



A GUIDE TO AN AQUATIC CLUB CONSTITUTION

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Introduction

What is a Constitution?

A Constitution for a sports club is a set of rules which ensure that every individual within a club is aware of their legal rights and obligations¹. If rules are not adopted dispute and conflict may arise amongst members, and the risk of this is always increased with the importance of the club and its relevant sport. It is important to note that a constitution is not just some paperwork that is left in a drawer, but rather a living, working and dynamic document. It should be constantly consulted and updated for the benefit of its members.

What is the aim of this booklet?

This booklet is aimed at providing a template for Swim Ireland's affiliated clubs, to allow them to form their own constitution. It is a response to confusion in some areas as to what is the best practice in running and organising an aquatics club. Although this document is a template, it aims to go further than this by providing guidance on certain topics within the constitution, and also to offer indicators to where certain information can be located. It will also ensure synergy between clubs, as their constitutions will be similar in lay out and orientation. If questions still exist after this document has been consulted, Swim Ireland is happy to offer further advice on the subject. The following contact details may be useful:

- **Swim Ireland Administration**
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How do you use this booklet?

The booklet is presented with sections on the template constitution provided first, and then preceded by a guidance notes page for reference.

¹ McNamara, D (2005) 'A Legal Guide for Clubs and Associations'. Artwerk Ltd, Dublin.
Club Constitution Booklet

List of Terms and Abbreviations

[club] – The name of your club.

[discipline] – The aquatic discipline(s) in which the members participate.

ISC – Irish Sports Council

SI – Swim Ireland

DP – Designated Person

LSP – Local Sports Partnership

AGM – Annual General Meeting

EGM – Extraordinary General Meeting

CCO – Club Children’s Officer

Officer – Officers of a club are the Chairperson, Secretary and Treasurer.

Management Committee – This is the body elected by the Members for the management of the business and affairs of the club.

Leader – this is any person, whether paid or unpaid, who is responsible for those participating in the aquatic disciplines; roles include but not limited to supervisor, team manager, sports science personnel, chaperone, helpers, committee members, tutors, coaches and teachers.

Sample Constitution Section 1

1. Name(s) and Colour(s)

- a) The name of the club shall Wexford Master Sea Swimming Club
- b) The colours of the club shall be Purple & Yellow
- c) The headquarters of the club shall be Crylough, Killinick, Co Wexford.

2. Objectives

- a) The objectives of the club are:
 - i) To foster and develop Sea Swimming and its participants
 - ii) To promote the teaching/coaching and practice of sea swimming in line with current best practice.
 - iii) To promote the development of physical, moral and social qualities associated with sport, within the participants.
 - iv) To accept and enforce the rules and regulations set down by Swim Ireland regarding sea swimming in accordance with the affiliation status afforded to the club.
 - v) To provide a positive and safe environment for all its members and staff.
 - vi) To provide equal opportunities whenever possible for successful participation, irrespective of ability or disability, so as individuals can be involved in sports activities in an integrated and inclusive way.

- b) [Club] is fully committed to safeguarding the well being of its members. Every individual in [club] should, at all times, show respect and understanding for their rights, safety and welfare and those of others, and conduct themselves in a way that reflects the principles of [club] and the guidelines contained in the *Code of Ethics and Good Practice for Children's Sport* and the 'Swim Ireland Guidelines for Safeguarding Children 2008' or most up to date equivalent.

Guidance Notes 1

1. *Although these points are fairly obvious, it is important that names, abbreviations and colours should be checked against Swim Ireland to ensure they are appropriate and that also no club with the same name exists. Headquarters generally refers to the Swimming pool in which the club usually operates from.*

- 2.b. *Child welfare should be top of the agenda of any club with an under 18 membership, therefore a knowledge of the Irish Sports Council's 'Code of Ethics and Good Practice for Children's Sport' (pgs. 15 and 16 especially) and the 'Swim Ireland Guidelines for Safeguarding Children 2008', or most recent equivalent, is essential.*

Sample Constitution – Section 2

3. Affiliation

- a) By virtue of the affiliation of [club] to Swim Ireland, it's members acknowledge that they are subject to the laws, rules and constitutions of:
 - i) Swim Ireland, the governing body for the whole of the island of Ireland.
 - ii) Ligue Européenne de Natation (LEN), the European governing body for the aquatics.
 - iii) Fédération Internationale de Natation (FINA), the world governing body for the aquatics.

