

# **Portmarnock Swim Team**

# **Club Constitution**

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# List of Terms and Abbreviations

<b>ISC</b>	–	Irish Sports Council
<b>SI</b>	–	Swim Ireland
<b>DP</b>	–	Designated Person
<b>LSP</b>	–	Local Sports Partnership
<b>AGM</b>	–	Annual General Meeting
<b>EGM</b>	–	Extraordinary General Meeting
<b>CCO</b>	–	Club Children’s Officer
<b>Officer</b>	–	Officers of a club are the Chairperson, Secretary and Treasurer.
<b>Leader</b>	–	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.
<b>Management Committee</b>	–	This is the body elected by the Members for the management of the business and affairs of the club.

## **Constitution of Portmarnock Swim Team**

### **1. Name(s) and Colour(s)**

- a) The name of the club shall be Portmarnock Swim Team
- b) The colours of the club shall be yellow and black.
- c) The headquarters of the club shall be the Portmarnock Sports and Leisure Centre, Blackwood Lane, Portmarnock, County Dublin, Ireland.

### **2. Objectives**

- a) The objectives of the club are:
  - i) To foster and develop swimming and its participants.
  - ii) To promote the teaching/coaching and practice of 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 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 ensure sport for young people in the club is fun, and conducted in an encouraging atmosphere in line with Swim Ireland guidelines and best practice.
  - vii) 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) Portmarnock Swim Team is fully committed to safeguarding the well being of its members. Every individual in Portmarnock Swim Team 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 Portmarnock Swim Team the guidelines contained in the Code of Ethics and Good Practice for Children's Sport and the 'Swim Ireland Safeguarding Children Policies and Procedures 2010' or most up to date equivalent.

### **3. Affiliation**

- a) By virtue of the affiliation of Portmarnock Swim Team 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 Portmarnock Swim Team rules and regulations of Leinster, Swim Ireland, LEN and FINA.

b) Membership Categories

The following constitute as Members of the club:

- i) Competitor – Members of Portmarnock Swim Team 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 Portmarnock Swim Team.
- ii) They must also be familiar with and comply with the Swim Ireland and Portmarnock Swim Team rules and read and sign the Swim Ireland and Portmarnock Swim Team 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 Portmarnock Swim Team.
- 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 Portmarnock Swim Team 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

Portmarnock Swim Team wishes to promote participants to learn to swim. Portmarnock Swim Team will run learn to swim classes. The 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.

## 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 a minimum of 7 members and a maximum of 9 members 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, Portmarnock Swim Team 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 Portmarnock Swim Team

#### c) Duties of the Chairperson

- i) To promote the interest of Portmarnock Swim Team 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 Portmarnock Swim Team business.
- ii) To keep appropriate books of record on Portmarnock Swim Team 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

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.

#### g) 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 Portmarnock Swim Team.
- ii) The CCO shall be the link between the children and adults in Portmarnock Swim Team.

- iii) The CCO shall take responsibility for monitoring and reporting to Portmarnock Swim Team 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.

h) 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.

i) 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 Safeguarding Children Policies and Procedures 2010' or most recent edition.
- ii) The recruitment procedures of any individual engaged or working under Portmarnock Swim Team, shall be in accordance with 'Swim Ireland Safeguarding Children Policies and Procedures 2010', 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 Safeguarding Children Policies and Procedures 2010' 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. All Coaches and Leaders must be affiliated to Swim Ireland, and must possess the requisite qualifications

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 Safeguarding Children Policies and Procedures 2010', 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 Portmarnock Swim Team members. These include, but are not limited to, confidentiality, objectivity, loyalty, fairness and a constant awareness of their obligations to Portmarnock Swim Team 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 Safeguarding Children Policies and Procedures 2010', or the most recent equivalent. The Committee will also adhere to any updated versions of these policy documents which are issued in the future.

