

## Scottish Swimming Club Governance Documents - Guidance Notes

These notes are for guidance only and should be deleted from the finalised Constitution.

All Clubs affiliated to SASA are, in accordance with SASA Constitution C10, required to have Governance Documents based on the “Model” and guidance available from the Company.

The “Model” is based on an advisory booklet, on forming a sports club, published by **sportscotland** - “A Guide to a Club Constitution” and on the Scottish Swimming Governance Documentation.

Recognising that each individual club will have different requirements the “Model” identifies three regimes as follows:-

- a) **Mandatory (Bold black text) - must be in every club’s documents.**  
(The exact wording does not need to be followed as long as the full intention of the wording is maintained.)
- b) *Recommended (Italics black text) – Should be in every club’s documents to satisfy what is accepted as “Best Practice” unless an acceptable alternative is argued.*
- c) **Optional (Red text or normal black when not using colour printing) - wording that can be varied dependent on each individual club’s requirements.**

“Additional” or “alternative” text for specific circumstances or types of clubs is included in boxes at the relevant places in the governance documents. These should be used by the relevant clubs in place of the original text. More details are included later in the notes.

**There is no restriction to what a club might consider adding, however it is important that the Constitution is maintained as the “overview” and implementation detail is not included.**

Attention is also drawn to the requirements of SASA Constitution C10.2.2, which requires clubs to “ensure that a copy of their Constitution/Bye-Laws is forwarded to the appropriate District Secretary following the adoption of change(s).”

Club committees should be aware that it is good practice to review their Constitution on an annual basis to ensure it still meets club requirements and if necessary amend at an AGM or EGM.

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### Specific Guidelines

- **Management Committee**

It is strongly recommended that all Officers of the Club are Honorary (not employed for the post as this is very rarely an acceptable practise). If a person is employed to carry out administration or financial duties, they can attend Management Committee meetings but should be excluded from the meeting when there are matters that affect them and they must not have a vote.

- **Dates for AGMs etc.**

Clubs should note that their AGM should be held approximately 6 weeks to 2 months after the end of their financial year in order to permit the Treasurer time to complete the accounts and have them examined prior to the AGM. Also the date in C5.2.4 and C5.2.5 needs to be approximately halfway between the 30 day notice period in C5.2.2 and the date of the AGM.

- **Quorum**

Clubs should ensure that the quorum quoted in C5.1.4 for General meetings is appropriate and attainable for their membership and that the quorum in BL2.2.3 is appropriate for the size of their Management committee.

- **Paragraph Numbering**

If optional paragraphs or Sections are not being used please include the paragraph number with the comment “Not Used”. This will make it easier to check and also make it easier to adopt future changes, to comply with an updated model.

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### **Information and Advice**

Further advice and guidance can be obtained from your District Secretary, from any member of the Editorial Board or from the appropriate RSDM.

The Scottish Swimming Governance Documentation is printed in the Annual Information Guide and can be downloaded from the Scottish Swimming website, [www.scottishswimming.com](http://www.scottishswimming.com)

**Club Governance Documents - Guidance Notes (continued)**

**Additional or Alternative text for specific categories of Clubs.**

- **Clubs who allow members to pay membership fees by instalments.**  
Alternative text is included for paragraphs C3.2.1 and C3.2.3.
- **Clubs who wish to apply for Charitable Status.**  
Additional text is included for paragraph C5.1.5(b).  
Alternative text is included for paragraphs C8.1  
Additional paragraphs BL3.8 & BL3.10 are included with paragraphs from BL3.8 onwards renumbered.
- **Clubs who wish to apply for Community Amateur Sports Clubs Status.**  
Alternative text is included for paragraph C8.1.
- **Clubs whose funds are controlled by another body, e.g. University Clubs.**  
Alternative text is included for paragraph C8.1 and section BL3.  
(Further changes may be required to comply with the governance regulations of the funding body.)
- **Clubs who operate dual approval for bank transfers**  
Alternative text is included for paragraph BL3.4

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**Club Governance Documents – Policies and Regulations**

**Club Policies and Regulations** (compulsory ones needed to comply with SASA Constitution C10.2.3)

Policies or Regulations are important to a Club’s governance and it is important that the “rules” by which the club is managed are available to the membership. For this reason, it is essential that Clubs should consider adopting a set of policies and/or regulations appropriate to their Club in addition to the “Model” constitution. The Management Committee should review their regulations regularly (preferably annually) and revise and reissue them when necessary.