4. Membership

- a) All members are subject to the rules and constitution of [club] and rules and regulations of [Region], Swim Ireland, LEN and FINA.

- b) Membership Categories

The following constitute as Members of the club:

- i) Competitor – Members of [club] who decide to engage in competitive events.
 - ii) Non-Competitor – This category includes but is not limited to: participants who wish to train but not compete; coaches; administrators; aquatics leaders; and CCO's.
- c) The Club Management Committee reserves the right to accept or reject applications for membership of the club. If they are refused, the applicant must be notified by the Management Committee in writing as to the reasons for their refusal.

- d) Application Procedures for Club Members

- i) All members and officials must complete the necessary application forms and attach the necessary fees as set down by Swim Ireland and [club].

- ii) They must also be familiar with and comply with the Swim Ireland and [club] rules and read and sign the Swim Ireland and [club] Codes of Conduct.
- iii) These forms must then be forwarded to the Management Committee for approval. Those under 18 must have their parents sign the necessary application forms.
- iv) Upon acceptance the member will then be provided with a copy of the Constitution and Rules of [club]
- v) A member who wishes to resign as a member of the club must inform the secretary in writing. No refund of subscription monies will be paid upon resignation from the Club.
- vi) Full membership status is only valid where a subscription has been paid in full or in a manner agreed by the Club Management Committee.
- vii) Members will be required to renew their membership with [club] and Swim Ireland on an annual basis.

e) Annual Subscriptions

- i) Club fees will be determined by the Management Committee.
- ii) If a member is deceased, their Legal Personal Representative is not liable for any balance of subscriptions.
- iii) A member may resign by communicating this in writing or verbally to the Club Secretary, and if this persons wishes to renew membership at a later date they must re-apply.

f) Learn to Swim

[Club] wishes to promote participants to learn to swim. [Club] will run learn to swim classes. These participants in these classes will not for the first year be members of the Club, or Swim Ireland, but will be insured as part of the club's activities. Participants taking part for longer than a year will be required to become club and Swim Ireland members.

Guidance Notes 2

- 3.** *Aquatic clubs must be affiliated to Swim Ireland if they are to be recognised as such. In doing so clubs are automatically affiliated to LEN and FINA. This concept is laid out in Swim Ireland's 'Memorandum and Articles' in section 19 on Clubs. All club members must be affiliated to Swim Ireland through the Club Affiliation Process.*
- 4 b.** *There are several types of membership within Swim Ireland's affiliation procedures. It is up to the club and its members to decide whether each individual is a competitor or not. Swim Ireland does not have a separate category for honorary members.*
- 4 d.** *Club Affiliation application forms are available from Swim Ireland for the Ulster and, Leinster, Munster and Connacht areas. These affiliation packs include forms on club details, member details, payment sheets and so forth, as well as some extra information.*
- 4 d. vi.** *To ensure fairness exists amongst all members, membership can only be extended to those individuals who have followed the subscription regulations as set down by the Management Committee. Withholding membership means individuals cannot use facilities, coaches, social functions and so forth. It is of course at the club's discretion whether they want to allow a period for members to 'try before they can buy', so as not to intimidate any potential new members (eg. Learn to swim classes). Insurance issues in this regard can be addressed to Swim Ireland.*

Sample Constitution – Section 3

5. Club Management

a) Description

The Management Committee is the body elected by the Members for the management of the business and affairs of the Club. It consists of [number] who must be members of Swim Ireland in their own right

b) Membership of the Management Committee

Membership of the Management Committee shall consist of the following: - A Chairperson, a Secretary, a Treasurer, and four other adult members. Also, [club] shall have a Designated Person whose duty is to report any allegations of child abuse to the statutory body. This individual can be any member of the Management Committee although it is recommended that it is an officer. A Club Children's Officer must also be nominated who will have access to the Management Committee, and its meeting, but not be a member of it.

