

Club Constitution

1. Name

1.1 The name of the Squad shall be The Royal Wolverhampton School Swimming Club

2. Objectives

2.1 The object of the Squad setup shall be to promote, encourage and develop competitive swimming, to enable competition at the appropriate levels. In the furtherance of these objectives:

2.1.1 The Squad 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 Squad shall implement the A.S.A Equal Opportunities policy.

2.2 The Squad shall be affiliated to the ASA West Midland Region, and shall adopt and conform to the rules of this Association, and to such other bodies as the Management Board may determine from time to time.

2.3 The business and affairs of the Squad shall at all times be conducted in accordance with the Laws and Technical Rules of the A.S.A. ("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 Squad shall in accordance with A.S.A. Laws adopt the A.S.A. Child Safeguarding 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.

2.3.3 Members of the Squad shall in accordance with A.S.A. Laws comply with the A.S.A. Child Safeguarding Procedures.

2.4 By virtue of the affiliation of the Squad to the ASA West Midland Region, the Squad and all members of the Squad acknowledge that they are subject to the laws, rules and constitutions of:

2.4.1 ASA West Midland Region and Staffordshire ASA

2.4.2 The A.S.A. (to include the A.S.A./IOS Code of Ethics); and

2.4.3 British Swimming (in particular its 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").

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

3. Membership

3.1 The total membership of the Squad shall not normally be limited, however, swimming membership will firstly be open to individuals who meet the required selection criteria and who are a member of an affiliated Club. All competing members of the Squad shall be members of a 'parent club' (a parent club is defined as another club affiliated to the ASA) and shall be dual registered with that club, nominating the Royal Wolverhampton School Swimming Club for ranking purposes. The Management Board shall monitor squad membership and consider the membership size. There may be a good reason to limit any category of membership from time to time.

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

3.3 Paid instructors, teachers and coaches who are not members of the Squad 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.

3.4 Any person who wishes to become a member of the squad must submit a signed application to the 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 subject to a recommendation by the Membership Officer and approved by the Management Board.

The Membership Officer 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 Management Board ("Review Panel") comprised of not less than three members, who may or may not be members of the Management Board. The Review Panel shall wherever practicable include one independent member nominated by the ASA West Midland 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.

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

3.6 The Squad may refuse membership only for good and sufficient cause, such as conduct or character likely to bring the Squad or the sport into disrepute, or, limit numbers for health and safety reasons, or, in the case of a swimmer, being unable to achieve the entry standards as laid down and provided by the Squad to the applicant for membership.

4. Subscription and Other Fees

4.1 The annual members' subscription and coaching and squad fees, as applicable, shall be determined from time to time by the Management Board and the Management Board shall in so doing make special provision for different classes of membership as it shall determine.

4.2 The annual subscription and entrance fee, if any, shall be due on joining the Squad and thereafter on the 1st day of January each year.

4.3 Any member whose subscription is unpaid by the date falling 30 days after the due date for payment may be suspended by the Management Board from some or all Squad activities from a date to be determined by the Management Board and until such payment is made.

4.4 The Management Board 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 Squad 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.

4.5 The Executive Officers or the Management Board shall have the power in special circumstances to remit the whole or part of the fees, including the A.S.A. membership fees, to address issues of social inclusion or hardship.

5. Resignation

5.1 A member wishing to resign membership of the Squad must give to the Secretary written notice of his/her resignation. A member's resignation shall only take effect when this (Rule 5.1) has been complied with.

5.2 The member who resigns from the Squad in accordance with Rule 5.1 above shall not be entitled to have any part of the annual membership fee or any other fees returned.

5.3 Notwithstanding the provisions of Rule 5.1 above, a member whose subscription 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/she shall be informed in writing that he/she is no longer a member by notice handed to him/her or sent by post to his/her last known address.

5.4 The A.S.A. Membership Department shall be informed should a member resign when still owing money or goods to the Squad.

6. Expulsion and Other Disciplinary Action

6.1 The Management Board shall have the power to expel a member when, in its opinion, it would not be in the interests of the Squad for the individual to remain a member. The Squad in exercising this power shall comply with the provisions of Rules 6.3 and 6.4 below.