Scottish Swimming has produced a set of policies that are on their web site and that cover a wide range of the requirements for Clubs. It is recommended that clubs refer to these “on-line” documents, however, if they feel it necessary, Clubs can draw up their own versions. The Scottish Swimming versions will be updated when required, however, Clubs will be responsible for updating their own versions.

Clubs can also add their own specific Policies and/or Regulations to their governance documents.

It is recommended that the Club’s own Policies/Regulations are maintained in a separate document from the Constitution and Bye-Laws as they are the responsibility of the Management Committee and can be changed and reissued at any time.

**Each Regulation should address only one subject.**

A summary of regulations is below with a note of which are compulsory, which have Scottish Swimming versions and which the Clubs need to produce themselves. Also listed are areas where clubs may consider that they want to create their own regulation – this is not an exhaustive list and clubs can add regulations for other topics if needed.

**Compulsory Regulations/Policies (with Scottish Swimming versions)**

**Club Complaint and Appeal Procedure – Refer to Scottish Swimming Company Rules Sections R12 to R15**

(There are a series of documents on the Club Complaint Process on the Scottish Swimming Website.)

**Wellbeing and Protection Policy**

**Equal Opportunities Policy**

**Data Protection (GDPR) Policy**

**Code of Conduct (Coach, Athlete, Parent & Volunteer)**

**Possible Additional Regulations (with Scottish Swimming versions)**

**Photographic and Video Equipment**

**Team Manager Policy**

**Possible Additional Regulations (Clubs need to produce themselves)**

(There are templates in the Club Accreditation section of the Scottish Swimming website.)

**Annual Championships**

**Coaching Sponsorships**

**Club Sessions**

**Coach(s)**

**Competition Entries**

**Expenses policy**

**Hardship Policy**

**Life Saving Activities**

**New Swimmer Entry Procedure**

**Sub Committees**

**Technical Officials**

**Training Squads**

**Trophies**

**Whistle Blowing Policy**

**Changes made to Issue 2018 (November 2018) for Issue 2019**

- **Guidance notes** – Highlighting a “Specific Guidelines” section and adding in advice re Honorary and paid members of a Club’s Management Committee.
- **Guidance notes** – **General** section regarding self assessment and audit has been removed.
  - General**
  - ~~Compliance monitoring will be a combination of self assessment and audit.~~
  - ~~Self assessment will be annually as part of the re-affiliation process.~~
  - ~~Audit will be carried out as part of SwimMark assessment.~~
- **Guidance notes** – Highlighting an “Information and Advice” section.
- **Guidance notes** – Moving the existing Club Policy and Regulations guidelines to a new section and incorporate the separate regulations guidelines document into the “Model” document.
- **Index** – Incorporate the Policies and Regulations into the Main Index Page.
- **Constitution C3.2.3**
  - Correction of “Clubs” to “Club’s”.
- **Constitution C3.7.1**
  - Clarification that “in writing” applies both to the reason for refusal and the right of appeal.
- **Constitution C4.1**
  - Amended to clarify that the both the Club and it’s members are bound by Scottish Swimming Governance.
- **Constitution C4.2**
  - Amendment of “Guidelines” to “Policies”.
- **Constitution C5.1.4**
  - Heading changed to “Quorum”.
- **Constitution C5.2.5 and C5.2.6**
  - Minor clarification changes (C5.2.5 – comma added & C5.2.6 “to governance” added.
- **Bye-Law BL1.5.10**
  - Amended to refer to SASA Constitution C10.6 for WPO appointment criteria.
- **Bye-Law BL3.6**
  - Amended to make paragraph compulsory.
  - Wording amended to take account of **sportscotland** recommendations and advice from Harper MacLeod regarding the reality of who might be liable for the debts of the club as an “unincorporated organisation”.
- **Bye-Law BL3.7**
  - Amended, on **sportscotland**’s recommendation, to make it clearer that club monies must not be distributed to the membership.
- **Bye-Laws Section BL4**
  - Rename Section as Disciplinary Procedure, Complaints and Appeals
  - Renumber Section BL4.1 (Suspension and Fines) to BL4.5.
  - Renumber Paragraphs BL4.0.1 to BL4.0.3 to BL4.1.1 to BL4.1.3 and add a “General” section heading.
  - Remove all references to “Grievances” as they are adequately covered by “Complaints”.
  - Replace section BL4.2 with a new section “Disciplinary Procedure”.

