the session/competition that same day.

The Teacher/Coach will notify the Head coach of the verbal warning issued (normally within 24 hrs) who will duly inform the club secretary to inform the parents/carer if under 18 in writing of the reason for the verbal warning, the improvement required and the date of when the warning expires.

Such action is taken under Stage 1 of the disciplinary procedure.

Action under Stage 2 of the Disciplinary procedure will be considered if there is no satisfactory improvement before the expiry of the verbal warning period or if further acts of misconduct occur.

The club member will have a right to appeal against any formal disciplinary decision as laid out by the SWIM ENGLAND in the current SWIM ENGLAND laws.

### **Examples of conduct deemed worthy of above:**

- Dangerous physical actions
- Swearing
- Repeatedly refusing to obey instructions

### **Summary Outcome.**

This is a formal verbal warning, of which a written record will be kept.

The member/parent/carer (if under 18 years of age), will be informed in writing that Stage 3 of the disciplinary procedure will be considered if no improvement is made by the member.

This action is taken under Stage 2 of the disciplinary procedure, further action may be considered to Stage 3

### **Stage 3 Written Warning Issued**

In the case of more serious incidents, or if a further offence occurs whether of a similar or different nature, a written warning will be issued to the member and parent/carer by the Chairman of the Club.

This will give reasons for the warning, the improvement required and the date when the warning expires – it will warn that action under Stage 4 of the disciplinary procedure will be considered if there is no improvement or further acts of misconduct occur and will advise of their rights of appeal.

#### **Examples of conduct deemed worthy of above:**

- Foul and abusive language
- Aggressive behaviour and/or fighting
- Repeated cases of previous unacceptable behaviours

#### **Summary Outcome.**

A written warning will be issued to the member and parent and carer.  
Stage 4 of the disciplinary procedure will be considered.

## **Stage 4 – Suspension or Termination of Membership**

If a member's conduct remains unsatisfactory and fails to reach the prescribed standards, despite receiving a written warning, or if the member has committed an act of serious or a series of misconduct then suspension or termination of their membership may result.

**Only the Officers of the Club** can make a decision to suspend and or terminate a member of the club.

If suspension is implemented, a full investigation will be carried out by the Officers of the Club to determine the outcome of the investigation as soon as is reasonably possible. The purpose of the investigation is to establish the facts of the allegations and record them in order to determine the outcome. If there are unavoidable delays such as holidays, illness the member, parent/carer will be informed of the delay and the reason for it.

It is important to remember that the purpose of any subsequent disciplinary hearing is to make a judgement on the facts presented and only the facts and not hearsay. This will be conducted within a reasonable period of time but would be expected to last no longer than 4 weeks. In the event that the investigation reveals further incidents, these may be subject to investigation by the Officers of the Club. Members who do not respond without valid reason to an allegation of misconduct and or do not attend a disciplinary hearing must be informed that they may have their case decided in their absence.

### **Possible outcomes following a disciplinary hearing:**

- No Action required.
- Written warning with agreed timescale, with attached conditions.
- Temporary Suspension.
- Permanent termination of membership.
- Matter referred to the SWIM ENGLAND/Police
- Final written warning.

### **Recording.**

The member will be notified in writing of the details and outcome of the disciplinary hearing and the reasons for the action taken. This will be sent to a member/parent/carer within 10 days of the conclusion of the disciplinary hearing unless there are valid and good reason for an extension of time required. The outcome of the disciplinary hearing will remain in force for an agreed period of time except in the case of permanent termination of membership.

## **Right to appeal**

First communication of an appeal is to the Club Chairman. The appeal must be received within 7 days unless there is good reason to extend the time frame. The Club Chairman will discuss the appeal with the Officers of the Club and the Club Secretary will conclude the outcome of the appeal by means of written conclusion.

A final right of appeal is possible under the SWIM ENGLAND Judicial Laws.

### **SWIM ENGLAND Law:**

As an affiliated Club, SWIM ENGLAND law has overriding effect.

Richard Oram  
Club Chairman  
13/03/2020