Management Committee Officers of [club]

c) Duties of the Chairperson

- i) To promote the interest of [club] at all times and act as the official spokesperson for the club.
- ii) To ensure the principles of due process and natural justice are applied in all decisions made by the committee.
- iii) To maintain order and prevent unnecessary disruptions.

d) Duties of the Treasurer

- i) To keep a record of all financial transactions concerning [club] business.
- ii) To keep appropriate books of record on [club] business.
- iii) To identify all income received and all expenditures.
- iv) To act as co-signature on cheques along with the Chairperson/Secretary.

e) Duties of the Secretary

- i) To record the minutes of all committee and club meetings.
- ii) To keep records of membership, complaints and contracts regarding the dealings of the club. Records shall be kept for a minimum of 6 years.
- iii) To set out meetings including agenda details, notice period and any other necessary information.
- iv) To deal with all club correspondence.

f) Other Committee Member

- i) Duties and Responsibilities of all Committee Members – All Committee members are responsible for the smooth day to day running of the Club. The Management Committee can agree amongst themselves the additional rules required, to be carried out by Committee Members.

Guidance Notes 3

- 5. b.** *It is recommended for the purpose of efficient working that, the Management Committee should consist of a minimum of 7 members and a maximum of 9 members. Three of these are the Chairperson, Secretary and Treasurer and are regarded as the officers of the club. The other positions must be assigned roles as the club/committee deem appropriate. Examples of these positions include a Gala Officer, who looks after gala organisation, entry requirements and so forth, or a Social Officer, who would deal with social events within the club. The Management Committee can appoint various role holders as it deems appropriate, and appoint responsibilities to match these roles.*
- 5. c.** *The duties of each officer here have been left brief to allow clubs and officers autonomy to expand their own job role and specifications. It is important that any new officer does not feel overwhelmed by their position and work load. This situation means adequate time must be given for new officers to come to grips with their new role.*
- 5. f. i.** *Appointment of any officer can be decided either by the Management Committee itself, or via an AGM. This appointment is a matter for the club and the procedures should be detailed in this Constitution (see under AGM)*

Sample Constitution – Section 4

- f) **Duties and Responsibilities of the Club Children’s Officer (CCO)**
- i) The Club Children’s Officer shall be child centred in focus and have as the primary aim, the establishment of a child centred ethos within [club].
 - ii) The CCO shall be the link between the children and adults in [club].
 - iii) The CCO shall take responsibility for monitoring and reporting to [club] Management Committee on how club policy impacts on young people and their Sports Leaders.
 - iv) The CCO shall hold an up to date certificate of Child Protection from ISC/CNI/NISC and be familiar with the Code of Ethics and Child Welfare Guidelines of Swim Ireland.
 - v) The CCO is not a member of the Committee but acts in an advisory capacity towards it, and must attend a minimum of 4 committee meetings a year to report and update the Committee regarding Child Welfare matters. They can attend all meetings if they so wish however.
- g) **Duties and Responsibilities of the Designated Person**
- i) Any concerns or disclosures relating to child abuse shall be reported to the Designated Person (DP) who is responsible for reporting this to the statutory authorities.
 - ii) The Designated Person shall hold an up to date certificate of Child Protection from ISC/CNI/NISC and also be familiar with the Code of Ethics and Child Welfare Guidelines of Swim Ireland.
 - iii) The Designated Person shall be a member of the Committee, with this individual acting in a dual role capacity, performing both their existing role in conjunction with that of Designated Person.
- h) **Duties and responsibilities of the coaching and teaching staff**
- i) Those included, but not limited to Coaches, Teachers and Leaders, will comply with the guidelines set out in ‘Swim Ireland Guidelines for Safeguarding Children 2008’ or most recent edition.

