

Wandsworth Swimming Club Constitution

1. Name

1.1 The name of the Club shall be Wandsworth Swimming Club.

2. Objects

2.1 The objects of the Club shall be the teaching, development and practice of swimming and aquatic activities for its members. In the furtherance of these objects:

2.1.1 The Club is committed to treat everyone equally within the context of its activity. This shall be, for example, regardless of sex, ethnic origin, religion, disability or political persuasion, on any grounds.

2.1.2 The Club shall implement the Amateur Swimming Association Equal Opportunities policy.

2. 2.2 The Club shall be affiliated to ASA London Region, and shall adopt and conform to the rules of this Association, and to such other bodies as the Club may determine from time to time.

3. 2.3 The business and affairs of the Club shall at all times be conducted in accordance with the Laws and Technical Rules of the Amateur Swimming Association ("A.S.A. Laws") and in particular:

2.3.1 All competing members shall be eligible competitors as defined in A.S.A.Laws; and

2.3.2 The Club shall in accordance with A.S.A. Laws adopt the A.S.A. Child Protection Procedures; and shall recognise that the welfare of children is everyone's responsibility and that all children and young people have a right to have fun, be safe and be protected from harm; and

2.3.3 Members of the Club shall in accordance with A.S.A. Laws comply with the A.S.A. Child Protection Procedures.

4. 2.4 By virtue of the affiliation of the Club to ASA London Region, the Club and all members of the Club acknowledge that they are subject to the laws, rules and constitutions of:

2.4.1 ASA London Region and

2.4.2 the Amateur Swimming Association; (to include the ASA/IOS Code of Ethics); and

2.4.3 British Swimming (in particular it's Doping Control Rules and Protocols and Disciplinary Code); and

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

5. 2.5 In the event that there shall be any conflict between any rule or by-law of the Club and any of the Governing Body Rules then the relevant Governing Body Rule shall prevail.

3. Membership

3.1 The total membership of the Club shall not normally be limited. If, however, the Committee considers that there is a good reason to impose any limit from time to time then the Committee shall put forward appropriate proposals for consideration at a

General Meeting of the Club, except where the Committee limit the membership due to the capacity of its sessions. The members shall have the right to impose (and remove) from time to time any limits on total membership (or any category of membership) of the Club.

All persons who assist in any way with the Club's activities shall become members of the Club and hence of the A.S.A. and the relevant A.S.A. membership fee shall be paid. Assisting with the Club's activities shall include, but not be restricted to, administrators, associate members, voluntary instructors, teachers and coaches, Committee members, helpers, Honorary members, life members, officers, patrons, Presidents, technical and non-technical officials, temporary members, Vice Presidents and verifiers or tutors of the A.S.A's educational certificates.

Paid instructors, teachers and coaches who are not members of the Club must be members of a body which accepts that its members are bound by the A.S.A.'s Code of Ethics, the Laws relating to Child Protection and those parts of the Judicial Laws, Judicial Rules and procedures necessary for their implementation and whilst engaged in activities under the jurisdiction of the A.S.A. shall be subject to all the constraints and privileges of the Judicial Laws and Rules.

A parent or Guardian of any swimmer who has not attained their 16th birthday must agree to become a member of the Club and hence the ASA, if not already a member of the Club within the categories set out above. The parent or Guardian must agree to be bound by the rules of the Club and ASA. There will be no fee for this membership.

1. 3.2 Any person who wishes to become a member of the Club must submit a signed application to the Club Secretary (and in the case of a junior swimmer the application must be signed by the swimmer's parent or guardian). Election to membership shall be determined by the Membership Secretary, but other person(s) authorised by the Committee may make recommendation as to the applicant's acceptability. The Membership Secretary shall be required to give reasons for the refusal of any application for membership. Any person refused membership may seek a review of this decision before a review panel appointed by the Committee comprised of not less than three members (who may or may not be members of the Committee). The panel shall [wherever practicable] include one independent member nominated by the ASA Region. The person refused membership shall be entitled to make representations to the Review Panel. The procedures for review shall be at the discretion of the Review Panel whose decision shall be final and binding.

