**CONSTITUTION FOR CARNOUSTIE CLAYMORES SWIMMING CLUB**

**CONSTITUTION, BYE-LAWS AND REGULATIONS**

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**CONSTITUTION**

**C1.0 NAME**

C1.1 The Club shall be calledCarnoustie Claymores Swimming Club

 (Hereinafter referred to as the Club)

**C2.0 OBJECTS**

C2.1 The objectives of the Club shall be to:-

a) Advance the public participation in Aquatic Sports and life saving, in accordance with paragraph C2.1 of the SASA Constitution

**C3.0 MEMBERSHIP**

C3.1 The membership shall consist of the following categories:-

a) Adult Member

 An Adult is an individual 16 years and over

b) Junior Member

 A Junior is an individual 15 years of under (not as defined in Scottish Swimming Company Rule R4.5.6 which refers to Championship and Meets, Eligibility)

c) Life Member

C3.2 Membership fees shall be as agreed at each Annual General Meeting.

C3.2.1 The Membership fees of existing members (agreed at the AGM) shall become due on 1 January in each year and those of new members on the date of acceptance for membership.

C3.2.2 Members not renewing by 31 March will be deemed to be non-members and will be notified in writing accordingly.

C3.2.3 All members will be excluded from taking part in any of the Club’s activities, competitions or meetings until their annual subscription is paid. Members may be suspended or excluded from Club activities if their fees are not up to date.

C3.3 All Club Members must be registered with the SASA in accordance with the categories defined in SASA Constitution C3.3.3.

C3.4 All members joining the Club shall be deemed to accept the terms of this Constitution, the Club Bye-Laws and any Regulations adopted by the Club.

C3.5 A member wishing to resign from the Club shall inform the Secretary in writing.

C3.6A Club member wishing to change their 1st or 2nd Claim Club must do so in accordance with SS Company Rule R5.2.

C3.7 The Management Committee shall have the power to turn down an application for membership, provided they act in accordance with paragraph C3.7.1.

C3.7.1 When an application for membership is turned down by the Management Committee, the applicant must be advised in writing of the reason and their right of appeal to Scottish Swimming.

**C4.0 GOVERNANCE**

C4.1 The Club and its members shall be subject to and bound by, the Scottish Swimming Governance Documentation (SASA Constitution, Company Articles and Company Rules) and the appropriate SASA District Rules.

C4.2 The Club shall comply with the Scottish Swimming Codes of Conduct, Ethics and Child Protection Policies.

C4.3 The Club shall be governed by its Constitution, Bye-Laws and Regulations.

C4.4 Amendments to the Constitution shall only be made at a General Meeting, provided at least a two thirds majority of those present and voting is secured.

C4.5 Amendments to the Bye-Laws shall only be made at a General Meeting provided a simple majority of those present and voting is secured.

C4.6 The Management Committee shall have the power to publish and enforce such Regulations as the Committee feels necessary to govern the activities of the Club.

**C5.0 MEETINGS**

**C5.1 General**

C5.1.1 Notices

At least 30 days notice and the Agenda shall be given to all Adult and Life members of any General Meeting

C5.1.2 Attendance

All Adult Members and Life Members are entitled to attend, take part and vote unless specifically excluded from doing so by the Club’s Constitution. Parents who are not members of the club are allowed to attend AGM’s on behalf of a Junior Member

C5.1.3 Voting

a) With the exception of changes to the Constitution, decisions put to a vote shall be resolved by simple majority at General Meetings.

b) Voting shall be by a show of hands unless decided otherwise by a majority of those attending the meeting.

C5.1.4 Quorum

The quorum at General Meetings shall be two Officers of the Club plus four members eligible to vote.

C5.1.5 Changes to the Constitution and Bye-Laws

a) A proposal to change the Constitution or Bye-Laws must be submitted in writing to the Secretary, signed by two members eligible to vote at a General Meeting.

C5.1.6Conduct of Business

The conduct of business shall be in accordance with Scottish Swimming Company Rules Section R16

**C5.2 Annual General Meeting (AGM)**

C5.2.1 The Club shall hold an Annual General Meeting within three months of the SASA AGM in March.

C5.2.2 The Secretary shall give written notice of not less than 30 (thirty) days prior to the date of the AGM. This notice shall be published on the Club Website and via the Club’s social media and circulated to all Adult and Life Members.

