

# Swim Wales Membership Rules

These are the membership rules of Swim Wales (Limited) ("**Rules**"), the National Governing Body for Aquatics in Wales ("**Swim Wales**"). They have been created in accordance with the Swim Wales Articles of Association which may be amended, varied, supplemented or replaced by Swim Wales from time to time. Swim Wales Members are their affiliated clubs.

Every affiliated club must comply with these Rules and must take all steps to ensure compliance with these Rules with their clubs' Members. Any failure to comply with these Rules will be grounds for suspension or expulsion of an affiliated club and/or their Club Member(s) (as appropriate), permanently or otherwise at the sole discretion of Swim Wales.

Words and phrases used in these Rules have the meanings as set out in the Schedule to these Rules unless otherwise defined herein.

## 1. **SWIM WALES ORGANISATION AND STRUCTURE**

- 1.1. Swim Wales, as the National Governing Body of Aquatic Sport in Wales, has a mandate to organise, structure and manage Aquatic Sport in Wales. It has a responsibility to create and approve all matters relating to the organisation and structure of the conduct of Aquatic Sport in Wales, which matters are set out in these Rules.
- 1.2. A vision, mission and strategy for Aquatic Sport in Wales is in place which is aligned to both the 'Vision for Sport in Wales' (Sport Wales), British Swimming strategy and other key partners.

## 2. **GOVERNANCE AND MEMBERSHIP**

- 2.1. Clubs affiliated to Swim Wales must ensure their members are bound by and subject to these rules. (Clubs are Swim Wales members as defined in the Swim Wales Articles of Association.) All affiliated clubs must register their members with Swim Wales. This enables various administrative purposes to be kept up to date including insurance data, equality & diversity monitoring, competition entry and records. This list is not exhaustive.
- 2.2. Affiliated clubs must have a signed up to date constitution approved by Swim Wales. Any changes in management committees decided at an AGM or SGM will require a new constitution.
- 2.3. Swim Wales affiliated clubs are responsible for ensuring their members at all times comply with and uphold all these rules. Breaches of these rules by any affiliated club or one of their members may result in disciplinary action.

Any such disciplinary action may be conducted (i) solely by Swim Wales at its discretion (ii) by the relevant affiliated club in respect of a club member if instructed by Swim Wales and Swim Wales may instruct the affiliated club to instigate disciplinary procedures.

- 2.4. Affiliated clubs must uphold and implement directives or instructions issued by Swim Wales from time to time.
- 2.5. Affiliated clubs are required to maintain accurate and up to date information for their members, including but not limited to qualifications, training programmes and DBS certification.
- 2.6. Swim Wales reserves the right to provide support to an affiliated club or to otherwise intervene, in such manner as it considers appropriate, with respect to any concerns or matters brought to its attention in relation to an affiliated club, or one of their members, or additionally an Associate member. The Board may impose sanctions/suspensions in respect of any breach of these Rules, or any disciplinary matter at its discretion. Swim Wales reserves the right to carry out (or to appoint an Independent Examiner to carry out) a general audit on an Affiliated club's governance, including without limitation, in respect of the 'MyConcern' case management system, or any other matter relating to these Rules.
- 2.7. Swim Wales may from time to time and at its sole discretion instruct an Independent Examiner, an Independent Investigator or an Independent Panel to hear disciplinary matters, safeguarding concerns or any other matter relating to these Rules.
- 2.8. All Affiliated clubs and their Club Members shall be bound by these Rules and the policies of Swim Wales (which are listed in the Swim Wales Club Guide and available on the Swim Wales website).

### 3. **ACCOUNTS AND MEETINGS**

- 3.1. Each Affiliated club shall ensure that its approved annual accounts shall be provided to Swim Wales no less than three (3) months after each such affiliated club's Annual General Meeting. The annual accounts shall include a detailed income and expenditure account (which shall detail the number of Club Members, the fees paid and any fees outstanding) together with an up to date balance sheet. Such annual accounts may be audited by Swim Wales' Finance team or an Independent Examiner at the sole discretion of Swim Wales at any time. Swim Wales reserves the right to request copies of the Affiliated club's up to date accounts, financial statements or such other documents or information as it may reasonably require at any time and without prior notice.
- 3.2. The number of club members of each affiliated club, as at the date falling one calendar month prior to any Annual General Meeting of Swim Wales,

will be the number which will be used in determining the voting power of each such affiliated club.