6.2 Upon expulsion, the former member shall not be entitled to have any part of the annual membership fee refunded and must return any Squad or external body's trophy or trophies held forthwith. The Squad, in exercising this power, is required to comply with the provision of Rules 6.3 and 6.4 below.

6.3 The Squad shall comply with the relevant Judicial Regulations Operational for handling internal squad disputes ("the Rules") as the same may be revised from time to time. The Rules are set out in the A.S.A. Judicial Regulations Operational and appear in the A.S.A. Handbook.

6.4 A member may not be expelled or, subject to Rule 6.5 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.

6.5 The Officers of the Squad, or any person to whom the Management Board shall delegate this power, may temporarily suspend or exclude a member from particular training sessions and/or wider Squad activities, when in their opinion, such action is in the interests of the Squad. Where such action is taken the incident or matter will thereafter be dealt with in accordance with the appropriate Judicial Rules.

7. Management Board

7.1 The Management Board shall consist of:

Chairman (Can only be from The Royal School Board of Governors or nominated by The Royal School Board of Governors to represent them)

Head Master (The Royal School Wolverhampton Employee)

Head Coach (The Royal School Wolverhampton Employee)

Secretary

Treasurer

(Together "the Executive Officers of the Squad").

The Secretary and Treasurer will be elected at the Squad Annual General Meeting. The Royal School Board of Governors shall nominate/from their number a suitable candidate to stand for Chairman.

Worcester County ASA, Staffordshire County ASA, West Midland ASA and the RWSSC membership are able to nominate one member at the AGM who can attend Management board meetings without the power to vote.

The Royal Wolverhampton School (Registered Charity 1092221) may nominate two further members to attend Management Board meetings; such nominees will not have the power to vote. All Management Board members must be members of the squad. All Management Board members must be not less than 18 years of age.

7.2 The Management Board shall appoint a member of the School or Squad as Welfare Officer who must be not less than 18 years of age, who should have an appropriate background and who is required to undertake appropriate training in accordance with A.S.A Child Safe guarding courses. The Welfare Officer will have a right to attend Management Board meetings without power to vote.

7.3 The Secretary and Treasurer shall be proposed, seconded by members of the squad and then elected at the Annual General Meeting each year and shall remain in office until their successors are elected at the next Annual General Meeting and will take office when the Chairman has closed the meeting. Any vacancy occurring by resignation or otherwise may be filled by the Management Board. Retiring Executive Officers and members of the Management Board shall be eligible for re-election. The nominations for the county and ASA representatives shall be submitted four weeks prior to the AGM.

7.4 Management Board meetings shall be held not less than quarterly, save where the Management Board itself shall by a simple majority resolve not to meet, and the quorum of that meeting shall be such number as shall represent not less than a simple majority of the Management Board members (to include not less than one Executive Officer). The Chairman and the Secretary shall have discretion to call further meetings of the Management Board if they consider it to be in the interests of the Squad. The Secretary shall give all the members of the Management Board not less than four days written notice of a meeting. Decisions of the Management Board shall be made by a simple majority. In the event of equality of votes, the Chairman, or the acting Chairman of that meeting, shall have a casting or additional vote. The Secretary, or in his/her absence a member of the Management Board, shall take minutes.

7.5 In the event that a quorum is not present within 30 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 Management Board 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.

7.6 The Management Board may co-opt further members of the Squad to fulfil such jobs as decided by the board, some of which are listed:

- Competition Secretary
- Membership Secretary
- Swim21 Coordinator
- Promotional Coordinator
- Fundraising Coordinator
- Grants Coordinator
- Team Manager
- Website Administrator
- Kit Coordinator
- RWS Administrator
- Welfare Officer

All co-opted members shall serve until the next AGM or until given notice by the Management Board. The Management board shall have the power to remove in whole or in part or vary the terms of reference of such co-opted members. Co-opted members will present their progress to the Management Board at designated meetings not less than monthly. Co-opted members shall not have the automatic right to attend the meetings of the Management Board and shall not have the power to vote nor be counted in establishing whether a quorum is present.

