



## CONSTITUTION

### GREAT BRITAIN DEAF SWIMMING CLUB

RULES of Great Britain Deaf Swimming Club (“the Club”) as amended 26 October 2019 and approved on 6th November 2019 by Sussex County ASA.

#### 1. Name

1.1 The name of the Club shall be Great Britain Deaf Swimming Club

1.2 The national nature of the club has been recognised by Swim England, Scottish and Welsh Associations and Swim England South East Region. Affiliation to Swim England South East Region has been exceptionally agreed as appropriate.

#### 2. Objects:

2.1 The objects of the club shall be the teaching, development and practice of swimming and shall, where appropriate, be to compete, and to require participants to become members of local swimming clubs and to seek participation in national and international Deaf Swimming events by membership of GBDSC. The club shall also develop and promote best practice in the teaching and coaching of deaf swimming.

2.1.1 The Club is committed to treating everyone equally within the context of its activity and with due respect to the differences of individuals. It shall not apply nor endorse unlawful or unjustified discrimination, and shall act in compliance with the protections afforded by the Equality Act 2010.

2.1.2 The Club shall implement the Swim England A.S.A. Equality Policy (as may be amended from time to time) and will interpret this in the context of Deaf Swimming. This will mean providing support and advice, plus the opportunity for training, development and competition, to all swimmers with a hearing impairment, regardless of the level of that impairment.

2.1.3. To advance the interests of swimming for deaf people and to uphold the Laws, Regulations and Rules of Swim England.

2.1.4 Under the auspices of the International and National Deaf Sports Governing Bodies and Swim England to arrange and regulate the Club National Deaf Swimming Championships and

2.1.4.1 To form the GB Swimming teams for international deaf swimming events.

2.1.4.2 To arrange and support training and development activities for members of GBDSC.

2.1.5 To raise and employ the funds of the club in such a manner as shall be deemed in the best interests of Deaf swimming.

2.1.6 To raise the standards of Deaf swimming for Great Britain representation.

2.2 The Club shall be affiliated to Swim England South-East Region, and shall adopt and conform to the rules of this Association, and to such other bodies as the Club may determine from time to time.

2.3 The business and affairs of the Club shall at all times be conducted in accordance with the Laws, Regulations and Technical Rules of Swim England. (“Swim England Laws”) and in particular:

2.3.1 All competing members shall be eligible competitors as defined in Swim England Laws; and

2.3.2 The Club shall in accordance with Swim England Laws adopt Swim England’s Child Safeguarding Policy, Regulations and Procedures; and shall recognise that the welfare of children is everyone’s responsibility and that all children and young people have a right to have fun, be safe and be protected from harm.

2.3.3 Members of the Club shall in accordance with Swim England Laws comply with Swim England's Child Safeguarding Policy, Regulations and Procedures.

2.4 By virtue of the affiliation of the Club to Swim England South-East Region, the Club and all members of the Club acknowledge that they are subject to the laws, regulations, rules and constitutions of:

2.4.1 Swim England South-East Region and

2.4.2 Swim England (to include the Swim England /IOS Code of Ethics); and

2.4.3 British Swimming (in particular its Anti-Doping Rules and Judicial Code); and

2.4.4 FINA, the world governing body for the sport of swimming in all its disciplines (together "the Governing Body Rules").

2.4.5 UK Deaf Sport, national Governing Body for deaf sports, and

2.4.6 The International Committee for Sport for the Deaf (ICSD)

2.5 In the event that there shall be any conflict between any rule or by-law of the Club and any of the Governing Body Rules then the relevant Governing Body Rule shall prevail.

### 3. Membership

3.1 The total membership of the Club shall not normally be limited. If however the Committee considers that there is a good reason to impose any limit from time to time then the Committee shall put forward appropriate proposals for consideration at a General Meeting of the Club. The members shall have the right to impose (and remove) from time to time any limits on total membership (or any category of membership) of the Club.

3.1.1 Membership shall be open to individuals who accept and support the aims and objectives of the GB Deaf Swimming Club, and will be available to the following categories:

Swimming Members; this shall be open to

A) People with a hearing impairment who wish to swim. A hearing impairment is defined as any level of loss in any ear.

