



# Blairgowrie Dolphins

Amateur Swimming Club

Club Constitution

2023



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## CONSTITUTION

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### C 1.0 NAME

**C 1.1** The Club shall be called Blairgowrie Dolphins ASC (Hereinafter referred to as the Club).

### C 2.0 OBJECTIVE

**C 2.1** To advance the public participation in Aquatic Sports and lifesaving by promoting and managing the teaching, knowledge and practice of one or more Aquatic Sports, in accordance with paragraph C 2.1 of the SASA Constitution where relevant.

### C 3.0 MEMBERSHIP

**C 3.1** The membership shall consist of the following categories:

- Adult Member (both Swimming or non-swimming)  
An Adult is an individual 16 years and over.
- Junior Member (Swimming member)  
A Junior is an individual 15 years or under (not as defined in Scottish Swimming Company Rule R4.5.6 which refers to Championship and Meets Eligibility).
- Life Member
- Associate Member

**C 3.2** Membership fees shall be as agreed at each Annual General Meeting (AGM).

**C 3.2.1** The Membership fees of existing members (agreed at the AGM) shall become due on 1st April in each year and those of new members on the date of acceptance for membership. Should there be an increase in pool hire charges (>5%), then the management committee, for that reason only, has authority to increase the session fees by up to 10% in that financial year.

**C 3.2.2** Members not renewing Scottish Swimming membership by 31 March will be deemed to be non-members and will be notified in writing accordingly.

**C 3.2.3** All members will be excluded from taking part in any of the Clubs activities, competitions or meetings until their annual subscription to Scottish Swimming is paid.

All members will be excluded from taking part in any of the Club's activities, competitions or meets if they have outstanding session fees of either two months or £40.00 whichever is the lower amount. Participation in activities can recommence once the payments have been brought up to date. Only in exceptional circumstances with the agreement of the President, Treasurer and subscription secretary can payments be brought up to date by instalments allowing this swimmer to continue with activities.

**C 3.2.4** All senior swimmer members attending further education can continue to train with the club and also during academic holidays. They must maintain their annual membership with Scottish Swimming. If they do not maintain this membership, they will be unable to train with the Club.

Senior Swimmers should contact the Club to enquire if there is space for them to attend a training session. They must also complete the sign-up sheet.

The Club reserves the right to refuse access to training if the session is full.

Individual sessions will be on a PAYG basis and must be paid directly to the Dolphins Membership account.

The management committee has the authority to change the individual session fee in accordance with paragraph C 3.2.1

- C 3.3** All Club Members must be registered with the SASA in accordance with the categories defined in SASA Constitution C3.3.3.
- C 3.4** All members joining the Club shall be deemed to accept the terms of this Constitution, the Club bye-laws and any Regulations adopted by the Club.
- C 3.5** A member wishing to resign from the Club shall inform the Secretary in writing.
- C 3.6** A Club member wishing to change their 1st or 2nd Claim Club must do so in accordance with Scottish Swimming Company Rule R5.2.
- C 3.7** The Management Committee shall have the power to turn down an application for membership.

When an application for membership is turned down by the Management Committee, the applicant must be advised in writing of the reason and their right of appeal to Scottish Swimming, in writing.

## **C 4.0 GOVERNANCE**

- C 4.1** The Club and its members shall be subject to and bound by the Scottish Swimming Governance Documentation (SASA Constitution, Company Articles and Company Rules) and the appropriate SASA District Rules.
- C 4.2** The Club shall comply with the Scottish Swimming Codes of Conduct, Ethics and Child Wellbeing and Protection Policies.
- C 4.3** The Club shall be governed by its Constitution, bye-laws and Regulations.
- C 4.4** Amendments to the Constitution shall only be made at a General Meeting, provided at least a two thirds majority of those present and voting is secured.
- C 4.5** Amendments to the bye-laws shall only be made at a General Meeting provided a simple majority of those present and voting is secured.
- C 4.6** The Management Committee shall have the power to publish and enforce such Regulations as the Committee feels necessary to govern the activities of the Club.

## **C 5.0 MEETINGS**

- C 5.1** General Meetings
  - C 5.1.1** Notices: at least 30 days' notice and the Agenda shall be given to all Adult and Life Members of any General Meeting.
  - C 5.1.2** Attendance: all Adult Members and Life Members are entitled to attend, take part and vote unless specifically excluded from doing so by the Club's Constitution. A Parent/Guardian, who is not a Club Member, is entitled to attend and take part on behalf of a Junior Member.
  - C 5.1.3** Voting: with the exception of changes to the Constitution, decisions put to a vote shall be resolved by simple majority at General Meetings. Voting shall be by a show of hands unless decided otherwise by a majority of those attending the meeting.