- 3.3. All affiliated clubs are required to conduct General Meetings as well as an Annual General Meeting in accordance with the requirements of the Club Constitution, copies of the agendas and minutes of which shall be made available to Swim Wales promptly on request.
- 3.4. Affiliated clubs must ensure that their members have the right to make a complaint and have knowledge of the applicable complaints handling process.

#### **4. TEACHERS, COACHES, OFFICIALS**

- 4.1. Affiliated clubs shall ensure that all teachers, coaches and officials operate only within the level for which they are currently qualified as required by Swim Wales; and affiliated clubs shall ensure that they (whether paid or volunteer) comply with the following requirements:
  - (a) Welfare Officers – Must attend a 'Time to Listen' course within three (3) months of taking up the role and undertake training in the 'MyConcern' case management system. A refresher 'Time to Listen' course must be taken every three years.
  - (b) Team Manager Training – 'TM 1 & 2' is required for any team manager travelling with children and/or young people.
  - (c) Safeguarding training for both children, young persons and adults at risk must be completed and refreshed every three years by all teachers, coaches, officials and anyone who is involved with children, young persons and adults at risk through participation in a Swim Wales affiliated organisation.
- 4.2. All qualifications for all teachers, coaches and officials must be registered on Swim Wales' membership database. Affiliated clubs must ensure that all teachers, coaches and officials attend all required training and courses and only undertake tasks, or have responsibility for tasks, which they are fully qualified for.
- 4.3. All roles (both paid and volunteer) within an affiliated club must comply with the volunteer code of conduct and/or all applicable employment laws and regulations, as appropriate for each role.

#### **5. AFFILIATION/MEMBERSHIP FEES**

- 5.1. Every affiliated club shall pay an annual affiliation fee to Swim Wales. The annual period applicable to the affiliation fee shall be from 1<sup>st</sup> April ending on 31<sup>st</sup> March and the annual fee shall be payable by no later than 1<sup>st</sup> May of every year. Any affiliated club which becomes a new member of Swim Wales between 31<sup>st</sup> December and 31<sup>st</sup> March shall pay a reduced affiliation

fee which shall be determined by the senior management team of Swim Wales and/or the Directors from time to time.

- 5.2. Annual renewals for the members of a Swim Wales affiliated club are for the period 1st April to 31<sup>st</sup> March each year. Club members' registration fees must be paid to Swim Wales by affiliated clubs by no later than the end of April annually to ensure timely registrations and affiliation renewals can be achieved. These fees are for registration purposes and affiliated club benefits provided by Swim Wales through their affiliation to Swim Wales. Club Members are members of the affiliated clubs only.
- 5.3. Each affiliated club shall ensure that all their new club members are registered and shall pay the requisite registration fees due within one month of registration. Fees for first time registrations of new club members between 31<sup>st</sup> December and 31<sup>st</sup> March each year will be determined by the senior management team of Swim Wales and/or the Directors from time to time. It is the responsibility of the affiliated club to ensure registrations are complete. Failure to do so could invalidate or compromise the club's insurance cover and that of their members.
- 5.4. The annual affiliation and/or registration fee amounts charged will be reviewed every two years by the Directors.

## 6. **ASSOCIATE MEMBERS AND NOFIO CYMRU**

- 6.1. Individuals who are not attached or not members of an affiliated club may apply through Swim Wales to join Nofio Cymru as an Associate member. Nofio Cymru is a virtual club which facilitates registration of individuals through Swim Wales without being attached to, or a member of, a particular affiliated club. All applications for registration with Nofio Cymru are subject to applicable conditions. The virtual club's main purpose is to provide an opportunity for a person unable to join a Swim Wales affiliated club.
- 6.2. Club Members excluded by an affiliated club or whose membership is terminated following disciplinary procedures, or as a result of safeguarding concerns which, following investigation, result in a finding against the individual or a guilty outcome, are NOT permitted to apply to be registered under Nofio Cymru as an Associate Member.
- 6.3. All Associate members registered under Nofio Cymru who are registering for a volunteer role will be subject to a DBS check and otherwise to the terms of these Rules as applicable. References will be sought for each Associate member registering for a role through safe recruitment procedures as outlined in SWCSP. Failure to disclose fully any criminal or military convictions or cautions at the time of application, or at any time thereafter under their ongoing duty of disclosure, will result in either disciplinary proceedings being instigated or immediate permanent exclusion at Swim Wales' sole discretion.