**“Full name of Club to be stated here”**  
**CONSTITUTION, BYE-LAWS AND REGULATIONS**  
**INDEX**

**Constitution**

SECTION	C1.0	NAME
SECTION	C2.0	OBJECTIVES
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**Bye-Laws**

SECTION	BL1.0	MANAGEMENT
SECTION	BL2.0	MEETINGS
	BL2.1	Standing Orders
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SECTION	BL3.0	FINANCE AND ACCOUNTS
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	BL4.1	General
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	BL4.4	Appeals
	BL4.5	Suspension and Fines

**Scottish Swimming Maintained Policies/Regulations (refer to Scottish Swimming)**

Links to the relevant parts of the Scottish Swimming web site ([www.scottishswimming.com](http://www.scottishswimming.com)) for the Scottish Swimming Policies are under <Club> – <Manage Your Club> – <Governance Documents> (<https://www.scottishswimming.com/clubs/manage-your-club/governance-documents.aspx>)

**Complaints & Appeals Procedure – Refer to Scottish Swimming Company Rules Sections R12 to R15 (within the “Scottish Swimming Governance Documents” for the current year)**

**Also refer to the Club Complaints Process**

**Wellbeing and Protection Policy**

**Equal Opportunities Policy**

**Data Protection Policy (GDPR)**

**Code of Conduct (Coach, Athlete, Parent, Volunteer)**

**Team Manager Policy (within Code of Conduct – Appendix 9g)**

**Photographic and Video Equipment**

**Club Maintained Policies and/or Regulations**

Add in any other Regulations relevant to the club

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**CONSTITUTION****C1.0 NAME**

**C1.1** The Club shall be called **Insert full name of club** (hereinafter referred to as the Club)

**C2.0 OBJECTIVES**

**C2.1** The objectives of the Club shall be to:-

- a) Advance the public participation in Aquatic Sports and life saving in accordance with paragraph C2.1 of the SASA Constitution.

**C3.0 MEMBERSHIP**

**C3.1** The membership shall consist of the following categories:-

- a) **Adult Member**  
An Adult is an individual 16 years and over, as recognised in Scots Law.
- b) **Junior Member**  
A Junior is an individual not recognised in Scots Law as an adult and not as defined in Scottish Swimming Company Rule R4.5.6.
- c) *Life Member*
- d) **Associate Member**

**C3.2** *Membership fees shall be as agreed at each Annual General Meeting.*

**C3.2.1** The Membership fees of existing members (agreed at the AGM) shall become due on 1 January in each year and those of new members on the date of acceptance for membership.

**Alternative paragraph, only required by clubs who allow their members to pay by instalments**

**C3.2.1** The Membership fees of existing members (agreed at the AGM) shall become due on 1 January in each year and those of new members on the date of acceptance for membership. In order to assist members, payments may be made in a phased manner as determined by the Management Committee.

**C3.2.2** *Members not renewing by 31 March will be deemed to be non-members and will be notified in writing accordingly.*

**C3.2.3** All members will be excluded from taking part in any of the Club's activities, competitions or meetings until their annual subscription is paid.

**Alternative paragraph, only required by clubs who allow their members to pay by instalments**

**C3.2.3** All members may be excluded from taking part in any of the Club's activities, competitions or meetings unless their annual subscription payments are up to date.

**C3.3** All Club Members must be registered with the SASA in accordance with the categories defined in SASA Constitution C3.3.3.

**C3.4** 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.

**C3.5** *A member wishing to resign from the Club shall inform the Secretary in writing.*

**C3.6** A Club member wishing to change their 1st or 2nd Claim Club must do so in accordance with Scottish Swimming Company Rule R5.2.

**C3.7** *The Management Committee shall have the power to turn down an application for membership, provided they act in accordance with paragraph C3.7.1.*

**C3.7.1** *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.*

**C4.0 GOVERNANCE**

**C4.1** The Club, and it's 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.

**C4.2** The Club shall comply with the Scottish Swimming Codes of Conduct, Ethics, and Wellbeing and Protection Policies.

- C4.3 The Club shall be governed by its Constitution, Bye-Laws and Regulations.**
- C4.4 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.**
- C4.5 Amendments to the Bye-Laws shall only be made at a General Meeting provided a simple majority of those present and voting is secured.**
- C4.6 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.**

**C5.0 MEETINGS****C5.1 General****C5.1.1 Notices**

At least **30 days** notice and the Agenda shall be given to all Adult and Life Members of any General Meeting

**C5.1.2 Attendance**

All Adult and Life Members are entitled to attend, take part and vote unless specifically excluded from doing so by the Club's Constitution.

