



Formby Swimming Club

Disciplinary Procedure

Breaches of the ASA Code of Conduct and Ethics, the Formby Swimming Club (FSC) Code of Conduct (Swimmers) will be dealt with in accordance with the procedures set out in this document. Disciplinary procedures are only applicable to breaches of Club rules by members of FSC. The Club does not have the powers to consider complaints against non-members, members of other swimming clubs, or address offences under ASA Law.

Objective:

FSC is committed to enforcing its Code of Conduct and policies relating to its members and their parents/carers. This policy is set out to guide the Management Committee and inform members of FSC and their parents/carers of the discipline process. It provides guidelines for disciplining members of FSC who contravene the Code of Conduct and their obligations as set out in the club's policies. The primary objective is to encourage members to comply with the Code of Conduct.

General Principles:

FSC disciplinary procedures are based on the following principles:

- The disciplinary rules and procedures are designed to be non-discriminatory and are to be applied irrespective of sex, racial group, sexual orientation, disability, religion, age, or any other bias.
- All matters will be dealt with in accordance with the Club Constitution.
- It is expected that most matters will be dealt with on poolside or at the point of incidence informally at the time of the event.
- All matters relating to disciplinary action will be handled as speedily as possible.
- A person wishing to make a complaint about inappropriate conduct should normally do so within 30 days of the incident.
- Persistent or serious breaches of conduct will be reported to the Club Chairman and Welfare Officers – in writing.
- No member will be dismissed or suspended from the Club for a first breach of conduct except in the case of serious or gross misconduct.
- Club members will have a right of appeal against any formal disciplinary decision.

Procedure:

Each stage of the disciplinary procedure will be overseen by the FSC Management Committee.

On receipt of a complaint the FSC Chairman/Welfare Officer will decide what action to take. If they decide the matter should be handled formally and a disciplinary investigation is necessary, the Welfare Officer will investigate the incident.

Coaching Issues:

In the first instance of a swimmer failing to uphold reasonable and respectable behaviour or the required standards during training sessions or competitions, or where a swimmer is in obvious breach of the Club Code of Conduct, the following procedures should be enacted.

Firstly, the Coach in charge of the session/squad where the incident or behaviour occurred will endeavour to deal with the situation at the time through informal intervention, interaction and discussion with the swimmer, also notifying parents where considered to be appropriate.

This situation is defined as Stage 0 of the disciplinary procedure and may also result in the swimmer being excluded from the session where the inappropriate behaviour takes place.

If the swimmer continues to fail to meet the expectations of the squad, they will immediately be placed on Stage 1 of the disciplinary procedure.

FOUR STAGES OF DISCIPLINARY ACTION**Stage 0 – Normal Coaching Intervention/Interaction:**

It is anticipated that most coaching, training and behavioural issues can be appropriately, effectively and quickly dealt with through normal and informal intervention, interaction and discussion by the Squad Coach with those parties responsible.

This will always be the first action taken by the Squad Coach and whilst it does not require observation or verification by any other persons, the respective Coach may inform or consult with the relevant parents/carers if considered appropriate for the situation or behaviour that has taken place.

Squad Coaches have the authority to exclude a swimmer from the session where the incident takes place.

Coaches may use their discretion and judgement to initiate and repeat Stage 0 on any number of occasions prior to moving to Stage 1.

Stage 1 - Verbal Warning Issued:

Where a swimmer's conduct does not meet acceptable standards or he/she commits a minor offence or incident, the Squad Coach, at his/her discretion, will issue a formal verbal warning to the swimmer, of which a written record will be kept. The swimmer's age, previous disciplinary record

and the seriousness of the incident will be taken into account. If the member is under 18, the Squad Coach will inform the respective parent/carer.

The Squad Coach will notify the Head Coach of the verbal warning who will duly inform the member, or parent/carer if under 18, in writing of:

- The reason for the warning, the improvement required and the date when the warning expires.
- The swimmer may be relocated to a training group that is deemed more suitable by the Head Coach.
- That such action is taken under the Stage 1 of the disciplinary procedure.
- That action under Stage 2 of the disciplinary procedure will be considered if there is no satisfactory improvement before the expiration of the verbal warning period or if further acts of misconduct occur.

Stage 2 - 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 Head Coach or the Chair 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 3 of the disciplinary procedure will be considered if there is no satisfactory improvement or further acts of misconduct occur and will advise of his/her rights of appeal.

Stage 3 – Suspension or Termination of Membership:

If conduct is still unsatisfactory and the member still fails to reach the prescribed standards despite receiving a written warning, or if the member has committed an act of serious or gross misconduct, suspension and/or termination of a swimmer's membership by FSC may occur. Suspension or termination of membership may also result from a serious breach of any of the ASA or FSC codes or policies.

Only the Management Committee of the FSC can make a decision to terminate a swimmer's membership. However, the Head Coach has full authority over the population of training squads and if Stage 3 has been reached, he/she may withdraw access to any or all squad(s) training sessions for the swimmer concerned. Termination of membership may also result from a serious breach of any of the ASA or FSC codes or policies.

Before termination of a swimmer's membership is made by FSC for any of the above reasons, a full investigation and exit interview will be carried out. Self-termination of membership (resignation) can be requested at any time by formal letter to the Secretary of FSC. All subscriptions and fees due must be paid when membership is terminated. Members leaving without payment of outstanding fees will be reported to the ASA. Any appeal against termination of membership must be submitted to the Secretary within 14 days by formal letter.

Investigation:

Serious misconduct will be subject to investigation. The purpose of an investigation is to establish the facts of a case and to record them. The level of investigation into a complaint or incident must be decided by the Club Chairman and must be based on a judgement of its nature, seriousness and how much is known about the circumstances of the misconduct.

It is important to remember that it is the purpose of any subsequent disciplinary hearing to make a judgement on the facts presented. So the investigation must focus on relevant facts. In the event that the investigation reveals further incidents, these may be subject to investigation.

Timing:

Investigations that may lead to disciplinary action must take place as soon as reasonably possible after any misconduct is alleged. Investigations should be conducted as early as possible and within 28-days of a complaint being received unless there are justifiable reasons for extending the time frame (e.g. personal or family holidays).

Members of FSC who do not respond, without good reason, to a statement of alleged misconduct and/or do not attend a disciplinary hearing if requested, must be made aware that they may have their case decided in their absence.

Possible outcomes following a disciplinary hearing:

- No action
- Written warning. This will remain in place for an agreed period of time with conditions attached.
- Final written warning.
- Temporary suspension.
- Permanent termination of membership.
- Matter referred to Police/ASA.

Recording:

The member will be notified in writing of the details of any disciplinary outcome and the reasons for the outcome.

Right of Appeal:

- First right of appeal is to the Club Chairman. The appeal must be received within 14 days unless there is good reason to extend the time frame.
- The Club Chairman/Welfare Officer will organise an independent assessment of the case and report within 28 days unless there is good reason to extend the time frame.
- A final right of appeal is possible under the ASA Judicial Laws.

ASA Law: As an affiliated Club, ASA law has overriding effect.