7. **AFFILIATED COMPETITIVE UNIT** – the joining of clubs to provide additional athlete opportunities
- 7.1. Each proposed Affiliated Competitive Unit is required to complete an application form and to submit the requisite fee in order to obtain a license from Swim Wales to operate as an Affiliated Competitive Unit. All individual participants (swimmers and non-swimmers) in an Affiliated Competitive Unit must be Members of a Swim Wales affiliated club. For further details of the application requirements, process and conditions for the creation of an Affiliated Competitive Unit and a copy of the application form, please contact the Swim Wales representative of the relevant region for further information.
- 7.2. The affiliation fee relating to any Affiliated Competitive Unit is payable on creation of any such Affiliated Competitive Unit and thereafter annually. The amount of the affiliation fee payable shall be determined by the Directors from time to time.

## 8. **SAFEGUARDING**

- 8.1. All affiliated clubs must adopt and implement the Swim Wales Child Safeguarding Policy ("**SWCSP**") and the Swim Wales Adults at Risk Policy ("**SWAARP**"), each as may be amended, varied, supplemented or replaced by Swim Wales from time to time. Affiliated clubs are required to ensure that each Club Member is aware of and familiar with, the terms of SWCSP and SWAARP and on how to report any safeguarding or related concern. All such concerns (whether received orally or in writing) must be brought to the attention of the affiliated club's Welfare Officer (subject to any conflict of interest) and must be recorded fully in, and reported through the 'MyConcern' case Management System.
- 8.2. Each affiliated club shall ensure their Members annually sign a copy of each code of conduct of Swim Wales, as may be required, or any such code may be updated from time to time. The club should retain up to date records for signed codes.
- 8.3. Swim Wales reserves the right, at its sole discretion, to either conduct an investigation or to instruct an Independent Investigator to investigate any safeguarding or related prospective concern which it becomes aware of, or which is brought to its attention, or any matter which Swim Wales reasonably anticipates will become a safeguarding issue, and to follow or implement the findings resulting from any such investigation.
- 8.4. The Chief Executive Officer of Swim Wales and/or the Directors shall have authority to suspend any affiliated clubs, and/or to direct any affiliated club to suspend any of their members, from all activities relating to the affiliated club and Aquatic Sport in Wales if at any time (i) a complaint or report is made of any misconduct with any child, young person, adult or other

vulnerable person while investigations are ongoing, or (ii) in the event that there is a finding against the club member as a result of such investigations. Failure to comply fully by either the affiliated club or their club member with such suspension or any other direction from Swim Wales may result in disciplinary action being enforced against the affiliated club.

- 8.5. The Swim Wales affiliated bodies and/or affiliated clubs shall accept and enforce whatever sanctions or conditions are imposed on any person who is found guilty of misconduct. Failure to comply may result in disciplinary action being taken and enforced against the affiliated club.
- 8.6. In the interests of the safeguarding and protection of children, adults at risk and other vulnerable groups, all affiliated clubs must ensure that all their members (including those who work in an employed, self-employed or volunteer capacity) are aware of and sign the relevant codes of conduct of Swim Wales and hold a current clear DBS certificate before commencing or continuing in any role in the categories listed in SWCSP.
- 8.7. Each member of an affiliated club and Associate Member has an ongoing duty of disclosure and is required to disclose with full details any subsequent criminal or military conviction, or caution, to the relevant affiliated club Welfare Officer. Swim Wales (or an Independent Investigator, if so appointed) shall, at its sole discretion, determine whether any such conviction or caution is relevant to that club member or Associate Member role or participation in activities, and shall be entitled to suspend or direct the suspension of the club member or Associate Member, and/or to terminate or direct the termination of their membership, at its sole discretion.
- 8.8. Affiliated clubs must follow the 'Safe Recruitment' procedure in SWCSP for any person involved in working with children, young or vulnerable persons, in either a paid or volunteer role. The individuals concerned shall include, but not be limited to, those who are, or who are deemed to be, under the direction and control of the particular affiliated club at any time (whether or not at an event of the particular affiliated club). Affiliated clubs must ensure that any declarations of criminal or military convictions or cautions that may be relevant in determining suitability of a person in their current or proposed post are declared fully to the relevant affiliated club's Welfare Officer, who must immediately advise Swim Wales of such declaration in writing. Until such time as a DBS certificate is available to Swim Wales, the affiliated club must ensure the applicant refrains from participating in any affiliated club activities.
- 8.9. Affiliated clubs must ensure that if any of their members or applicants shall fail or shall refuse to make a declaration as required by these Rules, or is later found to have failed to make a full declaration and disclosure, such failure or refusal shall be notified immediately to Swim Wales in writing. Swim Wales shall notify such applicants directly requiring prompt completion of the declaration ("**Notification**"). If no response is received