For club competition purposes there will be 2 categories (A & B) all averaged over 500/1000/2000Hz. Category A is defined as having a bilateral loss of 21-54Db in the better ear averaged across 500/1000/2000Hz or a Unilateral loss of more than 40Db in one ear averaged over the same frequencies. Category B is defined as a bilateral loss of over 54Db in the better ear

AND

B) Those who are Category 2 members of another Swim England/WASA/SASA club. In the event of a swimmer not being a member of a Swim England/WASA/SASA club but who is a competitive member of a non- Swim England /WASA/SASA swimming club outside of British Swimming jurisdiction but of equivalent standard, the member must pay for Category 2 Swim England membership through GBDSC.

Swimming members aged 18 and over are eligible to vote at general meetings but will not be eligible to serve on the committee while competing for the club.

A parent or guardian of swimming members under the age of 18 will have a vote at general meetings as part of a family membership. There will be a maximum of one vote per family.

NON-Swimming Member: There will be no fee for Non-swimming Members which shall be open to any other individual who supports the club's objectives upon such terms as the Committee shall from time to time think fit.

A Head Coach & Assistant Coach shall be appointed by the club. They shall report to the committee on coaching matters but shall not be committee members. Individuals who are not members by virtue of having a child swimmer under the age of 18 in the club may become non-swimming members under such circumstances as the Executive deems to be in the interests of the club such as but not limited to; serving on the committee as well as non-committee roles such as but not limited to assisting in coaching, Team management, Welfare or representatives from outside agencies such as, but not limited to NDCS who become involved with the club.

3.2 All persons who assist in any way with the Club's activities shall become members of the Club and hence of Swim England and the relevant Swim England membership fee shall be paid by the club if the person is not a member of another Swim England /WASA/SASA club. Assisting with the Club's activities shall include, but not be restricted to, administrators, associate members, voluntary instructors, teachers and coaches, Committee members, helpers, Honorary members, life members,

Officers, patrons, Presidents, technical and non-technical officials, temporary members, Vice Presidents and verifiers or tutors of Swim England's educational certificates.

3.3 Instructors, teachers and coaches must be members of a body which accepts that its members are bound by Swim England's Code of Ethics, the Laws and Regulations relating to Child Protection and those parts of the Judicial Laws, Judicial Regulations and procedures necessary for their implementation and whilst engaged in activities under the jurisdiction of Swim England shall be subject to all the constraints and privileges of the Judicial Laws and Regulations.

3.4 Any person who wishes to become a member of the Club must submit a signed application to the Membership Secretary (and in the case of a junior swimmer the application must be signed by the swimmer's parent or guardian). Election to membership shall be determined by the Membership Secretary but other person(s) authorised by the Committee may make recommendation as to the applicant's acceptability.

The Membership Secretary shall be required to give reasons for the refusal of any application for membership. Any person refused membership may seek a review of this decision before a Review Panel appointed by the Committee ("Review Panel") comprised of not less than three members (who may or may not be members of the Committee). The Review Panel shall wherever practicable include one independent member nominated by Swim England South-East Region. The person refused membership shall be entitled to make representations to the Review Panel. The procedures for review shall be at the discretion of the Review Panel whose decision shall be final and binding.

3.5 In its consideration of applications for membership, the Club shall not act in a discriminatory manner and in particular, shall adhere to the Equality Act 2010 (as may be amended). Accordingly, the Club shall not refuse membership on the basis of a Protected Characteristic within the Act, such as disability; gender or gender identity; pregnancy; race; religion or belief; or sexual orientation. Neither may refusal be made on the grounds of political persuasion.

3.6 The Club may refuse membership only for good and sufficient cause, such as conduct or character likely to bring the Club or the sport into disrepute, or, in the case of a swimmer, being unable to achieve the required entry standards as laid down and provided by the Club to the applicant for membership, as in paragraph 3.1.1 above.

#### 4. Subscription and Other Fees

4.1 The annual members' subscription and coaching fees shall be determined from time to time by the Committee and notice will be given at the Annual General Meeting for the year beginning on the next 1<sup>st</sup> January

4.2 The annual subscription shall be due on joining the Club and thereafter on the 1<sup>st</sup> day of January each year

4.3 Any member whose subscription is unpaid by the date falling 30 days after the due date for payment may be suspended by the Committee from some or all Club activities from a date to be determined by the Committee and until such payment is made.