**C5.1.3 Voting**

- a) With the exception of changes to the Constitution, decisions put to a vote shall be resolved by simple majority at General Meetings.
- b) Voting shall be by **a show of hands** unless decided otherwise by a majority of those attending the meeting.

**C5.1.4 Quorum**

The quorum at General Meetings shall be **two Officers of the Club plus thirteen** members eligible to vote.

**C5.1.5 Changes to the Constitution and Bye-Laws**

- a) 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.

**Additional paragraph, only required by clubs wishing to apply for Charitable Status**

- b) Any changes to section C2.0 requires the consent of the Office of the Charity regulator (OSCR) prior to any change being adopted. Any other change(s) to the constitution must be notified to the OSCR within 3 months of the change being made.

**C5.1.6 Conduct of Business**

The conduct of business shall be in accordance with Bye-laws Section BL2.1.

**C5.2 Annual General Meeting (AGM)**

**C5.2.1 The Club shall hold an AGM in the month of **December**.**

**C5.2.2 The Secretary shall give notice **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.**

**C5.2.3 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.**

**C5.2.4 Nominations for Officers of the Club and other members of the Management Committee shall be submitted in writing, signed by two Adult or Life Members and the nominee, to the Secretary no later than **20 November**.**

**C5.2.5 Proposed alterations to the Constitution and Bye-Laws, and notices of motion must be received by the Secretary not later than **20 November**.**

**C5.2.6 The Secretary shall arrange for all nominations and proposed alterations to governance to be circulated at **least seven days** before the meeting. The format of the circulation shall be agreed by the Management Committee.**

**C5.2.7 The business for an AGM shall include:**

- a) *Presidents Remarks*
- b) *Apologies for Absence*
- c) **Approval of minutes from previous AGM & matters arising.**
- d) **Secretary Report**
- e) **Financial Report**
- f) **Swimming Convener Report**
- g) **Proposed changes to Constitution**
- h) **Proposed changes to Bye-Laws**

- i) **Notices of Motion**
- j) **Appointment of President & Vice President(s)**
- k) **Election of Management Committee Members**
- l) **Appointment of Auditors / Independent Examiners**
- m) *Life Membership Awards*
- n) *Other relevant business*

**C5.3 Extraordinary General Meeting (EGM)**

- C5.3.1 **An EGM shall be called by an application in writing to the Secretary supported by at least fifteen 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.*
- C5.3.2 **The Secretary will give notice, in writing of all EGMs, stating the Agenda, to all Adult and Life Members at least 30 days prior to such meetings being held.**
- C5.3.3 **The order of Business for an EGM shall be:**
  - a) **President’s Remarks**
  - b) **Apologies for Absence.**
  - c) **Business to be transacted of which due notice has been given.**
- C5.3.4 **No business shall be transacted at the EGM other than business of which due notice has been given.**

**C6.0 AWARDS**

**C6.1 Life Membership**

- C6.1.1 *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 AGM or at any other time decreed suitable by the Management Committee.*
- C6.1.2 *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.*
- C6.1.3 *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.*

**C7.0 TROPHIES**

- C7.1 *All trophies belong to the Club in perpetuity and cannot be won outright.*
- C7.2 *The Club Treasurer shall act as Trustee of Club Trophies.*
- C7.3 *The winner of a Club trophy shall guarantee safe custody and return of the trophy when requested by the Management Committee.*
- C7.4 **The Club shall be responsible for arranging and funding the engraving of the winners name on all Club trophies.**

**C8.0 DISSOLUTION**

- C8.1 **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.**

**Alternative paragraph, only required by clubs wishing to apply for Charitable Status**

- C8.1 **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 solely for charitable purposes, as agreed by OSCR.**

**Alternative paragraph, only required by clubs wishing to apply for Community Amateur Sports Clubs Status**

- C8.1 **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 given to the Sport’s Governing body for use by them in community related sports.**

**Alternative paragraph, only for Clubs whose funds are controlled by another body, e.g. University Clubs**

- C8.1 **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 reclaimed by the “Funding Body....”.**

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**BYE-LAWS****BL1.0 MANAGEMENT**