from the applicant within a period of one week from the date of the Notification, Swim Wales shall immediately give written notice to the person of his or her immediate suspension from all duties and participation in any Affiliated club activities until such time as a completed declaration is received, or such later time as may be determined by Swim Wales ("**Suspension Notice**"). The relevant affiliated club and Swim Wales Associated Federations and British Swimming shall each also be served with a copy of the Suspension Notice as appropriate.

- 8.10. All disclosures and declarations will be followed up directly by Swim Wales with the applicant concerned and the relevant affiliated club Welfare Officer.
- 8.11. In the event that Swim Wales receives a notification of a disclosure in respect of any applicant following a DBS application, then it may, at its sole discretion, impose conditions, sanctions and/or restrictions for any period as it (or any Independent Investigator) determines is appropriate in the circumstances or determine that such applicants may not become either a Club Member of a Swim Wales affiliated Club or an Associate Member, as applicable.
- 8.12. It is a mandatory requirement for affiliated clubs to ensure a minimum of one Welfare Officer is trained and in post at all times. The club must notify Swim Wales immediately in writing in the event that the Welfare Officer position becomes vacant.

## 9. **COUNTRY OF WALES REPRESENTATION**

- 9.1. A club Member or an Associate Member shall be eligible to choose Wales as their country of representation for membership records if one of the following criteria is met:
- (a) they were born in Wales; or
  - (b) their parent or a grandparent was born in Wales; or
  - (c) they have been continuously resident in Wales for more than 12 months if aged 16 or under or 36 months or over if aged over 16

## 10. **BEHAVIOURS AND EXPECTATIONS**

- 10.1. Swim Wales affiliated clubs, their Members and Associate Members in addition to the Code of Ethics must;
- 10.1.1. recognise and respect the Equality Act Protected Characteristics as follows:
- (a) age
  - (b) disability
  - (c) gender reassignment
  - (d) marriage and civil partnership

- (e) pregnancy and maternity
  - (f) race
  - (g) religion or belief
  - (h) sex
  - (i) sexual orientation
  - (j) Welsh language
- 10.1.2. report any concerns or issues about an individual, following the reporting procedures laid down by Swim Wales.
- 10.1.3. have a child centred approach putting the best interests of the child at the forefront of everything they do.
- 10.1.4. uphold and implement both Swim Wales Child Safeguarding Policy and Swim Wales Adults at Risk Policy.
- 10.1.5. be an exemplar role model and uphold the spirit of the sport and consistently display high standards of behaviour.
- 10.1.6. at all times treat people with respect.
- 10.1.7. encourage all participants to have fun in Aquatic Sport and encourage participation at all times.
- 10.1.8. observe the authority and the decision of competition officials and only question those decisions in the appropriate manner.
- 10.1.9. respect the rights and dignity, including the contribution, of every person within Aquatic Sport and have person centred approach for decision making.
- 10.1.10. never offer or attempt to offer, either directly or indirectly, any bribe or other reward whatsoever to a member, subordinate, any other club official, athlete, referee or any other Aquatics body or individual with a view to influencing the result, progress, conduct or any other aspect of any competition, or to accept any such bribe or other reward.
- 10.2. discourage the use of banned substances or any contravention of the British Swimming Anti-Doping policy.
- 10.3. Illegal gambling and betting are not permitted. This includes the offering, giving, soliciting or acceptance of an inducement or reward, which may influence the actions of the person.

## 11. CANCELLATION OF MEMBERSHIP





- 11.1. A member who is affiliated to a club who wishes to cancel their membership early must do so in writing addressed to their club.
- 11.2. An Associate member who wishes to cancel their membership early must do so in writing/email either to the Swim Wales offices, Swim Wales, Wales National Pool, Sketty Lane, Swansea. SA2 8QG or email; [swimwales-membership@swimming.org](mailto:swimwales-membership@swimming.org)

## SCHEDULE

### Definition of Terms

**Action by** - References to any 'action by' Swim Wales shall mean action by the Senior Management Team or Directors of Swim Wales, acting on behalf of the Company.