C5.2.3 Appended to the notice of intimation of an AGM shall be the Agenda, minutes of the last AGM, a note of the process governing alteration to the Constitution, Bye-Laws and nomination forms for the Management Committee.

C5.2.4 Nominations for Officers of the Club and other members of the Management Committee shall be submitted in writing, or by email and supported by two Adult or Life Members and the nominee, to the Secretary no later than14 days prior to the meeting.

C5.2.5 Proposed alterations to the Constitution and Bye-Laws, and notices of motion must be received by the Secretary not later than 14 days prior to the meeting

C5.2.6 Having received all nominations and proposed alterations to governance, the Secretary shall arrange for this information to be displayed on the Club Website at least 7(seven) days before the meeting.

C5.2.7The business for an AGM shall include:

a) Presidents Remarks

b) Apologies for Absence

c) Approval of minutes from previous AGM & matters arising.

d) Hon. Secretary Report

e) Head Coach Report

f) Financial Report

g) Proposed changes to Constitution

h) Proposed changes to Bye-Laws

i) Election of Management Committee Members

j) Appointment of Auditors / Independent Examiners

k) Appointment of Honorary President & Honorary Vice President(s)

l) Life Membership Awards

m) Other relevant business

**C5.3 Extraordinary General Meeting (EGM)**

C5.3.1 An Extraordinary General Meeting shall be called by an application in writing to the Secretary supported by at least six Adult or Life Members of the Club. The Management Committee shall also have the power to call an EGM by decision of a simple majority of its members at a Management Committee Meeting.

C5.3.2 The Secretary will give notice, in writing of all Extraordinary General Meetings, stating the Agenda, to all Adult and Life Members at least 30 days prior to such meetings being held.

C5.3.3The order of Business for an EGM shall be:

a) President’s Remarks

b) Apologies for Absence.

c) Business to be transacted of which due notice has been given.

C5.3.4 No business shall be transacted at the EGM other than business of which due notice has been given.

**C6.0 AWARDS**

C6.1 Life Membership

C6.1.1 Life membership may be presented to person(s) who have given outstanding service, over many years, to the Club and shall be presented at the Annual General Meeting or at any other time decreed suitable by the Management Committee.

C6.1.2 A recommendation for Life Membership may be made by any Adult or Life Member to the Secretary for submission to the Management Committee.
Full details of the nominee’s service should be included with the recommendation.

 C6.1.3 In the event that a Life Membership should require to be removed for any recipient, the Management Committee will make the decision to rescind and notify the Member concerned.

**C7.0 TROPHIES**

C7.1 All trophies belong to the Club in perpetuity and cannot be won outright.

C7.2 The Club Honorary Treasurer shall act as Trustee of Club Trophies.

C7.3 The winner of a Club trophy shall guarantee safe custody and return of the trophy when requested by the Management Committee.

C7.4 The Club shall be responsible for arranging and funding the engraving of the winners name on all Club trophies.

**C8.0 DISSOLUTION**

C8.1 In the event of the dissolution of the Club, any funds, property and other assets shall not be distributed amongst the members of the Club in any way whatsoever, but shall be applied towards the objectives of Scottish Swimming.

**BYE-LAWS**

**BL1.0 MANAGEMENT**

BL1.1 The affairs of the Club shall be conducted by a Management Committee which shall consist of the Officers of the Club plus 2 other adult Committee Members and ex-officio members as set out in Bye-Law BL1.5.1

BL1.2 The Officers of the Club, who shall be Honorary, shall consist of a President, Vice-President, Treasurer and Secretary who shall be elected at an Annual General Meeting, as shall be the said Adult Members or Life Members.

BL1.3 If the post of any Officer or Adult committee member should fall vacant after such an election, the Management Committee shall have the power to fill the vacancy.

BL1.4 All Management Committee members shall be Adult or Life members of the Club.

**BL1.5 Management Committee**

BL1.5.1 The ex-officio members of the Management Committee will consist of Meet Secretary, the Coaches, Club Boy Captain and Club Girl Captain.

BL1.5.2 The term of office for President, Vice President, Secretary, and Treasurer shall be up to two years.

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BL1.5.3 The term of office for the other Adult Membersshall be two years.

BL1.5.4 The Meet Secretary shall be elected for a term up to two years

BL1.5.5 Retiring members of the Management Committee may offer themselves for re-election.

BL1.5.6 The Club Boy Captain and Club Girl Captain shall be appointed for one year.