4.4 The Committee shall, from time to time, have the power to determine the annual membership subscription and other fees. This shall include the power to make such increase in the subscription as shall, where the Club pays the individual Swim England Membership Fees to Swim England on behalf of members, be consequential upon an increase in individual Swim England membership fees. Any increase in subscriptions shall be advised to the members in writing with the reasons for any increase to be reported to the members at the next Annual General Meeting.

4.5 The Executive Officers (or the Committee) shall have the power in special circumstances to remit the whole or part of the fees, including Swim England membership fees, to address issues of social inclusion.

#### 5. Resignation

5.1 A member wishing to resign membership of the Club must give to the Membership Secretary written notice of his/her resignation. A member's resignation shall only take effect when this (Rule 5.1) has been complied with.

5.2 The member who resigns from the Club in accordance with Rule 5.1 above shall not be entitled to have any part of the annual membership fee or any other fees returned.

5.3 Notwithstanding the provisions of Rule 5.1 above a member whose subscription is more than two months in arrear shall be deemed to have resigned. Where the membership of a member shall be terminated in this way he/she shall be informed in writing that he/she is no longer a member by notice handed to him/her or sent by post to his/her last known address.

5.4 The Swim England Membership Department shall be informed should a member resign when still owing money or goods to the Club.

## 6. Expulsion and Other Disciplinary Action

6.1 The Committee shall have power to expel a member when, in its opinion, it would not be in the interests of the Club for the individual to remain a member. The Club in exercising this power shall comply with the provisions of Rules 6.3 and 6.4 below.

6.2 Upon expulsion the former member shall not be entitled to have any part of the annual membership fee to be refunded and must return any Club or external body's trophy or trophies held forthwith. Clubs in exercising this power are required to comply with the provision of Rules 6.3 and 6.4 below.

6.3 The Club shall comply with the relevant Judicial Regulations for handling Internal Club Disputes ("the Rules") as the same may be revised from time to time. (A copy of the current Rules may be obtained from the website at [www.swimming.org/swimengland/about-swim-england/swim-england-governance](http://www.swimming.org/swimengland/about-swim-england/swim-england-governance) or from the Swim England Department of Legal Affairs).

6.4 A member may not be expelled or (subject to Rule 6.5 below) be made the subject of any other penalty unless the panel hearing the complaint shall by a two-thirds majority vote in favour of the expulsion of (or other penalty imposed upon) the member.

6.5 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, when in their opinion; such action is in the interests of the Club. Where such action is taken the incident or matter will thereafter be dealt with in accordance with the appropriate Judicial Regulations.

## 7. Committee

7.1 The Committee shall consist of the Chairman, Secretary, Treasurer (together "the Executive Officers of the Club") and up to 10 elected members all of whom must be members of the Club. In the interests of the club it shall be best practice that only one member of the same family serve on the executive at any one time, however if such circumstances arise then only one member of the family shall be entitled to vote on executive matters. On the occasions a decision cannot be reached by the executive then the view of the vice-chair shall be sought.

The Club Coach will be an Officer of the Club with full voting powers. All Committee members must be not less than 18 years of age though the Committee may allow younger member(s) to attend their meetings without power to vote.

7.2 The Committee shall appoint a member of the Club as Welfare Officer who must be not less than 18 years of age, who should have an appropriate background and who is required to undertake appropriate training in accordance with Swim England's Child Safeguarding courses. The Welfare Officer shall not be related to a member of the Executive.

7.3 The Executive Officers and Committee members other than the Club Coach & Assistant Coach shall be proposed seconded and elected at the Annual General Meeting each year and shall remain in office until their successors are elected at the next Annual General Meeting and will take office when the Chairman has closed the meeting. Non-swimming & Non-paying members may be elected and may serve on the committee provided that they have demonstrated relevant and active support for the objectives of the club. This support must be declared at the time of nomination. Every paid up member & non-paying member (exclusively, Head Coach, Assistant coach & Team Manager) including Executive Officers shall have one vote. All questions other than those relating to a change of these rules (which matter is dealt with hereinafter) shall be decided by a simple majority of those present and voting. Five members including at least one executive officer shall form a quorum. Any vacancy occurring by resignation or otherwise may be proposed and seconded at the AGM for immediate election. Retiring Executive Officers and members of the Committee shall be eligible for re-election. The Club Coach shall be appointed by the membership of the AGM, each appointment to be for a term to be decided upon by the membership but no less than 5 years to take into account planning and organisational requirements for major events i.e. Deaflympics, European Championships and World Championships. The assistant coach shall be elected for a period of 3 years.

