

Constitution of Half Moon Swimming & Water Club

May 2011

List of Contents

1. Name(s) and Colour(s)	4
2. Objectives	4
3. Affiliation	5
4. Membership	5
5. Club Management	8
6. Voting Rights at General Meetings	15
7. Election of Committee Member	16
8. Annual General Meeting	17
9. Extraordinary General Meeting	17
10. Transfers	18
11. Finances	19
12. Complaints and Disciplinary Procedures	20
13. Cessation/Suspension/Exclusion of Membership	20
14. Dissolution	21
15. Equality	22
16. Criminal Allegations	23
17. Data Protection	23

List of Terms and Abbreviations

Half Moon Swimming & Water Polo Club – The name of the **Club**

Swimming & Water Polo – The aquatic discipline(s) in which the members participate.

ISC – Irish Sports Council

SI – Swim Ireland

IWPA – Irish Water Polo Association

DP – Designated Person

LSP – Local Sports Partnership

AGM – Annual General Meeting

EGM – Extraordinary General Meeting

CCO – Club Children's Officer

Officer – Officers of the Club are the Chairperson, Secretary and Treasurer.

Management Committee – This is the body elected by the members for the management of the business and affairs of the Club.

Leader – 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.

Section 1

1. Name(s) and Colour(s)

- a) The name of the Club shall be Half Moon Swimming & Water Polo Club
- b) The colours of the Club shall be Blue & White
- c) The headquarters of the Club shall be The Battery, Great South Wall, Dublin 4

2. Objectives

- a) The objectives of the Club are:
 - i) To foster and develop swimming and water polo and its participants
 - ii) To promote the teaching/coaching and practice of swimming and water polo 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 and the IWPA regarding swimming and water polo 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 and IWPA 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) The Club is fully committed to safeguarding the well being of its members. Every individual in the Club 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 the Club and 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.

Section 2

3. Affiliation

- a) By virtue of the affiliation of the Club to Swim Ireland and the IWPA, 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 aquatics.
 - iii) Fédération Internationale de Natation (FINA), the world governing body for aquatics.
 - iv) The IWPA

4. Membership

- a) All members are subject to the rules and constitution of the Club and rules and regulations of the IWPA, Swim Ireland, LEN and FINA.

- b) Membership Categories

The following constitute as Members of the club:

- i) Competitor – Members of the Club 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) A member may be nominated for Life Membership on receipt by the Secretary in writing of a nomination supported by 10 voting members. Such nomination should be made at least 5 days in advance on an AGM. The nomination must be supported by 75% of persons entitled to vote at the AGM to be passed.

e) 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, the IWPA and the Club.
- ii) They must also be familiar with and comply with the Swim Ireland, IWPA and Club Constitution and read and sign the Swim Ireland and Club Codes of Conduct when required.
- 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 or directed to the Club's website where it can also be made available.
- 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 the Club, the IWPA and Swim Ireland on an annual basis.

f) 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 to the Club Secretary, and if this persons wishes to renew membership at a later date they must re-apply.

g) Learn to Swim & play Water Polo

The Club wishes to promote participants to learn to swim and play water polo. The Club may run learn to swim and water polo classes. These participants in these classes will not for the first year be members of the Club, the IWPA 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, IWPA and Swim Ireland members.

Section 3

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 can consist of a maximum of 9 people who must be members of Swim Ireland and/or the IWPA in their own right.

b) Membership of the Management Committee

Membership of the Management Committee shall consist of the following: - A Chairperson, a President, a Secretary, and a Treasurer, and 5 other adult members to include a Club Captain and Club Steward.. Also, the Club 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 the Club

c) Duties of the Chairperson

- i) To promote the interest of the Club 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 the Club's business.
- ii) To keep appropriate books of record on Club 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

- i) 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) Email Communication

Officers of the Club should, when communicating by email with Swim Ireland, the IWPA or other organisations c.c. the Club's generic email address to assist in keeping all Officers up to date with Club affairs.

Section 4

- a) 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 the Club.
 - ii) The CCO shall be the link between the children and adults in the Club.
 - iii) The CCO shall take responsibility for monitoring and reporting to the Club 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 and the IWPA.
 - v) The CCO is not a member of the Committee but acts in an advisory capacity towards it and must attend a minimum of 3 Committee meetings each year and may attend any meeting should they so wish.
- b) 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.
- c) 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 the Club, shall be in accordance with ‘Swim Ireland Safeguarding Children Policies and Procedures 2010’, the Employment Rights (Northern Ireland) Order 1996, 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, when deemed appropriate by the Management Committee, 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 may also be agreed.
- iv) All coaching and 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.
- v) Coaches and teachers shall not be an Officer on the Club’s Management Committee where working as a coach or teacher for more than three hours a week.
- vi) All Coaches and Leaders must be affiliated to Swim Ireland, and must possess the requisite qualifications.

Section 5

- a) 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 Constitution is made available to all members by housing it on the Club's website.
 - 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 I.W.P.A and '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 from any discussions and decisions.

- vii) The Management Committee will be expected to follow codes of conduct in relation to their obligations to Club members. These include, but are not limited to, confidentiality, objectivity, loyalty, fairness and a constant awareness of their obligations to Club 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.