7.7 The Management Board may from time to time appoint 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

Management Board as the Management Board may determine. All sub-committees will not have a vote and shall periodically report their proceedings to the Management Board, conducting their business in accordance with the directions of the Management Board.

7.8 The Royal School Wolverhampton shall have the sole right of appointing and determining the terms and conditions of service of employees of the Squad. The Royal School Wolverhampton shall have power to enter into contracts for the purposes of the Squad. The Management Board shall be responsible for ensuring that the Accounts of the Squad for each financial year be examined by an independent examiner to be appointed by the members in General Meeting.

7.9 The members of the Management Board shall be indemnified by The Royal Wolverhampton School Enterprises Ltd against all liabilities properly incurred by them in the management of the affairs of the squad.

7.10 The Royal School Wolverhampton shall maintain an Accident Book in which all accidents to Squad members at swimming related activities shall be recorded. Details of such accidents shall be logged and recorded on file by The Royal School.

7.11 The Management Board shall have power to make regulations, create by-laws (see Rule 13.1) and to settle disputed points not otherwise provided for in this Constitution.

8. Officers and Honorary Members/Life Members

8.1 The Annual General Meeting of the Squad, if it thinks fit, may elect a President and Vice-Presidents. A President or Vice-President need not be a member of the Squad on election shall, ex officio, be an honorary member of the Squad and must be included in the Squad Annual Return of Members to the A.S.A.

8.2 The Management Board may elect any person as an honorary member of the Squad for such period as it thinks fit, or as a Life Member, 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 Management Board unless any such person shall have retained in addition their ordinary membership of the Squad. Such honorary members and Life Members must be included in the Squad annual return as to membership.

9. Annual General Meeting

9.1 The Annual General Meeting of the Squad shall be held annually. The date, time and venue for the Annual General Meeting shall be fixed by the Management Board.

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 Squad during the previous year;

9.2.2 To receive and consider the accounts of the Squad for the previous year and the report on the accounts of the independent examiner and the Treasurer's report as to the financial position of the Squad;

9.2.3 To remove and elect the independent examiner, who must not be a member of the Management Board or a member of the family of a member of the Management Board, or confirm that he/she remain in office;

9.2.4 To elect the Secretary and Treasurer and receive the County association, ASA, RWSSC nominations for other members of the Management Board;

9.2.5 To decide on any resolution which may be duly submitted in accordance with rule 9.3.

9.3 Nominations for election of the Secretary, Treasurer and Chairman of the Management Board and the Welfare Officer shall be made in writing by the proposer and seconder to the Secretary not later than four weeks prior to the AGM. The nominee shall be required to indicate in writing on the nomination form his/her willingness to stand for election. Nominations for County Association and ASA representatives shall also be received by four weeks prior to the AGM. Notice of any resolution proposed to be moved at the Annual General Meeting shall be given in writing to the Secretary not later than four weeks prior to the AGM.

10. Special General Meeting

A Special General Meeting may be called at any time by the Management Board. A Special General Meeting shall be called by the Squad within 28 days of receipt by the Secretary of a requisition in writing signed by not less than seven members entitled to attend and vote at a General Meeting or, if greater, such number 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

11.1 The Secretary shall personally be responsible for the handing out or sending to each member at his/her 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 Management Board posts and a copy of the examined accounts. The 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 Squad Notice Board and when possible on the Squad Website where these exist.

11.2 The quorum for the Annual and Special General Meetings shall be seven members entitled to attend and vote at the Meeting or, if greater, such number as represents one-tenth in number of such members.

11.3 The Chairman, or in the Chairman's absence a member appointed by the Management Board, 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 junior swimmers.

11.4 The Secretary, or in his/her absence a member of the Management Board, shall take minutes at the Annual and Special General Meetings.

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 Squad.

12. Alteration of the Rules and Other Resolutions

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 County Association/ASA West Midland Region.