- ii) The recruitment procedures of any individual engaged or working under the [club], shall be in accordance with ‘Swim Ireland Guidelines for Safeguarding Children 2008’, the Employment Rights (Northern Ireland) Order 1996, the Terms of Employment Act 1994 (ROI) and all other related recruitment legislation. Information relating to the responsibilities of the roles, duties and the level of experience/qualifications shall be indicated in the recruitment process.

- iii) All Coaching and Swimming Teachers shall have written contracts which outline their duties, functions and responsibilities. Where coaches and/or swimming teachers operate on a voluntary basis, a written agreement as to new roles or duties shall be agreed, and put in place, within 2 months of appointment.

- iv) All coaching details are the ultimate responsibility of the Head Coach. These duties are as follows
 - a. Training content
 - b. Training schedule
 - c. Team selection (relays)
 - d. Appropriating competitive swimmers into respective groups according to their ability
 - e. To report to and act as liaison to Swim Ireland HQ.

- v) All teaching staff will undergo a police vetting (Garda Siochana, PSNI, and Swim Ireland) in accordance with ‘Swim Ireland Guidelines for Safeguarding Children 2008’ or most recent edition.. If the applicant is from a jurisdiction outside Ireland, enquiries will be made to the relevant statutory bodies.

- vi) Coaches and teachers shall not hold a management or elected position on the Club Committee where working as a coach or teacher for more than three hours a week.
- vii) The Head Coach shall be accountable to the Committee and shall be entitled to attend any Committee meeting. A minimum attendance is also required of 4 meetings per year, effectively one per quarter, of the coach at Committee meetings.
- viii) All Coaches and Leaders must be affiliated to Swim Ireland, and must possess the requisite qualifications.

Guidance Notes 4

- 5. g.** *The CCO of any club must follow the role description as laid down in the ISC's 'Code of Ethics and Good Practice for Children's Sport' (p. 16), and SI's and the CCO's duties, as laid out in 'Swim Ireland Guidelines for Safeguarding Children 2008' (p.13). This individual can advise the Management Committee on child welfare related topics but also be able to remain impartial as they are not a member of the Committee itself. It is recommended that a second person be appointed as a CCO if necessary. Whilst a CCO should attend management meetings to update the Committee on Child Welfare matters, they need not necessarily be present for the entire meeting.*
- 5. h.** *The Designated Person (DP) differs from the CCO as it is this individual's duty to report all child protection concerns to the statutory body. Owing to this important obligation, this position can never be left vacant. It is usually an officer of the committee who fulfils the dual role of DP. For further information see pg. 14 of 'Swim Ireland Guidelines for Safeguarding Children 2008' or most recent edition.*
- 5. h. ii.** *Child Protection Awareness Courses to accredit a person with a certificate of child protection are run by Swim Ireland and through Local Sports partnerships. If an individual is interested they can contact SI or their local LSP for details.*
- 5. i. vi.** *Swim Ireland recognises certain personal attributes are necessary for the position of team managers and recommends that Team Managers have completed, at a minimum, the Team Manager Level One (Club Level) course to ensure swimmers receive the best possible care when they are attending away trips.*
- 5. h. iv.** *The manner in which some individuals (coaches/teachers) are engaged by a club may vary. Some individuals would be classed as employees, on a fixed contract and their PAYI/PRSI deductions would be carried out by the club. Others may be deemed consultants. The responsibility would be with this*

individual to pay their own PAYI/PRSI deductions. Others may work in a voluntary capacity. In this way, written agreements should be in place between the individual and the clubs.