7.4 Committee meetings shall be held at least twice a year, usually at the club's AGM and at any other club training weekend. All other communications shall be by way of email or telephone. Where possible an agenda, time and place of the meeting will be sent via email at least 14 days

before the meeting. This will normally be sent by the Club Secretary. Any member of the executive shall have discretion to call further meetings of the Committee if they consider it to be in the interests of the Club. The committee may appoint by email members to serve in vacancies as and when they arise provided they are members of the club and have demonstrated active support for its objectives. The Secretary, or in his/her absence a member of the Committee, shall take minutes. Representatives of the Deaf Sports Governing Bodies and appropriate Swim England, Welsh and Scottish Swimming Governing Bodies shall be invited to attend committee meetings at the discretion of the officers.

7.5 In the event that a quorum is not present within 30 minutes of the published start time, a meeting shall stand adjourned to the time and date falling seven days after the date of the meeting, or such other date and time as may be determined by the Chairman. If a quorum is not present at the adjourned meeting then those Committee members attending may act for the purpose of calling a Special General Meeting of the members, to which the provisions as to minimum notice contained in Rule 11.1 shall not apply.

7.6 In addition to the members so elected the Committee may co-opt up to 5 further members of the Club who shall serve until the next Annual General Meeting. Co-opted members shall be entitled to vote at the meetings of the Committee and shall be counted in establishing whether a quorum is present.

7.7 The Committee may from time to time appoint from among their number such sub-committees as they may consider. All sub-committees shall periodically report their proceedings to the Committee and shall conduct their business in accordance with the directions of the Committee.

7.8 The Committee shall be responsible for the management of the Club and shall have the sole right of appointing and determining the terms and conditions of service of any employees of the Club. The Committee shall have power to enter into contracts for the purposes of the Club on behalf of all the members of the Club. The Committee shall be responsible for ensuring that the Accounts of the Club for each financial year be examined by an independent examiner to be appointed by the members in General Meeting. The committee shall ensure that the financial records and minutes of meetings are retained for a period of at least 6 years.

7.9 The members of the Committee shall be indemnified by the members of the Club against all liabilities properly incurred by them in the management of the affairs of the Club.

7.10 The Committee shall maintain an Accident Book in which all accidents to Club members at swimming related activities shall be recorded. Details of such accidents shall be reported to Swim England Membership Department. The Club shall make an annual return to Swim England Membership Department indicating whether or not an entry has been made in the prescribed form, which is to be found on the membership renewal form.

7.11 The Committee shall have power to make regulations, create by-laws (see Rule 13.1) and to settle disputed points not otherwise provided for in this Constitution.

## **8. Ceremonial Positions and Honorary Members/Life Members**

8.1 The Annual General Meeting of the Club, if it thinks fit may elect a President and Vice-Presidents. A President or Vice-President need not be a member of the Club on election shall, ex officio, be an honorary member of the Club and must be included in the Club's Annual Return of Members to Swim England.

8.2 The Committee may elect any person as an honorary member of the Club for such period as it thinks fit, or as a Life Member, and they shall be entitled to all the privileges of membership except that they shall not be entitled to vote at meetings and serve as Officers or on the Committee unless any such person shall have retained in addition their ordinary membership of the Club. Such honorary members and Life Members must be included in the Club's annual return as to membership.

8.3 Once created by the Committee, honorary and/or Life membership categories may only be removed (notwithstanding that persons may hold these categories of membership) at an Annual General Meeting of the Club, when it shall be properly proposed in accordance with these Rules.

8.4 A minimum of [21] days in advance of the Annual General Meeting, the Committee shall write to all holders of honorary and/or Life membership effected by the above proposal drawing the proposal to his/her/their attention and inviting him/her/them to attend the Annual General Meeting.

