

Disputes & Discipline

How they affect your Club

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Presented by:

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 - Chair of Sport Operations Committee



Updated 'encore' from 2017



Is there a problem



If there is what is it – are they You tell me



What can Swim England do to help



Who in the organisation does help

Is there a problem?

- Judiciary
 - In recent years there has consistently been between 300 – 350 referrals to Friends per year approximately 50 progress to formal complaint
- Friend
 - What is a 'Friend'?
 - How many are there?
 - How many should there be?
 - How do I get one?
- Relationship between Welfare and Friends

Setting the Scene

- Dispute
 - Dictionary *hold debate, quarrel, controvert, contend, resist, controversy, difference of opinion.*
- *Swim England - Internal Dispute* (Reg 150)
 - *Dispute involving an alleged breach of the club's rules, between two or more club members, any or none of which may be an officer of the club*
 - *Excludes*
 - *Breach of ASA Laws or Regulations*
 - *Allegation against paid staff of the club*

Setting the Scene

- Discipline
 - Dictionary *mental or moral training, orderly behaviour, maintained amongst persons under control or command; **chastisement**, train to obedience of instruction; **punish***

Executive or Judiciary

Who runs what within the Organisation ?

Executive

- Members Forum
 - Board
 - Specified Committees
 - Sub Committees
 - Regions
 - **Counties**
 - **Clubs**
- Chief Executive
 - Senior Management Team
 - Employed staff

Clear and distinct separation of roles and responsibilities.

IDDRP & IDDRAP members barred from sitting on Members Forum

Executive do not engage in matters managed under the Judicial System

Judiciary

- Judicial System
 - Judicial Appointments Panel
 - Judicial Commissioner
 - Independent Disciplinary and Dispute Resolution Panel (IDDRP)
 - Independent Disciplinary and Dispute Resolution Appeals Panel (IDDRAP)

Executive or Judiciary

- Executive

- The Executive in the broadest sense and including the Board and other committees notably the Rules Committee have authority to write and propose regulations. Agreed by the Board – mainly!!!!!!!