viii) Meetings of the Management Committee

- a. The Committee shall meet a minimum of 6 times per year with a minimum
- b. quorum of 50% plus 1 of the members of the committee present.
- c. 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 Portmarnock Swim Team.
- d. A minimum of 7 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.
- e. The Committee should set out its agenda for a meeting no less than 5 days prior to the meetings.
- f. The Chairperson has the casting vote on any motion arising during the meetings.
- g. The Chairperson's decision on a Point of Order is final,
- h. The Chairperson shall preside at all meetings.
- i. The Secretary, or in her/his absence a member of the Committee, shall take minutes.
- j. The Treasurer shall relay the financial position of the club at each meeting.
- k. The other Committee members must also relay details on the areas of the club they are designated too.



- l. 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.
- m. Members can acquire the minutes of the meeting in a summary format by providing the Secretary with a self addressed envelope.
- n. The Management Committee may also decide upon acceptable means of communication used, during periods between meetings, to ensure the day to day running of Portmarnock Swim Team.

## **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 10 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 50% of persons present at the meeting entitled to vote plus one.
- g) Motions for a change to the Portmarnock Swim Team 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

## **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 7 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 5 days prior to the AGM. They will also be available on request from the Secretary. Notions and Motions without due notice will not be discussed.
- f) In the event that no nominations are received by the Secretary by 7 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 Safeguarding Children Policies and Procedures 2010', or most recent equivalent. The Club's DP will also be appointed by the Management Committee from within.

## **8. 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 and emailed to members 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) 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.
- d) Any changes or updates to the Club Constitution or Club Rules will be notified to the members and Swim Ireland within 21 days following the AGM.
- e) 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.
- f) Two delegates for the club will be elected to represent the club at the Swim Ireland AGM.

## **9. 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 28 days of the Secretary receiving a requisition in writing signed by 20 people of the voting members.

## **10. 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.

## **11. Finance**

- a) The financial affairs of the Portmarnock Swim Team 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 Portmarnock Swim Team should be prepared for the Annual General Meeting by the Portmarnock Swim Team Treasurer.
- c) The Management Committee shall be empowered to open Bank Accounts in the name of the Portmarnock Swim Team and all transactions in these accounts shall be authorised 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 Portmarnock Swim Team and ensure all such sums are lodged to the Portmarnock Swim Team bank account as soon as possible.

- e) Any assets invested in by the Management Committee will be used for Portmarnock Swim Team 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 Portmarnock Swim Team.
- f) The Committee will have the power to negotiate sponsorships on Portmarnock Swim Team behalf and engage from time to time fundraising activities. Any financial returns from these activities will be used for Portmarnock Swim Team Development purposes only.

## **12. Complaints and Disciplinary Procedures**

The Portmarnock Swim Team hereby adopts The Swim Ireland Complaints & Disciplinary Rules and Procedures as amended by Swim Ireland from time to time (the Disciplinary Rules) and the Club and its members recognise and accept that they are bound by and must comply with the provisions of the Disciplinary Rules in resolving all complaints and disciplinary matters which fall within the scope of the Disciplinary Rules. Any issue involving members under 18 must also be brought to the attention of the CCO.

## **13. Cessation/Suspension/Expulsion of Membership**

- a) The Portmarnock Swim Team has 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 Swim Ireland.
- 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'.

## **14. Dissolution**

- a) Portmarnock Swim Team may be dissolved:
  - i) 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.
  - ii) 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 organisation having an agenda similar to those of Portmarnock Swim Team or Swim Ireland.
- d) The Management Committee shall be responsible for the winding up of assets and liabilities of Portmarnock Swim Team.

## **15. Equality**

In accordance with the Equal Status Act 2000 – 2004, Portmarnock Swim Team will not discriminate against any persons or visitors within Portmarnock Swim Team. No discrimination of any kind against employed and voluntary staff, membership applications, members and individuals within the general public, will be tolerated.

## **16. Criminal Allegations**

Portmarnock Swim Team 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.

## **17. Data Protection**

Portmarnock Swim Team shall aim to follow the necessary data protection guidelines set down by the relevant bodies.