- C 5.1.4** Quora: the quorum at General Meetings shall be two Officers of the Club plus ten members eligible to vote.
- C 5.1.5** Changes to the Constitution and bye-laws: a proposal to change the Constitution or bye-laws must be submitted in writing to the Secretary, signed by two members eligible to vote at a General Meeting.
- C 5.1.6** Conduct of Business: the conduct of business shall be in accordance with Scottish Swimming Company Rules.
- C 5.2** Annual General Meeting (AGM)
- C 5.2.1** The Club shall hold an Annual General Meeting in the month of December (after Presentation night) to:
- Approve the minutes of the previous year's AGM.
  - Receive reports from the President and Secretary.
  - Receive a report from the Treasurer and approve the Annual Accounts.
  - Receive a report from the Auditor(s) / Independent Examiner(s).
  - Elect Management Committee Members.
  - Appoint Auditor(s) / Independent Examiner(s) for the Club's Accounts.
  - Consider changes to the Constitution.
  - Consider changes to the bye-laws.
  - Present Life Membership(s).
  - Deal with other relevant business.
- C 5.2.2** The Secretary shall give written notice, of not less than 30 days, prior to the date of the AGM to all Adult and Life Members. The format of the notice shall be agreed by the Management Committee.
- C 5.2.3** Appended to the notice of intimation of an AGM shall be the Agenda, minutes of the last AGM, a note of the process governing alteration to the Constitution, bye-laws and nomination for the Management Committee.
- C 5.2.4** Nominations for Officers of the Club and other members of the Management Committee shall be submitted in writing, signed by two Adult Members or Life Members and the nominee, to the Secretary no later than 20<sup>th</sup> November.
- C 5.2.5** Proposed alterations to the Constitution and bye-laws and notices of motion must be received by the Secretary not later than 20<sup>th</sup> November.
- C 5.2.6** The Secretary shall arrange for all nominations and proposed alterations to governance to be circulated at least 7 days before the meeting. The format of the circulation shall be agreed by the Management Committee.
- C 5.2.7** The business for an AGM shall include:
- President's Remarks
  - Apologies for Absence
  - Approval of minutes from previous AGM & matters arising.
  - Secretary Report
  - Financial Report
  - Swimming Convener Report
  - Proposed changes to Constitution
  - Proposed changes to Bye-laws

- Notices of motion
- Appointment of President & Vice President(s)
- Election of Management Committee Members
- Appointment of Auditors / Independent Examiners
- Life Membership Awards
- Other relevant business

**C 5.3** Extraordinary General Meeting (EGM)

**C 5.3.1** An Extraordinary General Meeting shall be called by an application in writing to the Secretary supported by at least ten Adult Members of the Club. The Management Committee shall also have the power to call an EGM by decision of a simple majority of its members.

**C 5.3.2** The Secretary will give notice, in writing of all Extraordinary General Meetings, stating the Agenda, to all Adult and Life Members at least 30 days prior to such meeting being held.

**C 5.3.3** The order of Business for an EGM shall be:

- President's Remarks
- Apologies for Absence.
- Business to be transacted of which due notice has been given.

**C 5.3.4** No business shall be transacted at the EGM other than business of which due notice has been given.

## **C 6.0 AWARDS**

**C 6.1** Life Membership

**C 6.1.1** Life membership may be presented to person(s) who have given outstanding service, over many years, to the Club and shall be presented at the Annual General Meeting or at any other time decreed suitable by the Management Committee.

**C 6.1.2** A recommendation for Life Membership may be made by any Adult or Life Member to the Secretary for submission to the Management Committee.

Full details of the nominee's service should be included with the recommendation.

**C 6.1.3** In the event that a Life Membership should require to be removed from any recipient, the Management Committee will make the decision to rescind and notify the Member concerned.

## **C 7.0 TROPHIES**

**C 7.1** All trophies belong to the Club in perpetuity and cannot be won outright.

**C 7.2** The Gala Convenor shall act as Trustee of Club Trophies.

**C 7.3** The winner of a Club trophy shall guarantee safe custody and return of the trophy when requested by the Management Committee.

**C 7.4** The winner of a trophy is responsible for arranging the engraving of their name on the trophy at Victor & Sons Jewellers in Blairgowrie. The Club will bear the cost of the engraving.