Sample Constitution – Section 5

- j) Rights and Duties of the Management Committee
- i) The Management Committee shall be empowered to introduce rules, as the need arises, for the general regulation of the club. No rule shall be inconsistent with anything contained in this constitution. The Management Committee must ensure a Club's Rule Book is in place which is made available to all members
 - ii) The Committee have the power to appoint such sub committees as they may consider necessary. These sub committees will act on behalf of the Management Committee and follow procedures and relay information as directed by the Management Committee.
 - iii) The Management Committee shall be responsible for all assets of the club.
 - iv) The Management Committee, in conjunction with the CCO, will be responsible for formulating Club policy in accordance with the 'Swim Ireland Guidelines for Safeguarding Children 2008, or most recent edition, and on the direction the Club takes in the future in all its activities.
 - v) [The members of the Management Committee shall be indemnified by the members of the club against all liabilities properly incurred by them in the management affairs of the club.]
 - vi) Committee members must declare any personal or business interest, which may conflict with their duties as a member of the Management Committee. Such a declaration may be discussed with the other Committee members at a designated meeting, and they may be required to absent themselves content, discussions and decisions.
 - vii) The Management Committee will be expected to follow codes of conduct in relation to their obligations to [club] members. These include, but are not

limited to, confidentiality, objectivity, loyalty, fairness and a constant awareness of their obligations to [club] and its members. The Committee will familiarise itself with the ‘Code of Ethics and Good Practice for Children’s Sport’ and fulfil the duties required in the *Code of Conduct for Club Committees* section (p.25) of the ‘Swim Ireland Guidelines for Safeguarding Children 2008’, or the most recent equivalent.. The Committee will also adhere to any updated versions of these policy documents which are issued in the future.

Guidance Notes 5

- 5.j.ii.** *Sub committees are usually appointed within very large clubs where there may be numerous areas in which the club operates. It is, however, up to the Management Committee to decide this, irrelevant of a club's size.*

- 5.j.v.** *Indemnified in this case means Committee members will not be liable for any loss or damage that is incurred by the club. Clubs should decide this with Swim Ireland.*

- 5.j.vi.** *Conflicts of interest may arise amongst Committee members. This reference is not just to business interests but also personal ones. In clubs; parents, siblings, or spouses may exist together, some even assuming seats on the Management Committee. An example may include a parent sitting on the Management Committee whose child is a competitor within the club, or another example may be a committee member working for a company that is involved in sponsorship talks with the club.*

- 5.j.vii.** *Swim Ireland recommends that members declare any new conflicts, and absent themselves from specific discussions or dealings where they are conflicted. For further information contact SI.*

Sample Constitution – Section 6

k) Meetings of the Management Committee

- i) The Committee shall meet [times] per year with a minimum quorum of 50% plus 1 of the members of the committee present.
- ii) The Chairperson and the Secretary shall have discretion to call further meetings of the Committee if they consider it to be in the interests of the [club].
- iii) A minimum of [days] notice will be given to members save with exceptional circumstances. The Management Committee shall agree how notice shall be provided whether this is phone, email and so forth.
- iv) The Committee should set out its agenda for a meeting no less than [days] prior to the meetings.
- v) The Chairperson has the casting vote on any motion arising during the meetings.
- vi) The Chairperson's decision on a Point of Order is final
- vii) The Chairperson shall preside at all meetings.
- viii) The Secretary, or in her/his absence a member of the Committee, shall take minutes.
- ix) The Treasurer shall relay the financial position of the club at each meeting.
- x) The other Committee members must also relay details on the areas of the club they are designated too.
- xi) The CCO, Coaching and Teaching staff must also be given the opportunity to report and voice the concerns of their designated areas within the Club, as well as to advise the Management Committee on relevant issues.
- xii) Members can acquire the minutes of the meeting in a summary format by providing the Secretary with a self addressed envelope.
- xiii) The Management Committee may also decide upon acceptable means of communication used, during periods between meetings, to ensure the day to day running of [club].