Applicants will have a swimming assessment to determine the swimmer's competency level. Where there is insufficient capacity in the group/s at the swimmer's level, the swimmer will be invited to join a waiting list, but membership will not be guaranteed.

The Club shall not refuse an application for membership on discriminatory grounds, whether in relation to ethnic origin, age, sex, religion, disability, political persuasion or sexual orientation.



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2. 3.3 Each Member will, as a condition of membership, agree to comply with the Club's constitution, bye laws and Code of Conduct.

4. Subscription and Other Fees

4.1 The annual member's subscription and coaching and squad fees (as applicable) shall be determined from time to time by the Committee and the Committee shall in so doing make special provision for different classes of membership as it shall determine.

1. 4.2 The annual subscription shall be paid in twelve monthly installments paid by Standing Order. The first payment being due on joining the Club (and may be made by cheque) and thereafter on the third day of each month.
2. 4.3 Any member whose subscription is unpaid, or not fully paid, by the date falling 30 days after the due date for payment may be suspended by the Committee from some or all Club activities from a date to be determined by the Committee and until such payment is made. (Subject to 5.2)
3. 4.4 The Committee shall, from time to time, have the power to determine the annual membership subscription and other fees. This shall include the power to make such increase in the subscription as shall, where the Club pays the individual A.S.A. Membership Fees to the A.S.A. on behalf of members, be consequential upon an increase in individual A.S.A. membership fees. Any increase in subscriptions shall be advised to the members in writing with the reasons for any increase to be reported to the members at the next Annual General Meeting.

5. Resignation

1. 5.1 A member wishing to resign membership of the Club must give to the Club Secretary, Membership Secretary or Chairman written notice of his resignation. A member's resignation shall only take effect when this (Rule 5.1) has been complied with.
2. 5.2 Notwithstanding the provisions of Rule 5.1 above a member whose subscription, or part thereof, is more than two months in arrear shall be deemed to have resigned. Where the membership of a member shall be terminated in this way he shall be informed in writing that he is no longer a member by notice handed to him or sent by post to his last known address.
3. 5.3 A member who wishes to rejoin the Club will be treated as a new member.

6. Expulsion and other Disciplinary action

1. 6.1 The Committee shall have power to expel a member when, in its opinion, it would not be in the interests of the Club for him/her to remain a member. The Club in exercising this power shall comply with the provisions of Rules 6.2 and 6.3 below.
2. 6.2 The Club shall adopt and comply with the A.S.A. Guidelines for handling Internal Club Disputes ("the Guidelines") as the same may be revised from time to time. The Guidelines

are set out as an Appendix to the A.S.A. Judicial Laws and appear in the A.S.A. Handbook. (A copy of the current Guidelines may be obtained from the A.S.A. Legal Affairs Department.)

3. 6.3 A member may not be expelled or (subject to Rule 6.4 below) be made the subject of any other penalty unless the panel hearing the complaint shall by a two-thirds majority vote in favour of the expulsion of (or other penalty imposed upon) the member.
4. 6.4 The Officers of the Club (or any person to whom the Committee shall delegate this power) may temporarily suspend or exclude a member from particular training sessions and/or wider club activities, when in their opinion, such action is in the interests of the Club. Where such action is taken the complaint will hereafter be dealt with in accordance with the Guidelines.