8.5 Where the effected holder or holders of the honorary and/or Life membership do not attend the Annual General Meeting, the Chairman may allow the matter (in so far as it relates to the absent person(s)) to proceed directly to vote, which shall be by show of hands.

## **9. Annual General Meeting**

9.1 The Annual General Meeting of the Club shall be held once a year normally during an autumn training weekend where all members are eligible to attend in order that best preparation time for major championships is given to any new committee formed (or at a date and at a venue to be set by the Honorary Secretary following consultation with other Officers should no championships be held) but no later than the end of November each year.

9.2 The purpose of the Annual General Meeting is to transact the following business:

9.2.1 To receive the Chairman's report of the activities of the Club during the previous year;

9.2.2 To receive and consider the accounts of the Club for the previous year and the report on the accounts of the independent examiner and the Treasurer's report as to the financial position of the Club;

9.2.3 To remove and elect the independent examiner (who must not be a member of the Committee or a member of the family of a member of the Committee) or confirm that he/she remain in office;

9.2.4 To elect the Executive Officers and other members of the Committee;

9.2.5 To decide on the dissolution of existing honorary and/or Life membership categories;

9.2.6 To decide on any resolution which may be duly submitted in accordance with Rule 9.3.

9.2.7 To transact another other business of which due notice has been given and which has been included in the agenda for the meeting. Notice of any resolution proposed to be moved at the Annual General Meeting shall be given in writing to the Secretary not later than 35 days before the meeting.

9.3 Nominations for election of members to any office or for membership of the committee shall be made in writing by the proposer and seconder to the Secretary not later than 35 days prior to the AGM. (Not withstanding 7.3 whereby vacant positions on the day of the AGM may be filled) The nominee shall be required to indicate in writing on the nomination form his/her willingness to stand for election. The club secretary shall inform the membership of nominations for committee positions 6 weeks prior to the AGM and again 5 weeks prior. Nominations for vacant posts shall be accepted up to and including the AGM & the secretary will advise the members as they are filled.

Notice of any resolution proposed to be moved at the AGM shall be given in writing to the Secretary not later than 35 days prior to the AGM.

## **10. Special General Meeting**

10.1 A Special General Meeting may be called at any time by the Committee. A Special General Meeting shall be called by the Club within 28 days of receipt by the Secretary of a requisition in writing signed by not less than seven members entitled to attend and vote at a General Meeting or, if greater, such number as represents one-tenth in number of such members, stating the purposes for which the meeting is required and the resolutions proposed.

## **11. Procedure at the Annual and Special General Meetings**

11.1 Not less than 28 days' notice in writing of the Annual General Meeting, in the form of an agenda stating the date, time and place of the meeting, shall be supplied by post, email or hand delivered to every swimming and non-swimming member of the club stating the business to be transacted with a copy of the report of the Committee and the examined accounts and a list of nominations for the Officer and Committee posts.

11.2 The quorum for the Annual and Special General Meetings shall be seven members entitled to attend and vote at the Meeting or, if greater, such number as represents one-tenth in number of such members.

11.3 The Chairman, or in the Chairman's absence or unwillingness to chair the meeting, then in the first instance the Vice Chair, and thereafter any member appointed by the Committee, shall take the chair. Each member family present shall have one vote and resolutions shall be passed by a simple majority. For the procedures for submitting resolutions to be considered at a General Meeting members are referred to Rule 9.3. In the event of an equality of votes the Chairman shall have a casting or additional vote.

Only paid up members & eligible non-paying members who have reached their 18th birthday shall be entitled to be heard and to vote on all matters. (Members who have not reached their 18th

birthday shall be entitled to be heard and vote only on those matters determined by the Chairman as matters concerning juniors, such as the election of club captains.)

11.4 The Secretary, or in his/her absence a member of the Committee, shall take minutes at the Annual and Special General Meetings.

11.5 The Chairman shall at all General Meetings have unlimited authority upon every question of order and shall be, for the purpose of such meeting, the sole interpreter of the Rules of the Club.

## **12. Alteration of the Rules and Other Resolutions**

12.1 The Rules may be altered by resolution at an Annual or Special General Meeting provided that the resolution is carried by a majority of at least (two-thirds) of members present and entitled to vote at the General Meeting. No amendment(s) to the Rules shall become effective until such amendment(s) shall have been submitted to and validated by such person as is authorised to do so by the County Association/ Swim England South-East Region.