Guidance Notes 6

- 5.k.** *What is addressed at meetings of the Management Committee must be set, but it is up to the club to decide the number of days notice on a meeting and so forth. Swim Ireland's recommendations on these are below, but it is up to each club to decide what suits them best.*
- 5.k. i.** *Meetings should be held around 6 times a year, so they are at least on a bi-monthly basis. A minimum quorum of people of 4 people would provide a majority of the Committee.*
- 5.k. iv.** *It is good practice to give individuals 7 days notice of meetings but again this is for the Committee to decide depending on their member's external responsibilities from the club.*
- 5.k. xi.** *CCO and Coaching staff should be present at meetings to provide their input on their relevant areas. However it may not be necessary or appropriate for them to attend the whole meeting.*

Sample Constitution – Section 7

6. Voting Rights at General Meetings

- a) Members who are fully paid up and over 16 years of age are eligible to vote.
- b) No voting by proxy is allowed.
- c) Parents shall hold one vote on behalf of their child/children within the club. Only one parent may exercise this vote and this must be so agreed between the parents (that is one vote only and not one vote per child). Parents who are club members in their own right may vote with this right for themselves and also cast one vote on behalf of their child/children
- d) Voting shall be conducted via a show of hands, which will be counted by the Secretary. The Committee may, however, recommend that a vote should be held in a secret ballot format owing to the context of the vote.
- e) No business shall be transacted at a general meeting unless a quorum is present. A quorum of [%] of the eligible voting members is the number required. If this quorum is not fulfilled the General Meeting can be suspended for exactly one week.
- f) Nominations will be passed at AGM's by simple resolution of [%] plus one.
- g) Motions for a change to the [club] Constitution must be passed by a special resolution of 75% of persons present at the meeting entitled to vote.
- h) The Chairperson will have a casting vote if there is an equality of votes

Guidance Notes 7

- 6.** *On voting at general meetings, percentages can be employed to ensure a fair mechanism is in place. [%] in this sample constitution, refers to the percentage that could be employed. Although there is no set standard on this, Swim Ireland recommend the percentages below as a reference.*
- 6. e.** *50% is the usual recommendation for voters to be present to ensure adequate representation.*
- 6. f.** *50% plus one ensures a majority and thus democratic rule.*
- 6. g.** *Changing of the club constitution or another important issue a percentage margin of 75% should be used. This percentage is usually utilised when the motion in question is of such importance a majority is warranted on it for it to be passed.*

Sample Constitution – Section 8

7. Election of the Committee Members

- a) Election of the Management Committee members takes place at the Club AGM each year. At this time a Chairperson, Treasurer and Secretary along with four other members of the Management Committee shall be elected.
- b) A Committee member may stand for re-election for four consecutive years. After this time period is up, eligibility for re-election is revoked for a period of two years.
- c) Nominations for office and Notice of Motions must be received in writing by the Secretary no less than 14 days prior to the General Meeting.
- d) A proposer and seconder are required for all Nominations and Notice of Motions.
- e) Notices of Motion and nominations for the Management Committee shall be displayed on the Club notice board for not less than 7 days prior to the AGM. They will also be available on request from the Secretary. Notices and Motions without due notice will not be discussed.
- f) In the event that no nominations are received by the Secretary by [days], only then may a nomination from the floor at the AGM can take place.
- g) A Club Children's Officer must be appointed by the Management Committee and fulfil the criteria laid down by the 'Swim Ireland Guidelines for Safeguarding Children', or most recent equivalent. The Club's DP will also be appointed by the Management Committee from within.