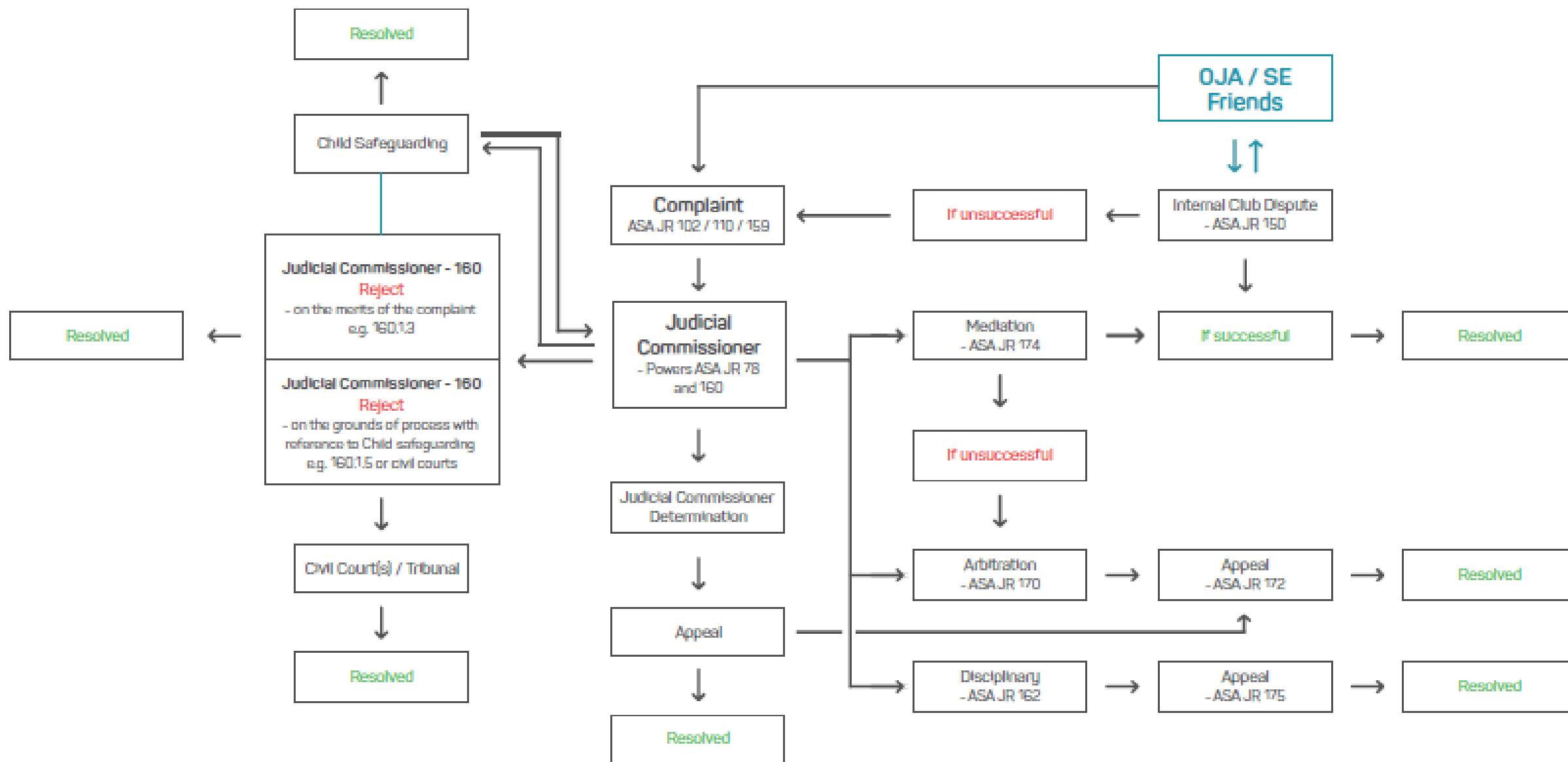
- Judiciary

- The Judiciary has primacy in respect of the implementation and enforcement of our regulations.