7. Management Committee

1. 7.1 The Committee shall consist of the Chairman, Club Secretary, Membership Secretary, Development Officer, Competition Secretary ("the Executive Officers of the Club"), the Management Coach (who shall be appointed by the Committee annually, and allowed to speak but not to vote unless also an elected officer of the Club), Swim 21 Administrator, Volunteer Development Officer, Local Community Liaison Officer, all of whom must be members of the Club. The Club shall have a Welfare Officer who shall be entitled to attend Committee Meetings. The Committee shall be able to co-opt specialist members on to the Committee. All Committee members must be not less than 18 years of age though the Committee may allow younger member(s) to attend their meetings without power to vote.
2. 7.2 The Committee members shall be proposed, seconded and elected by ballot at the Annual General Meeting each year and shall remain in office until their successors are elected at the next Annual General Meeting. Any vacancy occurring by resignation or otherwise may be filled by the Committee. Retiring members of the Committee shall be eligible for re-election. (See also 8.1)
3. 7.3 Committee meetings shall be held not less than quarterly and the quorum of that meeting shall be such number as shall represent not less than a simple majority of the Committee members (to include not less than one Executive Officer). The Chairman and the Club Secretary shall have discretion to call further meetings of the Committee if they consider it to be in the interests of the Club. The Club Secretary shall give all the members of the Committee not less than two days oral or written notice of a meeting. Decisions of the Committee shall be made by a simple majority (and in the event of equality of votes the Chairman (or the acting Chairman of that meeting) shall have a casting or additional vote.) The Club Secretary, or in their absence a member of the Committee, shall take minutes.
4. 7.4 In the event that a quorum is not present within thirty minutes of the published start time, a meeting shall stand adjourned to the time and date falling seven days after the date of the meeting, or such other date and time as may be determined by the Chairman. If a quorum is not present at the adjourned meeting then those Committee members attending may act for the purpose of calling a Special General Meeting of the members, to which the provisions as to minimum notice contained in Rule 11.1 shall not apply.

5. 7.5 In addition to the members so elected the Committee may co-opt up to four further members of the Club who shall serve until the next Annual General Meeting. Co-opted members shall not be entitled to vote at the meetings of the Committee unless they are filling a position of an officer of the Club, and shall not be counted in establishing whether a quorum is present.
6. 7.6 The Committee may from time to time appoint from among their number such sub-committees as they may consider necessary (and to remove (in whole or in part) or vary the terms of reference of such sub-committees) and may delegate to them such of the powers and duties of the Committee as the Committee may determine. All sub-committees shall periodically report their proceedings to the Committee and shall conduct their business in accordance with the directions of the Committee.
7. 7.7 The Committee shall be responsible for the management of the Club and shall have the sole right of appointing and determining the terms and conditions of service of employees of the Club. The Committee shall have power to enter into contracts for the purposes of the Club on behalf of all the members of the Club. The Committee shall be responsible for ensuring that the Accounts of the Club for each financial year be examined by an independent examiner to be appointed by the members in General Meeting. The

Committee shall also have power to make regulations and to settle disputed points not otherwise provided for in this Constitution.

1. 7.8 The members of the Committee shall be indemnified by the members of the Club against all liabilities properly incurred by them in the management of the affairs of the Club.
2. 7.9 The Committee shall maintain an Accident Book in which all accidents to Club members at swimming related activities shall be recorded. Details of such accidents shall be reported to the A.S.A. Office. The Club shall make an annual return to the A.S.A. in the prescribed form.
3. 7.10 The Committee's powers are to be exercised in the interests of the Club as a whole and not in the interests of any particular section of the Club or Committee. In the event of any material conflict of interest arising for one or more Committee members in relation to Committee matters, these must be declared to the Committee by the Committee member(s) and the relevant member(s) must exclude themselves from the Committee's consideration of and decision on the matter.
4. 7.11 Any action or decision of the Committee that (i) is or arises outside the ordinary course of the affairs and activities of the Club or (ii) has or may have a material financial impact on the Club or has or may have a material impact on the interests of the Club as a whole, must be ratified by a general vote of the members in a general meeting. In circumstances in which it is not possible to obtain such ratification, the Committee will use its best endeavors to inform the membership of the pending decision and acting in good faith reflect the members views in its action or decision.