## **C 8.0 DISSOLUTION**

- C 8.1** In the event of the dissolution of the Club, any funds, property and other assets shall not be distributed amongst the members of the Club in any way whatsoever but shall be applied towards the objectives of Scottish Swimming.
- C 8.2** So long as five members agree to support the Club it cannot be dissolved.

## BYE-LAWS

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### BL 1.0 MANAGEMENT

- BL 1.1** The affairs of the Club shall be conducted by a Management Committee which shall consist of the Officers of the Club plus three other Adult Members and ex-officio members set out in bye-law BL1.5.1
- BL 1.2** The Officers of the Club, who shall be Honorary, shall consist of a President, Vice-President, Treasurer and Secretary who shall be elected at an Annual General Meeting, as shall be the said Adult Members.
- BL 1.3** If the post of any Officer or Adult committee member should fall vacant after such an election, the Management Committee shall have the power to fill the vacancy.
- BL 1.4** All Management Committee members shall be adult members of the Club.
- BL 1.5** Management Committee
- BL 1.5.1** The Management Committee shall comprise the Officers of the Club (as defined in paragraph BL1.2), Gala convenor, Subscription Secretary, Coaches representative and two other Adult members. The Club Captain(s) and Vice Captain(s) will be ex-officio members (no voting right).
- BL 1.5.2** The term of office for President, Vice President, Secretary and Treasurer shall be up to 4 years. The retiring President of the Club shall be invited to stay on as a member of the Management committee for a period of 12 months.
- BL1.5.3** The Vice President, the Subscription Secretary and Gala Convenor, shall be elected for a term of two years.
- BL 1.5.4** The term of office for the other Adult Members shall be up to 4 years, half retiring annually. Where no nominations for an officer of the club are received, an extension of 12 months to the term for an existing Officer may be agreed at the AGM
- BL 1.5.5** Retiring members of the Management Committee may offer themselves for re-election.
- BL 1.5.6** Management Committee member(s) elected or co-opted to fill a vacancy part way through a term of office shall retire in sequence with the original order of rotation.
- BL 1.5.7** The Club Captain(s) shall be appointed for a minimum term of one year with option to extend.
- BL 1.5.8** Management Committee members co-opted by the committee shall be subject to endorsement at the first EGM or AGM thereafter.
- BL 1.5.9** The Management Committee shall be responsible for:
- Running the day-to-day management and affairs of the club.
  - The organisation and control of all members during Club hours.
  - The appointment of coaches, instructors and poolside helpers.
  - The selection of members to represent the Club.
  - The organisation of swimming activities as may be requested by other bodies.



- Arranging for election of the Boy or Girl Captains and Vice Captains in November each year.
- Presenting annually their nominations for President and Vice President(s) to the AGM for ratification.
- Fundraising events.
- Consideration and approving or otherwise nominations for Life Membership of the Club.

**BL 1.5.10** The Management Committee shall appoint such sub-committees as may be considered necessary.

**BL 1.5.11** The Management Committee shall appoint at least one Wellbeing and Protection Officer (WPO) In accordance with section C10.6 of the SASA Constitution

## BL 2.0 MEETINGS

### BL 2.1 Standing Orders

**BL 2.1.1** At all meetings, if a quorum is present, the Chair shall be taken not later than fifteen minutes after the appointed time of the meeting.

**BL 2.1.2** All Members when called to order at any meeting or gathering of the Club and not complying to the “rule of order” shall be expelled from the meeting.

**BL 2.1.3** The Chair at all meetings of the Club shall be the President. In the absence of the President, the Vice President shall substitute. In the absence of the President and Vice President, those in attendance shall appoint a substitute.

**BL 2.1.4** In the event of equality of votes in any resolution before the meeting, which requires a choice to be made for the continued good governance of the Club, the Chair of a meeting shall have a second or casting vote. Voting and decisions can be made either in person or via online meetings and ratified.

**BL 2.1.5** The Chair of a meeting shall be the sole judge of questions of order and interpreter of the “rules” governing the Club.

**BL 2.1.6** A meeting must keep a record, in writing, of every decision taken by the meeting. The general rule is that any decision made by the meeting must be either a unanimous decision or a majority decision.

**BL 2.1.7** The minutes of all meetings will be circulated to Adult and Life Members.

**BL 2.1.8** A person is able to exercise the right to speak and vote at a meeting when:

- that person is able to communicate and vote, during the meeting, on the business of the meeting; and Scottish Swimming Club “model” Constitution Issue 2021 – December 2021 Page 9 of 11
- that person's vote can be taken into account in determining whether or not such motions are passed at the same time as the votes of all other persons attending the meeting.