12.2 Any member shall be entitled to put any proposal for consideration at any General Meeting provided the proposal in writing shall have been handed to or posted to the Secretary of the Club so as to be received by him/her not later than 35 days in the case of the Annual General Meeting or, in the case of a Special General Meeting, 14 days before the date of the meeting and thereafter the Secretary shall supply a copy of the proposal or resolution to the members in the manner provided in Rule 11.1.

## **13. By-Laws**

13.1 The Committee shall have power to make, repeal and amend such by-laws as they may from time to time consider necessary for the wellbeing of the Club which by-laws, repeals and amendments shall have effect until set aside by the Committee or at a General Meeting.

## **14. Finance**

14.1 All moneys payable to the Club shall be received by the Treasurer and deposited in a bank account in the name of the Club. Any monies not required for immediate use may be invested as the Committee in its discretion think fit.

14.2 The committee operates all of its financial matters on Internet banking and it has discussed the process with the relevant bank. As a minimum it has made provision, in conjunction with the bank, to ensure that two signatories shall approve the payments made by the club through the internet. Full access to be granted to one of the Chairman, Secretary and Vice Chair, and read only access to the other two.

14.3 The income and property of the Club shall be applied only in furtherance of the objects of the Club and no part thereof shall be paid by way of bonus, dividend or profit to any members of the Club, (save as set out in Rule 17.3.).

14.4 The Committee shall have power to authorise the payment of remuneration and expenses to any Officer, member or employee of the Club and to any other person or persons for services rendered to the Club.

14.5 The financial transactions of the Club shall be recorded by the Treasurer in such manner as the Committee thinks fit.

14.6 The financial year of the Club shall be the period commencing on 1<sup>st</sup> January and ending on 31<sup>st</sup> December. Any change to the financial year shall require the approval of the members in a General Meeting.

14.7 The Committee shall retain all financial records relating to the club and copies of Minutes of all meetings for a minimum period of six years.

## 15. Borrowing

15.1 The Committee may borrow money on behalf of the Club for the purposes of the Club from time to time at their own discretion for the general upkeep of the Club with the prior approval of a General Meeting for any other expenditure, additions or improvements.

15.2 When so borrowing the Committee shall have power to raise in any way any sum or sums of money and to raise and secure the repayment of any sums or sums of money in such manner or on such terms and conditions as it thinks fit, and in particular by mortgage of or charge upon or by the issues of debentures charged upon all or any part of the property of the Club.

15.3 The Committee shall have no power to pledge the personal liability of any member of the Club for the repayment of any sums so borrowed.

## 16. Property

16.1 The property of the Club, other than cash at the bank, shall be vested in not more than four Custodians. They shall deal with the property as directed by resolution of the Committee and entry in the minute book shall be conclusive evidence of such a resolution.

16.2 The Custodians shall be elected at a General Meeting of the Club and shall hold office until death or resignation unless removed by a resolution passed at a General Meeting.

16.3 The Custodians shall be entitled to an indemnity out of the property of the Club for all expenses and other liabilities properly incurred by them in the discharge of their duties.

## 17. Dissolution

17.1 A resolution to dissolve the Club shall only be proposed at a General Meeting and shall be carried by a majority of at least three - quarters of the members present and entitled to vote. A specific date for the dissolution shall be included in the resolution.

17.2 The dissolution shall take effect from the date specified in the resolution and the members of the Committee shall be responsible for the winding-up of the assets and liabilities of the Club.

17.3 Any property remaining after the discharge of the debts and liabilities of the Club shall be divided equally among the fully paid members of the Club at the date of dissolution.

## 18. Acknowledgement

18.1 The Members acknowledge that these Rules constitute a legally binding contract to regulate the relationship of the members with each other and the Club.

18.2 The following statement must appear on Club membership forms and is to be signed by the member. It must also be countersigned by the parent or a person having parental responsibility for the member, if under 18 years of age:

*"I acknowledge receipt of the rules of The Great Britain Deaf Swimming Club and confirm my understanding and acceptance that such rules (as amended from time to time) shall govern my membership of the Club. I further acknowledge and accept the responsibilities of membership upon members as set out in these rules"*