BL1.5.7 Management Committee members co-opted by the committee shall be subject to endorsement at the first EGM or AGM thereafter.

BL1.5.8 The Management Committee shall be responsible for:

a) The organisation and control of all members during Club hours.

b) The annual appointment of coaches and instructors.

c) The selection of members to represent the Club.

d) The handicapping of Club events as necessary.

e) The organisation of swimming activities as may be requested by other bodies.

f) Appointing the Boy and Girl Captains in January each year.

g) Presenting annually their nominations for Hon. President and Hon. Vice President(s) to the AGM for ratification.

h) Considering and approving or otherwise nominations for Life Membership of the Club.

i) The creation and appointment of new roles within the club throughout the year to allow for club development

j) The day to day running of the club.

BL1.5.9 The Management Committee shall appoint such sub-committees as may be considered necessary.

BL1.5.10 The Management Committee shall appoint at least one Welfare and Protection Officer (WPO) who has attended a Scottish Swimming approved training course, as specified in SASA Constitution C10.6.

**BL2.0 COMMITTEE MEETINGS**

**BL2.1 Committee Meeting Standing Orders**

BL2.1.1 At all meetings, if a quorum is present, the Chair shall be taken not later than fifteen minutes after the appointed time of the meeting.

BL2.1.2 All Members when called to order at any meeting or gathering of the Club and not complying to the “rule of order” shall be expelled from the meeting.

BL2.1.3 The Chair at all meetings of the Club shall be the President
In the absence of the President, the Vice President shall substitute.
In the absence of the President and Vice President, those in attendance shall appoint a substitute.

BL2.1.4 In the event of equality of votes in any resolution before the meeting which requires a choice to be made for the continued good governance of the Club, the Chair of a meeting shall have a second or casting vote.

BL2.1.5 The Chair of a meeting shall be the sole judge of questions of order and interpreter of the “rules” governing the Club.

BL2.1.6 A meeting must keep a record, in writing, of every decision taken by the meeting. The general rule is that any decision made by the meeting must be either a unanimous decision or a majority decision.

BL2.1.7 The minutes of all meetings will be circulated to Adult and Life Members

BL2.1.8 A person is able to exercise the right to speak and vote at a meeting when:

1. that person is able to communicate and vote. during the meeting, on the business of the meeting; and
2. that person’s vote can be taken into account in determining whether or not such motions are passed at the same time as the votes of all other person attending the meeting.

 BL2.1.9 A meeting need not be held in any particular place oand the meeting may be held without any number of those participating in the meeting being together at the same place, In determining attendance at a meeting it is immaterial whether any two or more person/s attending it are in the same place as each other.

**BL2.2 Management Committee Meetings**

BL2.2.1 The club shall hold Management Committee Meetings no less frequently than every three months.

BL2.2.2 A Management Committee Meeting shall be called by the Secretary when there is business to transact or on request of an Officer of the Club or by an application in writing by at least three Adult or Life Members of the Club.

BL2.2.3 A quorum for Management Committee Meetings shall be at least one Officer of the Club and three Committee members.

BL2.2.4 The business of the meeting shall be enacted in accordance with Section BL2.1.

BL2.2.5 Notice of the date, time and venue of each committee meeting shall be published on the Club website and circulated via email to all adult and life members at least 7(seven) days prior to the meeting.

BL2.2.6 Adult or Life Members who are not members of the Committee, may attend, but may only participate with the agreement of the Chair.

BL2.2.7 All, except ex-offico committee members will have a deliberative vote

BL2.2.8 Decisions of the committee may be changed through email correspondents providing ALL committee members agree and minutes are rectified and ratified at following meeting. The club secretary should be notified by email of any agreed changes and email conversations

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BL2.2.9A Committee Member may submit a proposal by email to the Management Committee members but in order for the proposal to be agreed and progressed a majority of Committee members are required to indicate their support by email to the proposer.

The proposer shall, at the next and, if required, at subsequent, Management Committee Meetings provide a report on the proposal and its progress which will be ratified and entered into the Minutes

**BL3.0 FINANCE & ACCOUNTS**

BL3.1 The financial year shall run from 1 January to 31 December each year.

BL3.2 The Treasurer shall be responsible for the preparation of Annual Accounts of the Club.

BL3.3 The Accounts shall be audited / examined by an independent person(s) elected annually at the Annual General Meeting.