**BL 2.1.9** A meeting need not be held in any particular place and the meeting may be held without any number of those participating in the meeting being together at the same place. In determining attendance at a meeting, it is immaterial.

### BL 2.2 Management Committee Meetings (MCM)

- BL 2.2.1** The club shall hold MCMs no less frequently than every three months.
- BL 2.2.2** A MCM shall be called by the Secretary when there is business to transact or on request of an Officer of the Club or by an application in writing by at least four Adult Members of the Club or Life Members of the club.
- BL 2.2.3** A quorum for MCM shall be at least three Officers of the Club and three Committee members.
- BL 2.2.4** The business of the meeting shall be enacted in accordance with Section BL2.1.
- BL 2.2.5** The Secretary will give Notice of the date, time and venue of each committee meeting at least seven days prior to the meeting. The format of the notice shall be agreed by the Management committee.
- BL 2.2.6** Adult or Life Members who are not members of the Committee, may attend, but may only participate with the agreement of the Chair.
- BL 2.2.7** All, except ex-officio members shall have a deliberative vote. Junior members may attend with the agreement of the chairperson.
- BL 2.2.8** No decision of the Committee may be altered or revoked without 14 (fourteen) days prior notice of intent, in writing, being given to the Secretary.

### **BL 3.0 FINANCE & ACCOUNTS**

- BL 3.1** The financial year shall run from 1st November to 31st October each year.
- BL 3.2** The Treasurer shall be responsible for the preparation of Annual Accounts of the Club.
- BL 3.3** The Accounts shall be audited / examined by an independent person(s) elected annually at the Annual General Meeting.
- BL 3.4** All invoices / expenses received by the club should be signed off by an Officer of the Club before being processed by the Treasurer. All cheques drawn against the Club's funds shall be signed by a minimum of two Officers of the Club. When payments are required to be made by direct Bank transfer the Treasurer shall obtain email/written agreement from the President or another Officer of the Club prior to making an electronic payment, with the exception of the Scottish Swimming membership fees. Blank Cheques must not be pre-signed.
- BL 3.5** The Management committee can enter contracts and/or partnerships, on behalf of the Club, provided each proposal is fully discussed at and recorded in the minutes of a quorate committee meeting prior to the commitment being made.
- BL 3.6** As an unincorporated association the responsibility for the financial liabilities of the club shall normally be dependent on who was responsible for the liability.
- BL 3.7** Any surplus of the Club's income will be re-invested in the Club and not distributed to its members by way of dividend, distributions, bonus, honorary or otherwise by way of profit.
- BL 3.8** The Treasurer shall arrange for the Auditor(s) / Independent Examiner(s) to examine and certify the accounts and balance sheet before presentation of a certified summary to the AGM. If at the time of the AGM, audited accounts are not yet available then an unaudited version will be presented at the AGM with the final audited version being presented to the first Management committee meeting after the AGM.

**BL 3.9** The Treasurer shall submit a budget, to the last meeting of the Management Committee prior to the AGM, for the following financial year.

**BL 3.10** The Treasurer shall submit a financial statement to the Management Committee no less frequently than every three months.

**BL 3.11** All outgoing payments shall be made by cheque or direct Bank transfer duly authorised in accordance with paragraph BL3.4.

## **BL 4.0 DISCIPLINARY PROCEDURE, COMPLAINTS & APPEALS**

### **BL 4.1** General

**BL 4.1.1** All complaints and appeals, except for doping, wellbeing and protection, or alleged criminal offences, shall be dealt with in accordance with sections BL4.2, BL4.3 and BL4.4.

**BL 4.1.2** Complaints involving doping should be referred to British Swimming as Per Scottish Swimming Company Rule R13.1.3.

**BL 4.1.3** Complaints involving Wellbeing and protection or other criminal offences shall be referred to Scottish Swimming within 48 hours, in accordance with Scottish Swimming Company Rule R13.2.1

**BL 4.1.4** The Management Committee may Suspend, from activities wholly within its own jurisdiction, impose a Fine or Expel a member as a means of discipline.

### **BL 4.2** Disciplinary Procedure

**BL 4.2.1** In the event that the behaviour of a swimmer, member of the coaching team or Management Group or a parent volunteer contravenes the Club's codes of conduct, the following action will be taken.

**BL 4.2.2** The President, or a Deputising club official, will conduct an investigation into the alleged breach of the Club's Code of conduct as they see fit and all persons and parties shall cooperate fully with the same. Failure to co-operate may amount to misconduct.

