

YORK CITY BATHS CLUB

Constitution - Amendments Required By Swim England North East Region February 2020

A Club's constitution must be reapproved every five years as part of an ongoing SwimMark accreditation. Although YCBC underwent this process in 2017, because of a recent application for coaching course funding through Swim England North East Region, the Club was asked to update its rules in line with the latest Swim England model constitution. Essentially, this involves changes to the names of bodies and policies following the rebranding of the ASA as Swim England, as outlined below. The one exception is a change to rule 3.6, which we have been asked to consider.

DEFINITIONS

Replace the definition of **ASA** with:

SE: SWIM ENGLAND

and make the appropriate substitutions throughout the document.

Change the definition of **NE** to:

NE: SWIM ENGLAND NORTH EAST REGION

Rule 2.1.2

Currently:

2.1.2 The Club shall implement the ASA Equal Opportunities policy

Becomes:

2.1.2 The Club shall implement the SE Equality policy (as may be amended from time to time).

Rule 2.3

Currently:

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 ASA ("ASA Laws") and in particular:

Becomes:

2.3 The business and affairs of the Club shall at all times be conducted in accordance with the Articles, Regulations and Technical Rules of SE ("Swim England Regulations") and in particular:

Rule 2.3.1

Currently:

2.3.1 All competing members shall be eligible competitors as defined under ASA Laws.

Currently:

2.3.1 All competing members shall be eligible competitors as defined in Swim England Regulations.

Rule 2.3.2

Currently:

2.3.2 The Club shall, in accordance with ASA Laws, adopt the ASA Child Safeguarding Procedures and recognises that the welfare of children is everyone's responsibility and that all children and young people should have fun, be safe and be protected from harm.

Becomes:

2.3.2 The Club shall in accordance with Swim England Regulations adopt SE's Child Safeguarding Policy and Procedures ("Wavepower"); 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.

Rule 2.3.3

Currently:

2.3.3 All members of the Club shall, in accordance with ASA Laws, comply with the ASA Child Safeguarding Procedures.

Becomes:

2.3.3 All members of the Club shall in accordance with Swim England Regulations comply with Wavepower.

Rule 2.4.2

Currently:

2.4.2 The ASA (to include the ASA/IOS Code of Ethics).

Becomes:

2.4.2 SE (to include the Code of Ethics); and

Rule 2.4.3

Currently:

2.4.3 British Swimming (to include, in particular, the British Swimming Doping Control Rules and Protocols and the British Swimming Disciplinary Code).

Becomes:

2.4.3 British Swimming (in particular its Anti-Doping Rules and Judicial Code); and

Rule 3.3

Currently:

3.3 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 ASA Code of Ethics, the Laws and Regulations relating to Child Protection and those parts of the Judicial Laws, Judicial Regulations and procedures necessary for their implementation and whilst engaged in activities under the jurisdiction of the ASA shall be subject to all the constraints and privileges of the Judicial Laws and Regulations.

Becomes:

3.3 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 SE's Code of Ethics, Swim England Regulations relating to Wavepower, those parts of the Judicial Regulations and procedures necessary for their implementation and whilst engaged in activities under the jurisdiction of the SE shall be subject to all the constraints and privileges of the Judicial Regulations.

Rule 3.6

Currently:

3.6 The Club shall not refuse an application for membership on discriminatory grounds, as defined in Rule 2.1.1.

In line with the latest version of the Model Constitution, it is suggested this be changed to:

3.6 In its consideration of applications for membership, the Club shall not act in a discriminatory manner and, in particular, shall adhere to the Equality Act 2010 (as may be amended). Accordingly, (unless the Club chooses to restrict its membership to only people who share the same Protected Characteristic) the Club shall not refuse membership on the basis of a Protected Characteristic within the Equality Act 2010, such as disability; gender or gender identity; pregnancy; race; religion or belief; or sexual orientation. Neither may refusal be made on the grounds of political persuasion.

Rule 6.3

Currently:

6.3 The Club shall comply with the relevant Judicial Rules for handling Internal Club Disputes (the “Rules”) as the same may be revised from time to time. The Rules are set out in the ASA Judicial Laws and appear in the ASA Handbook. (A copy of the current Rules may be obtained from the ASA Department of Legal Affairs.)

Becomes:

6.3 The Club shall comply with the relevant Judicial Regulations for handling Internal Club Disputes Procedures (“the Procedures”) as the same may be revised from time to time. (A copy of the Procedures may be obtained from the SE website, SE Handbook or from the Office of Judicial Administration.)

Rule 6.5

Judicial Rules

becomes

Judicial Regulations

Rule 7.2

ASA Child Safeguarding courses

becomes

Wavepower

Rule 7.11

Currently:

7.11 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 ASA Office. The Club shall make an annual return to the ASA in the prescribed form.

Becomes:

7.11 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 insurers in accordance with the Accident/Incident Notification guidelines. The Club shall make an annual return to the SE Membership Department indicating whether or not an entry has been made in the prescribed online form.