12.2 Any member entitled to attend and vote at a General Meeting 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 Secretary of the Squad so as to be received by him/her no later than four weeks prior to the AGM in the case of the Annual General Meeting or, in the case of a Special General Meeting, 18 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 Management Board 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 Squad which by-laws, repeals and amendments shall have effect until set aside by the Management Board or at a General Meeting.

14. Finance

14.1 All monies payable to the Squad shall be received by the Treasurer and deposited in a bank account in the name of the Squad. No sum shall be drawn from that account except by cheque signed by two of the five signatories who shall be the Chairman, Head Master, Head Coach, Secretary and Treasurer. Any monies not required for immediate use may be invested as the Management Board in its discretion think fit.

14.2 The income and property of the Squad shall be applied only in furtherance of the objects of the Squad and no part thereof shall be paid by way of bonus, dividend or profit to any members of the Squad, (save as set out in Rule 17.3.).

14.3 The Management Board shall have power to authorise the payment of remuneration and expenses to any Officer, member or employee of the Squad and to any other person or persons for services rendered to the Squad.

14.4 The financial transactions of the Squad shall be recorded by the Treasurer in such manner as the Management Board thinks fit.

14.5 The financial year of the Squad shall be the period commencing on 1st April and ending on 31st March in the following year. Any change to the financial year shall require the approval of the members in a General Meeting.

14.6 The Management Board shall retain all financial records relating to the Squad and copies of Minutes of all meetings for a minimum period of six years.

15. Borrowing

15.1 The Management Board may borrow money on behalf of the Squad for the purposes of the Squad 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 Squad or with the prior approval of a General Meeting for any other expenditure, additions or improvements.

15.2 When so borrowing, the Management Board 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 Squad.

15.3 The Management Board shall have no power to pledge the personal liability of any member of the Squad for the repayment of any sums so borrowed.

16. Property

16.1 The property of the Squad, 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 Management Board and entry in the minute book shall be conclusive evidence of such a resolution.

16.2 The Custodians shall be elected at a General Meeting of the Squad and shall hold office until death or resignation unless removed by a resolution passed at a General Meeting.

16.3 The Custodians shall be entitled to an indemnity out of the property of the Squad for all expenses and other liabilities properly incurred by them in the discharge of their duties.

17. Dissolution

17.1 A resolution to dissolve the Squad 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.

17.2 The dissolution shall take effect from the date specified in the resolution and the members of the Management Board shall be responsible for the winding-up of the assets and liabilities of the Squad.

17.3 Any property remaining after the discharge of the debts and liabilities of the Squad shall be given to a charity or charities, or other non-profit making organisation having objects similar to those of the Squad for the furtherance of such objects, nominated by the last Management Board.

18. Areas of Competition

The areas of competition in which the Squad may compete are as follows:-

- ASA West Midland Region (Midland Championships) Youth and Winter Championships Individual and team events
- ASA West Midland Region (Midland Championships) Open Water and Masters Championships
- ASA West Midland Region (Midland Championships) Age Group Swimming Competitions

- All ASA National Championships and British Championships
- All ASA National Age Group Competitions
- Open Competitions as agreed in the annual squad calendar

19. The Squad shall not compete in the following events; neither shall members of the Squad be entered in the name of the Squad in these events:-

- County Swimming Championships
- County Age Group Competitions
- County Team events
- The National League, Winter Leagues or Junior Leagues
- Local League Galas
- All open competitions not defined in paragraph 18 of this constitution.
- The Squad will not hold "club championships"

20. The approved and restricted rules in paragraphs 18 and 19 apply to ensure the representative nature of The Royal Wolverhampton School Swimming Club is at a level commensurate with the competitive aims of the Squad and to ensure there is no conflict of interest with the "supporting" clubs.

21. Acknowledgement

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

The following statement needs to appear on Squad membership forms and is to be signed by the member and must also be countersigned by the parent, or a person having parental responsibility for the member, if under 18 years of age:

I acknowledge receipt of the rules of Club and confirm my understanding and acceptance that such rules (as amended from time to time) shall govern my membership of the Squad. I further acknowledge and accept the responsibilities of membership upon members as set out in these rules.