BL3.4 All cheques drawn against the Club’s funds shall be signed by a minimum of two Officers of the Club. All bank transfers shall be approved by two signatories.

BL3.5 The Management committee can enter into contracts and/or partnerships, on behalf of the Club, provided each proposal is fully discussed at and recorded in the minutes of a quorate committee meeting prior to the commitment being made.

BL3.6 It is compulsory for all adult members (and life members who are Adult Committee members) of the Club to be jointly responsible for the financial liabilities of the Club. The Club will take account of Sportscotland’s recommendations and advice from Harper MacLeod regarding the reality of who might be liable for the debts of the club as an unincorporated organisation.

BL3.7 Any surplus of the Club’s income will be re-invested in the Club and not distributed to its members.

BL3.8 The Treasurer shall arrange for the Auditor(s) / Independent Examiner(s) to examine and certify the accounts and balance sheet before presentation of a certified summary to the AGM.

BL3.9 The Treasurer shall submit a budget, to the last meeting of the Management Committee prior to the AGM, for the following financial year**.**

BL3.10 The Treasurer shall submit a financial statement to the Management Committee no less frequently than every 3 (three) calendar months.

BL3.11 Outgoing payments shall be made by the following methods:

a) by cheque, signed in accordance with paragraph BL3.4

b) by BACS transfer, signed by two signatories

c) by Paypal

with all payments being for club purposes only

**BL4.0     DISCIPLINARY PROCEDURE, COMPLAINTS AND APPEALS**

**BL4.1 GENERAL**

 BL4.1.1  Complaints and Appeals, except for doping, child abuse or alleged criminal offences, shall be dealt with in accordance with Sections BL4.2, BL4.3 BL4.4 and BL4.5.

 BL4.1.2  Complaints involving doping should be referred to British Swimming as Per Scottish Swimming Company Rule R13.1.3.

 BL4.1.3  Complaints involving child abuse or other criminal offences shall be referred to Scottish Swimming within 48 hours, in accordance with Scottish Swimming Company Rule R13.2.1.

**BL4.2 DISCIPLINARY PROCEDURE**

BL4.2.1 In the event that the behaviour of a swimmer, member of the coaching team or Management Group or a parent volunteer contravenes the Club’s codes of conduct, the following action will be taken.

 BL4.2.2 The President, or a deputising club official, will conduct an investigation into the alleged breach of the Club’s codes of conduct as they see fit and all persons and parties shall cooperate fully with the same. Failure to co-operate may amount to misconduct.

 BL4.2.3 The Investigating Club Official shall thereafter be entitled at any time to decide to:

 a) Apply a sanction to the person(s) being investigated

 b) Refer the matter to a Club Complaint panel

 c) Take no further action

 d) Pursue an alternative resolution, which may include mediation, arbitration or conciliation.

 BL 4.2.4 The club will keep a record of each stage of the disciplinary process.

**BL4.3 Complaints**

BL4.3.1 A complaint, which is a formal expression of dissatisfaction or allegation of unfair practice in connection with the management of the Club, can be made by:

a) Any member of the Club

b) A parent or guardian on behalf of a Junior member as defined in paragraph C3.1(b)

c) Any Individual

d) A parent or guardian on behalf of a Member classified as a vulnerable person defined as a person who lacks sufficient capacity to present a complaint by themselves.

BL4.3.2 A complaint must be made in accordance with Scottish Swimming Company Rules Sections R12 to R15

**BL4.4 Appeals**

BL4.4.1 An appeal may be made against decisions taken by the Club in respect to the outcome of a submitted grievance or against decisions taken by a National Complaints Committee

BL4.4.2 An appeal must be made in accordance with SS Company Rules, Section R.~~14~~.12 to R15

**BL4.5 SUSPENSION AND FINES**

 The Management Committee may take action (e.g. fine, suspend or cancel membership) against any Club Member proved guilty of conduct or breach of the Constitution, Bye-laws, Regulations which is detrimental to the interests or aims of the Club or for acting in such a manner as to bring disrepute to the Club.  Such action shall only be taken if the principles and procedures embodied in the Complaints, Appeals and Suspension & Fines sections of the Scottish Swimming Governance Documentation (Company Rules Sections R12 to R15) have been applied.

**Print Name (Officer 1) - Print Name (Officer 2) -**

**Sign - Sign -**

**Club Position - Club Position -**

**Date - Date -**