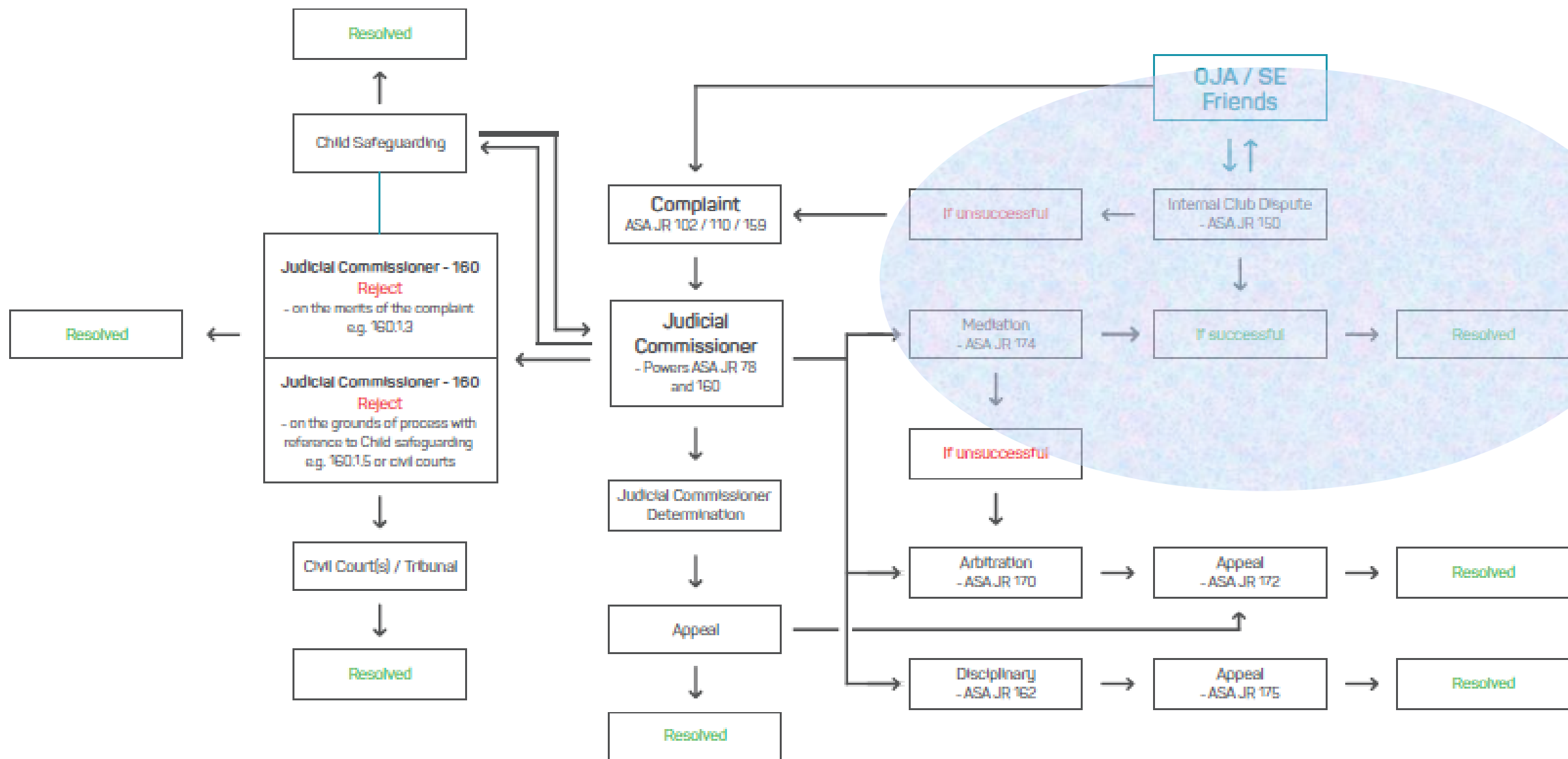
- Judicial Commissioner

- Following the retirement of Andy Gray it is expected that at the this afternoon will agree to practising solicitor Claire McAuslane becoming our new Judicial Commissioner

Judicial System



Judicial System



The Club

- Membership

- Membership of a Club is a privilege not a right
 - Members have rights and responsibilities to the club
 - The Club has rights and responsibilities to all its members
 - The Chairman has specific responsibilities regarding the resolution of disputes
 - The Club Constitution is the set of rules by which the club operates. It should be a living document and the point of reference for any actions taken by the club
- What defines a Member?
 - Annual Membership return to Swim England of Category 1,2 and 3 members
 - If your name isn't on the list you are not a member!!

The Club

- Who runs the Club?
 - Role of the Head Coach
 - Role of Officers
 - Role of the Committee
 - Role of Members
 - Role of Welfare Officer
- What runs the Club?
 - Constitution
 - Constitution
 - Constitution

What's in a word?