- BL1.1** The affairs of the Club shall be conducted by a Management Committee which shall consist of the Officers of the Club *plus six other Adult Committee Members and ex-officio members as set out in Bye-Law BL1.5.1.*  
*Adult Committee Members can be Adult or Life Members of the Club.*
- BL1.2** 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 AGM, as shall be the said Adult Committee Members.
- BL1.3** 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.
- BL1.4** All Management Committee members shall be Adult or Life Members of the Club.
- BL1.5 Management Committee**
- BL1.5.1** *The ex-officio members of the Management Committee may consist of Assistant Secretary, Meet Secretary, the Squad Coaches, Club Boy Captain and Club Girl Captain.*
- BL1.5.2** The term of office for President, Vice President, Secretary and Treasurer shall be **two years.**
- BL1.5.3** The term of office for the Adult Committee Members shall be **two years.**
- BL1.5.4** *The Assistant Secretary and Meet Secretary shall be elected for a term of two years.*
- BL1.5.5** *Retiring members of the Management Committee may offer themselves for re-election.*
- BL1.5.6** *The Club Boy Captain and Club Girl Captain shall be appointed for one year.*
- BL1.5.7** *Management Committee members co-opted by the committee shall be subject to endorsement at the first EGM or AGM thereafter.*
- BL1.5.8** The Management Committee shall be responsible for:
- a) **Running the day to day management and affairs of the Club.**
  - b) *The organisation and control of all members during Club hours.*
  - c) *The appointment of coaches and instructors.*
  - d) *The selection of members to represent the Club.*
  - e) *The organisation of swimming activities as may be requested by other bodies.*
  - f) *Appointing the Boy and Girl Captains in January each year.*
  - g) *Considering and approving or otherwise nominations for Life Membership of the Club.*
- BL1.5.9** *The Management Committee shall appoint such sub-committees as may be considered necessary.*
- BL1.5.10** The Management Committee shall appoint at least one Wellbeing and Protection Officer (WPO) in accordance with section C10.6 of the SASA Constitution.

**BL2.0 MEETINGS****BL2.1 Standing Orders**

- BL2.1.1** 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.*
- BL2.1.2** *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.*
- BL2.1.3** 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.*
- BL2.1.4** *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.*
- BL2.1.5** The Chair of a meeting shall be the sole judge of questions of order and interpreter of the "rules" governing the Club.
- BL2.1.6** The Chair shall not speak to, oppose or move any motion from the Chair. In order to do so, they shall vacate the Chair until that business is concluded. The meeting shall be presided over by a substitute Chair elected from among those present.
- BL2.1.7** *The minutes of all meetings will be circulated to Adult and Life Members.*

**BL2.2 Management Committee Meetings (MCM)**

- BL2.2.1** The club shall hold MCMs **no less frequently than every three months.**

- BL2.2.2** 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 **seven** Adult or Life Members of the Club.
- BL2.2.3** A quorum for MCMs shall be at least one Officer of the Club and **six** Committee members.
- BL2.2.4** The business of the meeting shall be enacted in accordance with Section BL2.1.
- BL2.2.5** *The Secretary will give Notice of the date, time and venue of each committee meeting at least 7 (seven) days prior to the meeting. The format of the notice shall be agreed by the Management Committee.*
- BL2.2.6** *Adult or Life Members who are not members of the Committee, may attend, but may only participate with the agreement of the Chair.*
- BL2.2.7** *All, except ex-officio members shall have a deliberative vote.*
- BL2.2.8** *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.*

**Alternative section (BL3), only for Clubs whose funds are controlled by another body, e.g. University Clubs**

**BL3.0 FINANCE & ACCOUNTS**

- BL3.1** All Finances are controlled by the "**Funding Body....**" who provides the clubs funding, and as such the club is subject to their financial procedures.

In this case all or some of paragraphs BL3.2 to BL3.11 may not be required.

**BL3.0 FINANCE & ACCOUNTS**

- BL3.1** The financial year shall run from **1 November to 31 October** each year.
- BL3.2** The Treasurer shall be responsible for the preparation of Annual Accounts of the Club.
- BL3.3** The Accounts shall be audited/examined by an independent person(s) elected annually at the AGM.
- BL3.4** 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 e-mail/written agreement from the President or another Officer of the Club prior to making an electronic payment.