8. Officers and Honorary Members

1. 8.1 The Executive Officers and Committee of the Club shall be proposed, seconded and elected (by ballot) at the Annual General Meeting and shall hold office until the next Annual General Meeting when they shall retire. Any vacancy occurring by resignation or otherwise may be filled by the Committee. Retiring officers shall be eligible for re- election, notwithstanding that an Executive Officer of the Club should not serve in that capacity for more than five consecutive years.
2. 8.2 The Annual General Meeting of the Club, if it thinks fit, may elect a President and Vice-Presidents. A President or Vice-President need not be a member of the association and on election shall, ex officio, be an honorary member of the Club and must be included in the Club's Annual Return of Members to the A.S.A..
3. 8.3 The Committee may elect any person as an honorary member of the Club for such period as it thinks fit and they shall be entitled to all the privileges of membership except that they shall not be entitled to vote at meetings and serve as officers or on the Committee unless any such person shall have retained in addition his ordinary membership of the Club. Such honorary members must be included in the Club's annual return as to membership.

9. Annual General Meeting

1. 9.1 The Annual General Meeting of the Club shall be held each year on a date in June or July. The date for the Annual General Meeting shall be fixed by the Committee.
2. 9.2 The purpose of the Annual General Meeting is to transact the following business:

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

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

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

1. 9.2.4 to elect the Executive Officers and other members of the Committee;

2. 9.2.5 to decide on any resolution which may be duly submitted in accordance with Rule

9.3 Nominations for election of members to any office or for membership of the Committee shall be made in writing by the proposer and seconder to the Club Secretary not later than twenty eight days prior to the General Meeting. The nominee shall be required to indicate in writing on the nomination form his willingness to stand for election. Notice of any resolution proposed to be moved at the Annual General Meeting shall be given in writing to the Secretary not later than twenty eight days prior to the General Meeting.

10. Special General Meeting

10.1 A Special General Meeting may be called at any time by the Committee. A Special General Meeting shall be called by the Club Secretary within twenty eight days of receipt by him of a requisition in writing signed by not less than 7 members entitled to attend and vote at a General

Meeting or (if greater) such numbers as represents (one-tenth) in number of such members] stating the purposes for which the meeting is required and the resolutions proposed.

11. Procedure at the Annual and Special General Meetings

1. 11.1 The Club Secretary shall personally be responsible for the handing out or sending to each member at his last known address a written agenda giving notice of the date, time and place of the General Meeting together with the resolutions to be proposed thereat at least fourteen days before the meeting and in the case of the Annual General Meeting a list of the nominees for the Committee posts and a copy of the examined accounts. The Club Secretary may, alternatively, with the agreement of member(s) concerned distribute these materials by e-mail or similar form of communication. The Notice of Meeting shall in addition wherever possible be displayed on the Club Notice Board where one exists.
2. 11.2 The quorum for the Annual and Special General Meetings shall be 7 members entitled to attend and vote at the Meeting or (if greater) such number as represents (one-tenth) in number of such members.
3. 11.3 The Chairman, or in his absence a member selected by the Committee, shall take the chair. Each member present shall have one vote and resolutions shall be passed by a simple majority. For the procedures for submitting resolutions to be considered at a General Meeting members are referred to Rule 9.3. In the event of an equality of votes the Chairman shall have a casting or additional vote. Only paid up members who have reached their 16th birthday shall be entitled to be heard and to vote on all matters. (Members who have not reached their 16th birthday shall be entitled to be heard and vote only on those matters determined by the Chairman as matters concerning juniors, such as the election of Club Captains.)
 1. 11.4 The Club Secretary, or in their absence a member of the Committee, shall take minutes at the Annual and Special General Meetings.
 2. 11.5 The Chairman shall at all General Meetings have unlimited authority upon every question of order and shall be, for the purpose of such meeting, the sole interpreter of the Rules of the Club.

