



Discipline Procedure

Full details of the Club Rules and Club Codes of Conduct can be found on the Clubs website at <http://www.marlboroughpenguins.com> Full details of Swim England's Code of Ethics, can be found in the latest version of their Handbook at <https://www.swimming.org/swimengland/swim-england-handbook/>

It is our Club's policy to be inclusive at all times and to work with swimmers and their parents to help them reach the required standards of behaviour. We have a duty of care to all our members, and we cannot allow the behaviour of individuals to unduly affect any other members

If a member breaches the Club Rules, Club Codes of Conduct or Swim England's Code of Ethics the following Discipline procedure will be adopted:

Stage 0 – Normal Coaching/Teaching Intervention/Interaction

It is anticipated that most coaching, training, teaching and behavioural issues can be appropriately, effectively and quickly dealt with through normal and informal intervention, interaction and discussion by the Coach/Teacher with those parties responsible.

Whilst this does not require observation or verification by any other persons, the respective Coach or Teacher may inform or consult with the parents / guardians / Club Welfare Officer if considered appropriate for the situation or behaviour that has taken place.

Coaches/Teachers have the authority to exclude a swimmer from the session where the incident takes place, and to invite the swimmer to a meeting with the Coach/Teacher and the parents / guardians should they deem it necessary. The Welfare Officer will attend any such meeting which shall take place in a visually private location at a mutually agreed time with the parents / guardians.

Coaches/Teachers may use their discretion and judgement to initiate and repeat Stage 0 on any number of occasions prior to moving to the next stages, once it is clear that normal coaching/teaching interventions or interactions are not resolving the matter.

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Stage 1 – Verbal Warning

Where a members breach of the Club Rules, Code of Conduct and or Swim England's Code of Ethics is persistent and/or not resolved at Stage 0, then the Coach/Teacher will report the matter to the Clubs Welfare Officer and Club Chairman.

Upon investigation the Coach/Teacher/Welfare Officer and Club Chairman can take such as action as is necessary. They may call a meeting with the member, parents / guardians, coach and/or teacher and may issue a verbal warning, copied to the member in writing. If a verbal warning is given and the Member is under 18 years of age, the Parent or Guardian will also be present. The warning will be given privately and in confidence, and the conversation will identify the reason for the warning together with a full explanation and why the action/behaviour is not acceptable.

Stage 2 – Written Warning

In the case of more serious incidents, misconduct or if a further offence occurs (whether of a similar or different nature) a written warning will be issued to the Member and parents / guardians by the Welfare Officer/ Club Chairman as appropriate. This will give reasons for the warning, the improvement required and the date when the warning expires. It will warn that action under Stage 3 of the disciplinary procedure will be considered if there is no satisfactory improvement or further acts of misconduct occur and will advise of rights of appeal.

Stage 3 – Suspension or Termination of membership

If conduct is still unsatisfactory and the member still fails to reach the prescribed standards despite receiving a written warning, or if the member has committed an act of misconduct, or continues to breach any of the Club's rules, Codes of Conduct and/or Swim England's policies then suspension and / or termination of membership by the Club may occur.

The Officers of the Club have delegated the power to suspend or terminate membership under Stage 3 of this Discipline Procedure to the Head Coach and Welfare Officer. If Stage 3 has been reached, access may be withdrawn to any or all training sessions for the swimmer concerned. The Head Coach and Welfare Officer will inform the Member, or their parents/guardians if under 18 years of age, of their disciplinary decision in writing together with their reasons for suspension of membership.

Before termination of membership, a full investigation will be carried out.

Any appeal against suspension or termination of membership must be submitted to the Club Chairman within 14 days by formal letter setting out the basis for the appeal.

Investigations and appeals will be managed in accordance with the relevant Judicial Regulations of Swim England which can be found <https://www.swimming.org/swimengland/swim-england-handbook/> (as the same may be revised from time to time) and the Club's Constitution which can be found at <https://marlboroughpenguins.com/about-us/club-policies/> (as the same may be revised from time to time).

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Misconduct

The following are examples of behaviours, which are considered to be acts of misconduct. In serious cases they may be deemed to be acts of gross misconduct and may lead to instant suspension or termination of membership.

- a) Bullying Club Members physically, orally or in written communication or social media or gaming platforms, either directly or indirectly.
- b) Inappropriate image capturing.
- c) Undermining coaching and teaching staff either orally or in written communication either directly or indirectly.
- d) Acting in conflict with the Clubs Code of Conducts or any other policy documents.
- e) Physical or Oral Abuse or refusal to obey lawful instructions.
- f) Gross breach of safety requirements likely to endanger other people or yourself or to cause damage to Club/hired property.
- g) Smoking or vaping in a Club environment.
- h) Being under the influence of alcohol or drugs or possession of illegal drugs in a Club environment
- i) Theft, fraud, or other criminal acts.
- j) Physical assault.
- k) Causing deliberate damage to Club/hired property.
- l) Gross negligence which causes unacceptable loss, damage or injury.
- m) Sexual or racial harassment or discrimination of any kind.
- n) Harassment or discrimination on the grounds of sexual orientation or religion or religious belief or race or any discrimination of any kind
- o) Showing a lack of respect towards coaches, officials, swimmers, team mates or any other members of the Club

General Principles

The Clubs disciplinary procedures are based on the following principles:

- The disciplinary rules and procedures are designed to be non-discriminatory and are to be applied irrespective of sex, racial group, sexual orientation, disability, religion, age, or any other bias.
- All matters will be dealt with in accordance with the Club Constitution and Swim England law. It is expected that most matters will be dealt with on poolside or at the point of incidence informally at the time of the event.
- All matters relating to disciplinary action will be handled as speedily as possible.
- A person wishing to make a complaint about inappropriate conduct should normally do so at the time.
- Persistent or serious breaches of conduct will be reported to the Clubs Secretary / Welfare Officer preferably in writing.
- Club members will have a right of appeal against any formal disciplinary decision.

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