**Alternative paragraph BL3.4 for Clubs who have dual approval for bank transfers**

- BL3.4** 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 process invoices/expenses online for approval by the President or another authorised Officer of the Club who shall complete the electronic bank transfer payment process

- BL3.5** *The Management committee can enter into 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.*
- BL3.6** **As an unincorporated organisation the responsibility for the financial liabilities of the club shall normally be dependent on who was responsible for the liability.**  
(Interpretation)  
 As an unincorporated association the members are liable for the debts of the club on a "joint and several" basis. Determining which members are liable is usually considered on a case by case basis, and will depend on how the relevant decision that resulted in the liability has been made. For example, if a decision was made by the members at a general meeting then it might be all members of the club who are liable, or it might be all of the committee, or one or more persons (whether office-bearers or not) who assumed the responsibility for taking a particular decision. Further, if a member of the club's committee acts ultra vires or out with the club's constitution then they may have personal liability.)
- BL3.7** **Any surplus of the Club's income will be re-invested in the Club and not distributed to its members by way of dividend, distribution, bonus, honoraria or otherwise by way of profit.**

- BL3.8** The Treasurer shall arrange for the Auditor/Independent Examiner to examine and certify the accounts and balance sheet before presentation of a certified summary to the AGM.
- BL3.9 *The Treasurer shall submit a budget, to the last meeting of the Management Committee prior to the AGM, for the following financial year.*
- BL3.10** The Treasurer shall submit a financial statement to the Management Committee no less frequently than **every three months**.
- BL3.11** All outgoing payments shall be made by cheque or direct Bank transfer duly authorised in accordance with paragraph BL3.4.

**Additional paragraphs C3.8 & C310 only required by clubs wishing to apply for Charitable Status**  
**Also paragraphs C3.8, C3.9, C3.10 & C3.11 renumbered to C3.9, C3.11, C3.12 & C3.13**

- BL3.8** The Club’s assets must not be distributed or otherwise applied other than for charitable purposes, as agreed by OSCR.
- BL3.9** The Treasurer shall arrange for the Auditor/Independent Examiner to examine and certify the accounts and balance sheet before presentation of a certified summary to the AGM.
- BL3.10** Following acceptance of the financial report at the AGM, the Treasurer shall send a copy of the certified accounts to OSCR.
- BL3.11 *The Treasurer shall submit a budget, to the last meeting of the Management Committee prior to the AGM, for the following financial year.*
- BL3.12** The Treasurer shall submit a financial statement to the Management Committee no less frequently than **every three months**.
- BL3.13** All outgoing payments shall be made by cheque or direct Bank transfer duly authorised in accordance with paragraph BL3.4.

**BL4.0 DISCIPLINARY PROCEDURE, COMPLAINTS and APPEALS**

**BL4.1 General**

- BL4.1.1** All complaints and appeals, except for doping, wellbeing or protection, or alleged criminal offences, shall be dealt with in accordance with Sections BL4.2, BL4.3 and BL4.4.
- BL4.1.2** Complaints involving doping should be referred to British Swimming as Per Scottish Swimming Company Rule R13.1.3.
- BL4.1.3** Complaints involving, wellbeing or protection, or other criminal offences shall be referred to Scottish Swimming within 48 hours, in accordance with Scottish Swimming Company Rule R13.2.1.

**BL4.2 Disciplinary Procedure**

- BL4.2.1** 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.
- BL4.2.2** The President, or a deputising club official, will conduct an investigation into the alleged breach of the Club’s codes 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.
- BL4.2.3** The Investigating Club Official shall thereafter be entitled at any time to decide to:
  - a) Apply a sanction to the person(s) being investigated
  - b) Refer the matter to a Club Complaint panel
  - c) Take no further action
  - d) Pursue an alternative resolution, which may include Mediation, Arbitration or Conciliation.
- BL4.2.4** The Club will keep a record of each stage of the disciplinary process.

**BL4.3 Complaints**

- BL4.3.1** 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:
  - a) Any member of the Club

- b) A parent or guardian on behalf of a Junior member as defined in paragraph C3.1(b)**
- c) 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 complaint by themselves.**
- d) Any Individual**

**BL4.3.2 A complaint must be made in accordance with Scottish Swimming Company Rules Sections R12 to R15.**

**BL4.4 Appeals**

**BL4.4.1 An appeal may be made against decisions taken by the Club in respect to the outcome of a submitted complaint or against decisions taken by a National Complaints Committee.**

**BL4.4.2 An appeal must be made in accordance with Scottish Swimming Company Rules Sections R12 to R15.**

**BL4.5 Suspensions and Fines**

**BL4.5.1 The Management Committee may take action (e.g. fine, suspend 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 Swimming Governance Documentation (Company Rules Sections R12 to R15) have been applied.**

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