**BL 4.2.3** The investigating Club Official shall thereafter be entitled at any time to decide to:

- Apply a sanction to the person(s) being investigated.
- Refer the matter to a Club Complaint panel.
- Take no further action.
- Pursue an alternative resolution, which may include mediation, arbitration or Conciliation.

**BL 4.2.4** The Club will keep a record of each stage of the disciplinary process.

### **BL 4.3** Complaints

**BL 4.3.1** A complaint which is a formal expression of dissatisfaction or allegation of unfair practice in connection with aquatic sports as governed by Scottish Swimming, can be made by:

- Any member of the Club.
- A parent or guardian on behalf of a Junior member as defined in paragraph C3.1(b).

- A parent or guardian on behalf of a Member classified as a Vulnerable Person, defined as a person who lacks sufficient capacity to present a grievance by themselves.
- Any Individual.

**BL 4.3.2** A complaint must be made in accordance with Scottish Swimming Company Rules Sections R12 to R15.

**BL 4.4** Appeals

**BL 4.4.1** An appeal may be made against decisions taken by the Club in respect to the outcome of a submitted grievance or against decisions taken by a National Complaints Committee.

**BL 4.4.2** An appeal must be made in accordance with Scottish Swimming Company Rules Sections R12 to R15.

**BL 4.5** Suspensions & Fines

**BL 4.5.1** The Management Committee may take action (e.g. fine, suspension or cancel membership) against any Club Member proved guilty of conduct or breach of the Constitution, bye-Laws, Regulations which is detrimental to the interests or aims of the Club or for acting in such a manner as to bring disrepute to the Club. Such action shall only be taken if the principles and procedures embodied in the Complaints, Appeals and Suspension & Fines sections of the Scottish Governance Documentation (Company Rules Sections R12 to R15) have been applied.

## REGULATIONS

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### R 1.0 COACHES, MANAGERS & OFFICIALS

**R 1.1** Coaches:

**R 1.1.1** All coaches shall be approved as competent by the Management Committee.

**R 1.1.2** Coaches will hold recognised and formal coaching qualifications and safeguarding training and will keep them up to date to be able to coach.

**R 1.1.3** All coaches shall hold a Licence and keep it up to date.

**R 1.2** Team Managers for specific galas and events shall be volunteers from the coaching staff and Management Committee as appropriate and approved at a Management Committee meeting.

**R 1.3** Technical Officials:

**R 1.3.1** Technical Officials for friendly galas, informal swimming meetings, Club time trials and Club Championships may be anyone associated with the Club or Club Members, subject to approval by the gala convenor or event organiser.

**R 1.3.2** Technical Officials for league galas, regional and national events shall only be put forward by the Club to the organiser following satisfactory attendance at the appropriate training course.

### R 2.0 CLUB SESSIONS & COMPETITIONS

**R 2.1** Club Sessions & Training Squads:

**R 2.1.1** There will be three squads based primarily on swimming ability for push & glide, front crawl, back crawl and breaststroke in respect of streamlined position, face in water, body position, arm and leg action. The coaches shall decide which squad a swimmer is placed in.

**R 2.1.2** Club sessions are as follows:

Session 1	Tuesday	17.30 - 18.30
Session 2	Wednesday	19.15 - 20.15
Session 3	Thursday	18.30 - 19.30
Session 4	Friday	20.00 - 21.30
Session 5	Sunday	13.00 - 14.30
Session 6	Sunday	14.30- 16.30

**R 2.1.3** Restrictions on attendance at sessions will be decided by the coaches and will be dependent on competency.

**R 2.2** Competition Entries:

- R 2.2.1** All swimmers will be considered for entry into friendly galas subject to any age restrictions and minimum swimming ability on which the gala is based.
  - R 2.2.2** All swimmers will be considered for inclusion in League Galas with final selection based on times and competency and the ability of each team of swimmers to work together to maximise points gained at the gala. The decisions made by the coaches in this respect will be final.
  - R 2.2.3** All swimmers will be given the opportunity for consideration into regional and national events subject to meeting age restrictions and time requirements set by the event organisers.
- R 2.3** Annual Club Championships:
- R 2.3.1** All members may enter the annual Club Championships in the appropriate age group, irrespective of swimming ability or attendance at Club sessions and galas.
  - R 2.3.2** Trophies, shields and medals will be awarded based on the performance of the swimmer on the day, with other prizes being awarded on the basis of performance throughout the year.