Guidance Notes 8

- 7.** *Election of the Committee members is self explanatory but again Swim Ireland can offer some advice on the number of days notification needed in certain circumstances. This numbers are set out below according to the relevant sections.*
- 7. c.** *Nominations for office and notice of motions is advised to be 21 days to ensure the Committee can prepare adequately and take into account duties they have external to the club.*
- 7. e.** *It is recommended the display of notice of motions and nominations is released 14 days prior to the General Meeting. This figure is in conjunction with the figure in 7. c. above, which therefore gives the Committee around a week to prepare the motions and nominations. 14 days will also give ample opportunity for all members to see the notice.*

Sample Constitution – Section 9

9. Annual General Meeting (AGM)

- a) Members shall be informed of the date, time, place and order of business of the AGM at least 21 days prior to the meeting. This information shall be posted on the club notice board or requested in writing by a member on providing a stamped addressed envelope.
- b) The Management Committee must decide when the AGM is held each year.
- c) The Committee shall distribute to Members its report and statement of accounts for the relevant financial year, not less than 14 days before the date fixed for holding the AGM.
- d) At this meeting, the Annual Report shall be presented, which shall consist of a: Chairman's Report; Secretary's Report; Treasurer's Report; Coaches' Report and the CCO(s) report.
- e) Any changes or updates to the Club Constitution or Club Rules will be notified to the members and Swim Ireland within [days] following the AGM.
- f) Any resolution to amend the Club's Constitution which is successful at the General Meeting will come into immediate affect upon conclusion of the General Meeting.
- g) Two delegates for the club will be elected to represent the club at the Swim Ireland AGM.

10. Extraordinary General Meeting (EGM)

An Extraordinary General Meeting may be called at any time once two thirds of the Committee resolve to convene such a meeting. It can also be called within [days] of the Secretary receiving a requisition in writing signed by [people] of the voting members.

Guidance Notes 9

- 9. a.** *The notice for the AGM will be the same as notice of nominations in 7.c.*
- 9. b.** *Although Swim Ireland highlights that General Meetings take place within a within the last quarter of the year to ensure similarity between clubs, it is up to the club to decide the exact date.*
- 10.** *EGM's are called by the Committee or members of the club to discuss certain issues. A minimum number of three quarters of the committee warranted to call such a meeting ensures that no personal issue disrupts the running of the club. The same is also true for the number of members required. It is recommended that 28 days be given to the Secretary, by the members, so the committee have time to deal with the issue adequately. Also the club must decide on the number of members required to call an EGM, to ensure again, that no one individual can call a meeting solely as a result of their own personal interests.*

Sample Constitution – Section 10

11. Transfers

If a member wishes to leave a club and join another they must follow the rules set down by Swim Ireland. All members must have paid any outstanding subscriptions before they will be released by the Club save with exceptional circumstances.

Guidance Notes 10

11. *Transfers may seem complicated but if the relevant criteria are followed by all clubs, few problems should arise. An individual can be a member of more than one club but there are ardent rules in relation to this. Any confusion can be clarified by Swim Ireland or by consulting the SI website.*

Sample Constitution – Section 11

12. Finance

- a) The financial affairs of the club shall be the responsibility of the Management Committee in general and in particular, the Treasurer. Correct accounts and book keeping shall be done by Treasurer or under his/her supervision.
- b) Annual Accounts of [club] should be prepared for the Annual General Meeting by [club] Treasurer.
- c) The Management Committee shall be empowered to open Bank Accounts in the name of [club] and all transactions in these accounts shall be authorized by the Management Committee. All cheques, drafts and so forth shall be signed by the Treasurer and either the Chairperson or Secretary.
- d) The Treasurer will receive all money paid to the [club] and ensure all such sums are lodged to [club] bank account as soon as possible.
- e) Any assets invested in by the Management Committee will be used for [club] purposes only. The Management Committee will delegate the use of these assets under advisement from coaches, teachers, club children's officers and others within the [club]
- f) The Committee will have the power to negotiate sponsorships on [club] behalf and engage from time to time fundraising activities. Any financial returns from these activities will be used for [club] Development purposes only.

