

MARKET HARBOROUGH SWIMMING CLUB

MHSC Complaints and Disciplinary Procedure

Market Harborough Swimming Club Complaints and Disciplinary Procedure follows the ASA guidelines for the same. All complaints and disciplinary action will observe the following key principles:

1. All parties will be fairly treated.
2. The complainant has the opportunity to present their case.
3. The accused has an opportunity to respond or call witnesses.
4. The ASA Law conforms to the law of the land, in so much that an individual is innocent until proven guilty.

Any concerns of a child protection nature with regard to any individual involved in the sport of swimming will be referred to the ASA Department of Legal Affairs, as laid out in ASA and Market Harborough Swimming Club Safeguarding and Protecting Children Policy.

At Market Harborough Swimming Club we recognise that, at times, disputes may arise between members of the club (committee/swimmers/teachers/coaches/parents) and the following guidelines should help resolve any issues within the club before the matter becomes a formal complaint (ASA Judicial Law 102/150/159).

Please note that the Club only has the power to legislate for a breach of its own rules (ASA Law 281). The Club does not have the power to handle a dispute relating to a member of another club, or to deal with an offence against ASA Law.

Procedure

If there is an occasion when a problem such as fighting between members during a training session occurs, immediate action from the coach or a club officer (committee member) may be required. At this point they have the power to invoke a temporary exclusion from that training session, and they are then required to make a report to the club officers who will then observe the procedures below.

On receipt of the dispute (either in writing or verbally) every effort will be made to resolve the matter by informal discussion. If this fails or it is clearly necessary to discipline a member, then the club has to set up a panel to deal with the matter.

1. The panel will consist of three people, one of whom will act as a chairman and one as a secretary. These people will not be involved in the dispute, and the club may want to ask individuals from outside the club to sit on the panel if it is deemed necessary.
2. The Chairman of the panel will notify both parties of the date, time and place of the hearing and the names of the panel members.

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3. Both parties will be given copies of all papers.
4. The hearing will be within 14 days of receipt of the dispute, unless there are extenuating circumstances.
5. If either party is under 18 years of age they have the right to be accompanied by a parent (or person with parental responsibility), or coach to help them present their case.
6. The hearing should be as informal as possible but needs to be controlled.

Points to note:

- a. The Complainant will present evidence first and the accused will have the right of reply.
- b. Both parties to the dispute are able to call witnesses, the Complainant going first and each party should be allowed to question the other party's witnesses.
- c. Witnesses must wait outside the hearing room until they are called. After questioning they may wait in the hearing room, taking no further part in the proceedings.
- d. The Chairman or Secretary will make notes of the hearing and the panel will make every effort to announce their decision verbally to all the parties without delay followed by written confirmation to reach all parties within 5 days.

The panel has the ability to:

1. Issue a verbal or written warning/reprimand.
2. Suspend a member for a specified period of time, with immediate effect.
3. Require a member to resign if, in its opinion, the interests of the club have been compromised by the member. If expulsion is proposed, the individual will cease to be a member of the club. Such action may be subject to any overriding ASA Complaints Procedure.

If either party to the dispute is dissatisfied with the outcome, they are still entitled to make a complaint to the Judicial Administrator at ASA Head Office.

Judicial Administrator, British Swimming, SportPark, 3 Oakwood Drive, Loughborough, Leicestershire, LE11 3QF.