**Affiliated Body** - means any swimming club and or association (other than Swim Wales) which is affiliated to another association recognised by Swim Wales, for example another Welsh national governing body, Swim England or Scottish Swimming.

**Affiliated Competitive Unit** – means the affiliated competitive unit created where two or more Affiliated clubs in the same Region apply for a licence from Swim Wales to enter into competitive and other related events and activities under a collective name.

**Articles of Association** - means the Articles of Association of Swim Wales as a registered company which it has adopted in accordance with CA 2006.

**Approvals** - means the approvals of the Chief Executive, the Senior Management Team or the Directors of Swim Wales who have been authorised by the Articles of Association of Swim Wales.

**Associate Member** - means a person registered with Swim Wales who is not attached to any affiliated club. Therefore, any Associate Member is a member of a 'virtual club' and registered with Nofio Cymru in accordance with clause 6

**Aquatic Sport** – means, but is not limited to, swimming, masters swimming, artistic swimming, open water swimming, diving and water polo.

**British Swimming** - means British Swimming (Limited) the national governing body of swimming, water polo, artistic swimming, diving and open water in Great Britain. British Swimming is recognised by FINA as the UK federation of the national governing bodies of England, Scotland, and Wales. These three are collectively known as the Home Country National Governing Bodies.

**CA 2006** – means the Companies Act 2006 or any amendments, supplements or any replacement from time to time.

**CGA** – means the Commonwealth Games Association of each relevant country, which, for Wales, is 'Team Wales.'

**Club Constitution** - means the Swim Wales approved constitution that is adopted by all clubs wishing to affiliate to, and become Affiliated clubs of, Swim Wales. (Annexes and additions to the Club Constitution may be proposed for Approval by Swim Wales).



**Club Guide** – means a document specifically relevant to each Affiliated club setting out guidance for their Club Members and ensuring good governance of the Affiliated club.

**Club Members** - means the members of a club which is affiliated to Swim Wales.

**DBS** – means the Disclosure and Barring Service.

**Directors** - means the board of directors of Swim Wales.

**FINA** - means the Federation Internationale De Natation Amateur which is the international federation recognised by the International Olympic Committee (“**IOC**”) for administering international competition in water sports. It is one of several international federations which administer a given sport or discipline for the IOC and international community.

**General Meetings** - means any meeting of an Affiliated club of Swim Wales, including the Annual General Meeting (“**AGM**”) of an Affiliated club.

**ISF/IF** – means the International Sports Federation of each relevant country, which for Wales is British Swimming.

**Independent Examiner** - means an individual who is independent from an Affiliated club. The examiner shall be appointed by Swim Wales and may be a Club Member of another Swim Wales Affiliated club or an external person or consultant from outside of swimming and aquatics. The independent examiner will be suitably qualified to review and examine an organisation’s structure, policies, processes, and/or annual accounts, as appropriate.

**Independent Investigator** - means a person appointed to investigate a matter on behalf of Swim Wales.

**Independent Panel** - means a group of individuals (typically 3-5 people) who are external to Swim Wales and who are totally independent from the day to day operation and governance of Swim Wales.

**IOC Licenced Meets** – means competitions that have been licensed by Swim Wales.

**Affiliated clubs** - means the clubs which are affiliated members of Swim Wales.

**Nofio Cymru** - is the name used for a ‘virtual club’ for Associate Members.

**Objects** - means the objects and aims of Swim Wales as set out in the Articles of Association.

**Regions** - means the three regions within Wales that are used for governance and competition purposes by Swim Wales. They are North Wales, West Wales and South East Wales (and **Region** means any of them).



**Regional Panels** – means regional panels which are appointed by Swim Wales, operated by volunteers to support Swim Wales in its vision and mission for Aquatic Sport in Wales, to provide regional services across a range of activities including safeguarding support from Regional Welfare Officers for Club Welfare Officers.

**Swim Wales Affiliated Bodies** – means associations which are affiliated to Swim Wales.

**Swim Wales** – means the National Governing Body for Aquatics in Wales.

**Swim Wales Website** – the website of Swim Wales which can be found at <https://www.swimwales.org/>.

**SWCSP** – means the Swim Wales Child Safeguarding Policy, which all affiliated clubs MUST adopt and ensure that all their Members are aware of and have a good knowledge of.

**SWAAR** – means the Swim Wales Adults at Risk Policy, which all affiliated clubs MUST adopt and ensure that all Club Members are familiar with its terms and requirements.