Section 6

a) Meetings of the Management Committee

- i) The Committee shall meet a minimum of six times per year with a minimum quorum of 50% plus 1 of the members of the Committee present. 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 Club.
- ii) A minimum of five 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.
- iii) The Committee should set out its agenda for a meeting no less than five days prior to the meetings.
- iv) The Chairperson has the casting vote on any motion arising during the meetings. The Chairperson's decision on a Point of Order is final
- v) The Chairperson shall preside at all meetings.
- vi) The Secretary, or in her/his absence a member of the Committee, shall take minutes.
- vii) The Treasurer shall relay the financial position of the club at each meeting.
- viii) The other Committee members must also relay details on the areas of the Club they are designated too.
- ix) 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.
- x) Members can acquire the minutes of the meeting in a summary format by providing the Secretary with a self addressed envelope.
- xi) The Management Committee may also decide upon acceptable means of communication used, during periods between meetings, to ensure the day to day running of the Club. A meeting of the Management Committee shall not take place unless at least one Club Officer is present.

Section 7

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 15 eligible voting members is the number required. If this quorum is not fulfilled the General Meeting can be suspended for a maximum of ten days.
- f) Nominations will be passed at AGM's by simple resolution of 50% plus one.
- g) Motions for a change to the Club 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

Section 8

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 President, Chairperson, Treasurer and Secretary along with five other members of the Management Committee shall be elected to include a Club Captain and Club Steward..
- 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) In the event that no nominations are received by the Secretary, only then may a nomination from the floor at the AGM can take place.
- f) 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.
- g) The Management Committee shall have the authority to co-opt to the Management Committee should the need arise.

Section 9

9. Annual General Meeting (AGM)

- a. Members shall be informed of the date, time, place and order of business of the AGM at least 7 days prior to the meeting. This information shall be posted on the Club's website.
- b. The Management Committee must decide when the AGM is held each year. The Committee shall distribute to Members its report and statement of accounts for the relevant financial year at the AGM.
- 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 and relevant water polo reports. Any changes or updates to the Club Constitution will be notified to the members (by posting a notification on the Club's website), Swim Ireland and the IWPA within 21 days following the AGM.
- d. Any resolution to amend the Club's Constitution which is successful at the General Meeting will come into immediate effect upon conclusion of the General Meeting.
- e. Two delegates for the club will be elected to represent the club at the Swim Ireland and IWPA AGM's.

10. Extraordinary General Meeting (EGM)

An Extraordinary General Meeting may be called at any time once 75% of the Committee resolve to convene such a meeting. It can also be called within 21 days of the Secretary receiving a requisition in writing signed by 15 voting members.

Section 10

11. Transfers

If a member wishes to leave the Club and join another they must follow the rules set down by Swim Ireland and the IWPA. All members must have paid any outstanding subscriptions before they will be released by the Club save with exceptional circumstances.

Section 11

12. Finance

- a) The financial affairs of the Club 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 Club should be prepared for the Annual General Meeting by Club Treasurer and be audited by a qualified accountant..
- c) The Management Committee shall be empowered to open Bank Accounts in the name of Club and all transactions in these accounts shall be authorized 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 Club and ensure all such sums are lodged to Club bank account as soon as possible.
- e) Any assets invested in by the Management Committee will be used for Club 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 Club.
- f) The Committee will have the power to negotiate sponsorships on the Club's behalf and engage from time to time in fundraising activities. Any financial returns from these activities will be used for the Club's development purposes only.

Section 12

13. Complaints and Disciplinary Procedures

The Club hereby adopts the IWPA and 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.

In the event that a disciplinary issue arises, the Club shall, if the Management Committee deems it necessary, appoint a disciplinary sub-committee. Members of this committee may consist but will not necessarily be restricted to members of the Management Committee. The sub-committee should if possible have an Officer of the Management Committee to act as Chairperson. Rules regarding conflicts of interest shall be per IWPA or Swim Ireland guidelines as appropriate. An appeal of any decision of the sub-committee shall be to the Club's Management Committee. Any member of the Management Committee who acted on a disciplinary sub-committee will not sit on an appeals committee formed to consider the same matter. Further appeals shall be in accordance with Swim Ireland and IWPA guidelines.

14. Cessation/Suspension/Expulsion of Membership

- a) The Management Committee 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 or misconduct deemed unseemly by the Management Committee. All Club terminations and suspensions will be reported to Swim Ireland and the IWPA and can also be appealed to either body as appropriate.

- 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'.

Section 13

15. Dissolution

- a) The Club may be dissolved:
 - a. 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.
 - b. A Court Order where a dispute exists within its membership.

- b) Notice must be given to members, Swim Ireland and the IWPA 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 organization having an agenda similar to those of the Club, Swim Ireland or the IWPA.

- d) The Management Committee shall be responsible for the winding up of assets and liabilities of the Club.

Club Constitution – Section 14

16. Equality

In accordance with the Equal Status Act 2000 – 2004 and the Equality Act 1996 in Northern Ireland, the Club will not discriminate against any persons or visitors within the Club. No discrimination of any kind against employed and voluntary staff, membership applications, members and individuals within the general public, will be tolerated.

Section 15

17. Criminal Allegations

The Club 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.

18. Data Protection

The Club shall aim to follow the necessary data protection guidelines set down by the relevant bodies.