Whine

Bleat

Berrate

Gripe

Complaint

Moan

Whimper

Whinge

Protest

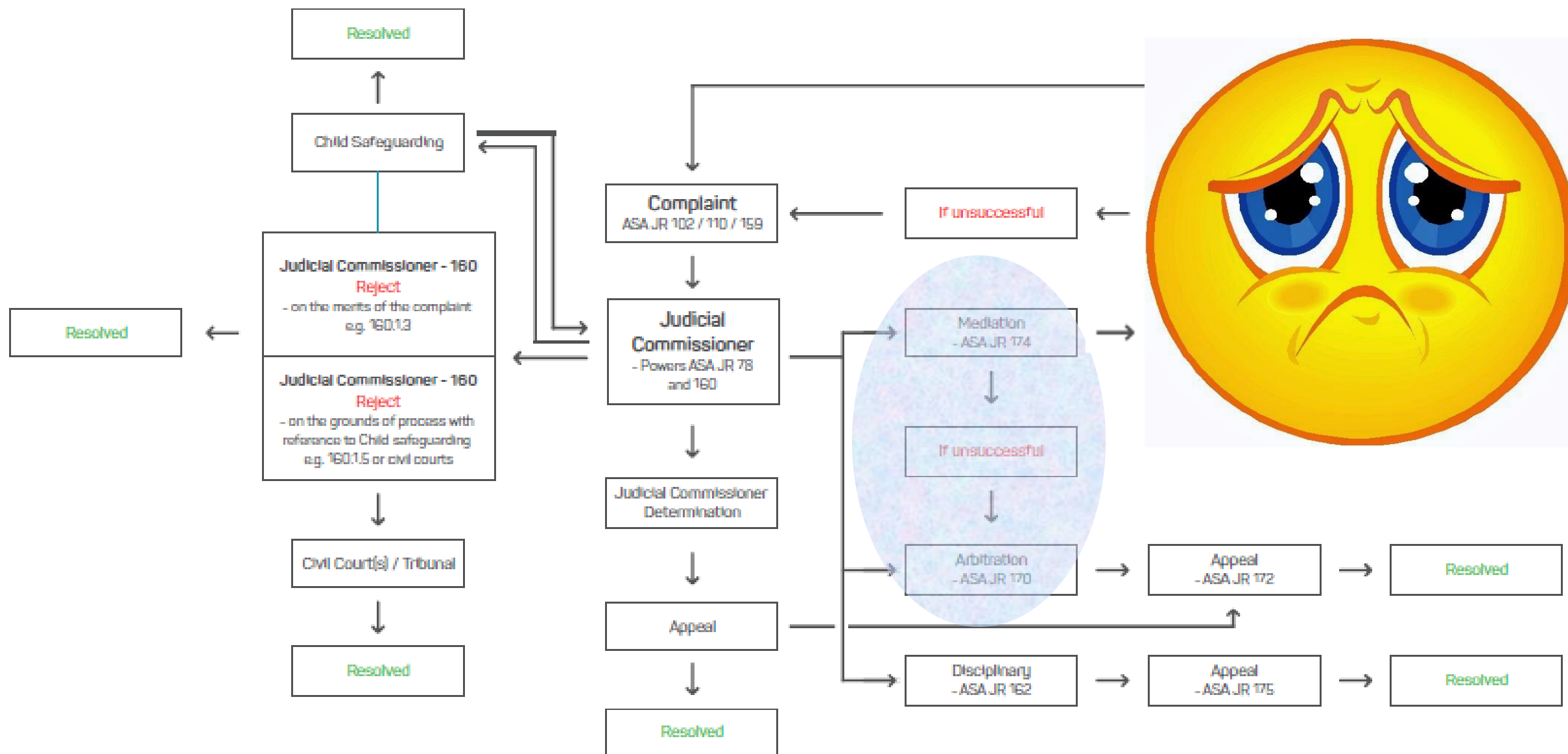
Criticise

Bellyache

Complaint

- Reg 102. Complaints
 - 102.1 A complaint is a formal expression of dissatisfaction with the actions or behaviour of any person, including an individual or a club, or other body, or organisation or with alleged unfair practice in connection with the sport.
- Does not include
 - Team Selection
 - Complaints against Swim England employees acting in their employed capacity

Judicial System



Mediation -v- Arbitration

- Mediation

- All parties retain ownership of the issues
- Structured discussions with an independent party to broker an acceptable solution
- Outcome agreed by parties
- Any sanctions agreed by parties
- Where no agreement is achieved.....

- Arbitration

- Often misunderstood term
- Ownership lost by all parties
- Tribunal will decide the outcome which is binding on all parties
- Sanctions available to and imposed by the Tribunal

Discipline

- Processes
 - What does your constitution allow?
 - Role of the Club Committee
 - ASA Reg 281 permits Clubs to apply sanctions – but what is the overriding requirement
 - Fairness
 - All parties have the opportunity to present their case and have the opportunity to respond
 - Compliance with ASA Regulations, requirements and processes
 - All parties retain ownership of the issues

Discipline or Dispute or Welfare

- What criteria do you use to consider to decide whether matters are dispute, discipline or welfare?
- Is it too easy to cry 'Welfare' rather than deal with challenging issues?

Scenario

A Club Head Coach wants to introduce a new training scheme, this requires that a well respected and loved Coach will be required to leave the Club. If he does not get his way the Head Coach has threatened to leave.

The Chair for fear of losing the Head Coach supports the change, despite the misgivings of the committee none of whom are prepared to speak against the proposal

Although not 'official' news has been leaked and the grapevine is flourishing. Many parents also think highly of the coach who will be sacked.

"This is an outrage what can we do" is the cry.

What do we do?

Scenario

Up steps a brave parent who speaks to the Head Coach and ask if the rumour is true. She is told yes it is and the sooner the better. When questioned about the Committees view the Head Coach firmly states that he runs the Club and the Committee are there just to do what he tells them.

Brave parent then speaks to Chairman who coughs, splutters and wanders off in a daze of denial.

Brave parent speaks to various committee members all bury their heads in the sand for fear of repercussions on their children if they speak out.

What do we do?

Scenario

Brave parent seeks help. She is aware of the Swim England Judicial System and contacts 0161 244 5345 and speaks to the Judicial Office Manager, she suggest a 'Friend' might be able to help.

Friend listens to story and then starts to probe to get a little more background

- Check Club Constitution
- Is the Head Coach a voluntary or an employed position
- Is the Head Coach a member of Swim England
- Is this an Internal Club Dispute
- Is the Chair aware of his responsibilities
- Is there any moral strength in the Committee
- Vote of No Confidence - Special General Meeting

Scenario

- Required numbers to call for a SGM
- Membership!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!
- The Friend only advises on what they are told. All information is confidential unless they are given permission to widen the scope of sources of information
 - Does the other party have a 'Friend'
 - Are they allowed to compare notes
 - Mediation

References, Further Reading & Questions

- ❖ ASA Reg 150-155

- ❖ Internal Disputes and the process of dealing with them

- ❖ Club Constitution

- ❖ Is it up to date?
 - ❖ Is it fit for your purpose?

- ❖ ASA Reg 281

- ❖ Club discipline and internal dispute procedures

- ❖ Wavepower

- ❖ Good Club Guides

www.swimming.org/members/how-to-resolve-issues-with-your-club/