12. Alteration of the Rules and other Resolutions

1. 12.1 The rules may be altered by resolution at an Annual or Special General Meeting provided that the resolution is carried by a majority of at least (two-thirds) of members present and entitled to vote at the General Meeting. No amendment(s) to the rules shall become effective until such amendment(s) shall have been submitted to and validated by such person as is authorised to do so by the ASA Region.
2. 12.2 Any member, seconded by two other members, shall be entitled to put any proposal for consideration at any General Meeting provided the proposal in writing shall have been handed to or posted to the Club Secretary so as to be received by him not later than twenty eight days in the case of the Annual General Meeting or, in the case of a Special General Meeting, eighteen days before the date of the meeting and thereafter the Secretary shall

supply a copy of the proposal or resolution to the members in the manner provided in Rule 11.1

13. By-Laws

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

14. Finance

1. 14.1 All moneys payable to the Club shall be received by the Membership Secretary and deposited in a bank account in the name of the Club. No sum shall be drawn except by authorized signatories who shall be the Executive Officers of the Club. Any monies not required for immediate use may be invested as the Committee in its discretion think fit.
2. 14.2 The income and property of the Club shall be applied only in furtherance of the objects of the Club and no part thereof shall be paid by way of bonus, dividend or profit to any members of the Club, (save as set out in Rule 17.3.)
3. 14.3 The Committee shall have power to authorise the payment of remuneration and expenses to any officer, member or employee of the Club and to any other person or persons for services rendered to the Club.
4. 14.4 The financial transactions of the Club shall be recorded by the Membership Secretary in such manner as the Committee thinks fit.
5. 14.5 The financial year of the Club shall be the period commencing 1st April and ending on 31st March. Any change to the financial year shall require the approval of the members in a General Meeting.
6. 14.6 The Committee shall retain for a minimum period of six years all financial records relating to the Club and copies of Minutes of all meetings.

15. Borrowing

1. 15.1 The Committee may borrow money on behalf of the Club for the purposes of the Club from time to time at their own discretion up to such limits on borrowing as may be laid down from time to time by the General Meeting for the general upkeep of the Club or with the prior approval of a General Meeting for any other expenditure, additions or improvements.
2. 15.2 When so borrowing the Committee shall have power to raise in any way any sum or sums of money and to raise and secure the repayment of any sums or sums of money in such manner or on such terms and conditions as it thinks fit, and in particular by mortgage of or charge upon or by the issues of debentures charged upon all or any part of the property of the Club.

3. 15.3 The Committee shall have no power to pledge the personal liability of any member of the Club for the repayment of any sums so borrowed.

16. Property

1. 16.1 The property of the Club, other than cash at the bank, shall be vested in not more than four Custodians. They shall deal with the property as directed by resolution of the Committee and entry in the minute book shall be conclusive evidence of such a resolution.
2. 16.2 The Custodians shall be elected at a General Meeting of the Club and shall hold office until death or resignation unless removed by a resolution passed at a General Meeting.
3. 16.3 The Custodians shall be entitled to an indemnity out of the property of the Club for all expenses and other liabilities properly incurred by them in the discharge of their duties.

17. Dissolution

1. 17.1 A resolution to dissolve the Club shall only be proposed at a General Meeting and shall be carried by a majority of at least three-quarters of the members present and entitled to vote. A specific date for the dissolution shall be included in the resolution.
2. 17.2 The dissolution shall take effect from the date specified in the resolution and the members of the Committee shall be responsible for the winding-up of the assets and liabilities of the Club.
3. 17.3 Any property remaining after the discharge of the debts and liabilities of the Club shall be given to a charity or charities (or other non-profit making organization having objects similar to those of the Club for the furtherance of such objects) nominated by the last Committee.

18. ACKNOWLEDGEMENT

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

7 June 2007

as amended 5 June 2008

Duties of Officers

The duties of the Officers of the Club are detailed below but with agreement of the Committee specific duties of members of the Committee may be delegated to other members, though any duties that are so delegated remain the overall responsibility of the relevant member of the Committee, including reporting to the Committee and general meetings.