Guidance Notes 11

- 12. c.** *It is prudent to consult a bank manager before any accounts are opened in the club's name. In relation to the signing of cheques it refers to the Treasurer and another officer as co-signatories. It is possible however, for the Management Committee to agree that the Treasurer has the ability to sign off solely, cheques up to a certain amount. For example any figure less than €35. Clear parameters should be set in relation to credit card and cheque authorisations.*

Sample Constitution – Section 12

13. Complaints and Disciplinary Procedures

[Club] will deal with complaints as laid out in Swim Ireland's 'Complaints and Disciplinary Procedures', and shall adopt SI procedures in this regard. Any issue involving members under 18 must also be brought to the attention of the CCO.

14. Cessation/Suspension/Expulsion of Membership

- a) Club's have the power to terminate and suspend membership owing, but not limited to, violation of the constitution and/or rules, criminal behaviour or any activity deemed unseemly by the Management Committee. All club terminations and suspensions will be reported to Swim Ireland, and can be also appealed to SI.

- b) Suspension or termination of an individual's membership to Swim Ireland can only be done by Swim Ireland's board. These procedures are laid out in the 'Articles of Association of Swim Ireland'.

Guidance Notes 12

- 13.** *Any club or member should consult Swim Ireland's 'Complaints and Disciplinary Procedures' if they are unsure regarding protocols and queries. It is worth noting also that a Club Complaints Committee can be formulated in two ways. It can either be formed at the AGM to deal with any complaints that will be received, or formed when the club is issued with a specific complaint.*
- 14. b.** *Although it is true that an individual can only be suspended or terminated as a member of Swim Ireland by its board, it is a pre-requisite for most members to be attached to a club to receive SI membership. If this individual's membership is terminated by a club, they do not meet the necessary requirements to be part of SI and therefore their membership in this regard is also severed.*

Sample Constitution – Section 13

15. Dissolution

- a) [Club] may be dissolved:
 - a. By a Resolution passed owing to the inactivity of its members. This Resolution would be passed at an EGM, specifically called for that purpose and carried by three quarters of the members present.
 - b. A Court Order where a dispute exists within its membership.

- b) Notice must be given to members and Swim Ireland for any Dissolution to come into affect, owing to a Resolution at a General Meeting

- c) All aspects of the Club, having discharged debts and liabilities, shall be distributed to a charity, charities or other non-profit making organization having an agenda similar to those of [club] or SI.

- d) The Management Committee shall be responsible for the winding up of assets and liabilities of [club].

Guidance Notes 13

15. c. & d. *It is important that any assets or finances left when a club dissolves goes back into a non-profit making organisation. This process is in keeping with a sporting ethos. Swim Ireland also would recommend that it goes back into a swimming related organisation. This recommendation is not just to ensure adequate financial resources however; the aim is also is to ensure human resources within a club are not lost when this club dissolves. If finances are transferred back into swimming, the hope would be that the individuals will follow this transfer to ensure these finances are handled adequately.*

Club Constitution – Section 14

16. Equality

In accordance with the Equal Status Act 2000 – 2004 and the Equality Act 1996 in Northern Ireland, [club] will not discriminate against any persons or visitors within [club]. No discrimination of any kind against employed and voluntary staff, membership applications, members and individuals within the general public, will be tolerated.

Guidance Notes 14

16. *There are numerous legislative documents relating to equality beyond those mentioned here. It is recommended therefore, that clubs research more than just these two, so as to acknowledge their obligations to equality provision.*

Club Constitution – Section 15

17. Criminal Allegations

[Club] shall treat allegations of criminal activity very seriously. Any allegation of a criminal offence will be reported to Swim Ireland and the appropriate policing body.

18. Data Protection

[Club] shall aim to follow the necessary data protection guidelines set down by the relevant bodies.

Guidance Notes 15

17. *A piece on criminal allegations has been included to, first of all, highlight a no tolerance approach and, secondly, to differentiate it from other unlawful activities regarding child abuse. Criminal activities here relate to incidences like stealing from the club's finances, fraudulent representation, or the tort of passing off goods illegally.*

18. *If a club has any concerns regarding data protection, it is worth contacting SI for templates or other details.*