1. The Club Chairman shall be responsible for chairing meetings of the Management Committee and general meetings of the Club, ensuring that decisions of the Management Committee and general meetings are implemented, monitoring compliance with the Club's constitution and rules, producing and presenting the annual report to the AGM, and

ensuring that the Club is conducted in accordance with the laws of the ASA and with due regard for the health, safety and welfare of members, coaches and others.

2. The Club Secretary shall be responsible for recording the minutes of Management Committee and general meetings, preparing and circulating agendas, notices and other information to members, arranging meetings and booking meeting venues, corresponding on behalf of the Club, keeping the Club's historical records, maintaining a Club notice-board at Club headquarters, making available on request copies of all Management Committee agendas, reports and minutes, placing advertisements for coaches, dealing with affiliations to other bodies, arranging insurance cover, issuing press releases, and attending and reporting to the Management Committee and general meetings.
3. The Membership Secretary shall be responsible for opening and maintaining the Club's bank and/or building society account(s), receiving and accounting for the Club's income and expenditure, paying bills, invoices, expense claims and other legitimate demands for payment on behalf of the Club, paying Club coaches, producing annual accounts and records for examination, maintaining the Club's membership records, receiving and recording membership, swimming session and affiliation fees, issuing membership documents, drafting the Club's annual financial strategy (including recommending membership and training session fees for the coming year), for consideration at the AGM, and attending and reporting on members' matters to the Management Committee and general meetings. Shall be responsible for keeping a waiting list of prospective members, responding to membership enquiries.
4. The Development Officer, promoting Club membership, organising regular social and fund raising activities, seeking sponsorship and business links, overseeing the Club shop, drafting the Club's annual development strategy for consideration at the AGM, and attending and reporting generally on Club development and social matters to the Management Committee and general meetings.
5. The Competition Secretary shall be responsible for planning and publishing, in conjunction with the Management Coach, the Strategic Competition Calendar of the Club for each level of competition and agree the responsibilities for each event; act as a central reference point for the receipt of all competition information; distribute promptly competition information to the relevant competition co-ordinator (s); arrange the submission of entries to the Nationals, Regionals, County, Open Meets and Borough Championships; organise the Club Championships; arrange the transport and officials to League Meets; oversee the booking of venue and organization of officials/poolside help/raffle for interclub leagues that WSC has been asked to host.
6. The Management Coach shall be responsible for (subject to Committee approval) the organisation of the Club's swimming-related activities including determining the swimming programme and content at all levels; monitor the supervision and training of trainee coaches; agree coaching rota; book pool time in conjunction with the Membership Secretary; with the Competition Secretary submit competition entries; draw-up team lists;

convene and chair regular coaching review meetings with coaches; maintain squad list; draft the Club's annual coaching strategy for consideration at the AGM; attend and report

on swimming-related matters to the Management Committee and general meetings. The Management Coach, will in conjunction with the Committee, determine the criteria for squad membership, ensure fair and regular assessments of athletes and be responsible for the correct squad placement of athletes.

7. Swim 21 Administrator shall be responsible for preparing the Clubs application for Swim21 accreditation at the levels decided by the Committee, and then shall be responsible for maintaining the Clubs records for future re-accreditation. The Administrator will be responsible for highlighting deficiencies in the Club's systems to the Committee for rectification.

8. Volunteer Development Officer will be responsible for the recruitment and training of members to fulfil the voluntary posts within the Club for Committee Members, helpers, officials, life guards and teachers, and will be responsible for arranging their appropriate initial and ongoing training.

9. Local Community Liaison Officer will be responsible for forging links with the local community including schools, businesses, health institutions and promoting diversity within the Club.

10. Welfare Officer will be responsible for all issues associated with the welfare of all the younger members of the Club, and whose role will be that as to implement the Child Welfare Policy as defined, and amended from time to time, by the Amateur Swimming Association. The person will also be responsible for maintaining a Criminal Records Bureau (CRB) register on all adults who are coaches, officers or helpers of the Club.