



Thames Swimming Club - Feedback, Concerns and Complaints Processes

Feedback

We welcome feedback from swimmers, parents, volunteers, coaches and committee members as to what we are doing well, and what we could do better. Such feedback will help us to keep developing into the best club we can be for all our members. Please feel free to put your ideas in writing via [secretary @ thameswimmingclub.co.uk](mailto:secretary@thameswimmingclub.co.uk).

Concerns

We appreciate that at times parents or others might have a concern they wish to raise with the club.

In most instances, the appropriate way to do this will be through the coaching team at the end of a session. However, if you require a more detailed discussion with a specific person about a concern, please contact us through the secretary address above, giving:

- some basic information about what the concern is;
- whom you would ideally like to speak to;
- and what timeframe you hope to hear back in (remembering our coaches and committee are volunteers with work and caring responsibilities so can only do their best as regards timeframes).

For Welfare/safeguarding concerns, please see our welfare page <https://www.thameswimmingclub.co.uk/team/thamesc/page/welfare> and contact our TSC Welfare Officer directly on [welfare @ thameswimmingclub.co.uk](mailto:welfare@thameswimmingclub.co.uk).

We understand that occasionally you might wish to discuss your concern in the first instance with someone more independent within the Club. Again, this can be explained if you can drop an email to the secretary as above, and a suitable person will contact you. A Conflict of Interest register exists for the Club. This means that before deciding whom you might best speak to about a concern, you can ask the secretary to check if there are potential conflicts of interest such as close personal or business relationships between people in positions of responsibility at the club.

If you have not been able to resolve your issue directly with the person concerned, you can raise it with the Chair; presently our Acting Chair is contactable on [vicechair @ thameswimmingclub.co.uk](mailto:vicechair@thameswimmingclub.co.uk).

For formal complaints, see below.

Policies and procedures

If you have a query or concern about our policies, please contact our Head of Policies and SwimMark Accreditation on [governance @ thameswimmingclub.co.uk](mailto:governance@thameswimmingclub.co.uk).

Complaints

For concerns which you would like to raise a formal complaint about, we follow the Swim England Club Complaints process. This is detailed in the Judicial section of the Swim England Handbook. [Swim England Handbook | Your full guide to Swim England rules \(swimming.org\)](https://www.swim.org.uk/handbook)



<https://www.swimming.org/swimengland/swim-england-handbook/>

A Club Complaint is defined by Swim England as: *A complaint involving an alleged breach of the club's rules or any other dispute not relating to an alleged breach of Swim England regulations, between two or more club members, any or none of whom may be an officer of the club, or one or more club members and one or more employees of the club.*

A formal Club Complaint would be made by a parent or carer on behalf of a young person under 18 rather than by the young person themselves.

To raise a Club Complaint, please contact governance @ thameswimmingclub.co.uk . These will be passed to the Chair, unless there is a Conflict of Interest, in which case a nominee will instead coordinate the process.

We have copied the guidance here at Appendix 1 to show you the process that is followed by the Club, which is that specified in Regulation 103 of the Swim England Judicial Regulations. (Please be aware that the Judicial Regulations also allow for the right to complain to Swim England through the Judicial Complaint Regulation Procedure in specific circumstances. Should you need more information about this, please refer to Regulation 104 of the Swim England Judicial Regulations in the Handbook at the link given above.)

Appendix 1: Swim England Judicial Regulation 103

STAGE 1 – Club Complaints

General

Any Complaint between any two or more members of a club, organisation, association or body that is a member of Swim England (together defined as the “Club”), involving an alleged breach of the Club’s rules (i.e. a Club Complaint) or any other dispute not related to an alleged breach of Swim England Regulations, shall be referred to a Club Complaint Committee for resolution under Regulation 103.

Any Complaint which involves an allegation that there has been a breach of Swim England Regulations by a member of a Club should be dealt with as a Judicial Complaint made to the Commissioner under Regulation 104 (see Stage 2 Actions below).

If the Complaint involves an allegation against a paid employee of the Club, the issue must be dealt with by the Club under the terms of their contract of employment, although if it is alleged that the paid employee of the Club has acted in breach of the Swim England Regulations the Complaint shall be dealt with as a Judicial Complaint made to the Commissioner under Regulation 104, with any possible procedure under their contract of employment occurring separately.

A failure by the Club or any of the parties to comply with these Stage 1 Actions (i.e. this Regulation 103) shall be grounds for a Judicial



Complaint to be made to the Commissioner in accordance with Regulation 104 below.

Commencing a Club Complaint

In the first instance, parties to a Club Complaint shall use all reasonable means to settle the issues between them informally and amicably (for example, by arranging a discussion between the parties).

If such a resolution cannot be achieved within a reasonable timeframe, and in any event cannot be achieved **within 14 days** of the date of the issue giving rise to the Club Complaint, a Complainant may refer the Complaint to the chairperson of the Club (or, if they are a party to the dispute, to another officer of the Club who is not a party to the dispute (i.e. their nominee)) by the Complainant requesting a copy of a Club Complaint Log Form and the Complainant returning a completed copy of the Club Complaint Log Form to the chairperson of the Club (or their nominee) within **7 days** of being provided a copy of the same.

Within **3 days** of receiving the Club Complaint Form completed by the Complainant, the Club chairperson shall forward a copy to the Respondent for completion of the relevant sections by the Respondent.

Responding to a Club Complaint

Within **7 days** of receipt of the Club Complaint Log Form, the Respondent to the Club Complaint shall submit their response, via the Club Complaint Log Form to the Chairperson of the Club (or their nominee) and the Complainant.

Mediation

The Club Complaint Log Form will invite the parties to confirm if they are willing to attend a mediation to discuss the Club Complaint. If both parties agree to mediation via the Club Complaint Log Form, within **7 days** of receipt of the fully completed Club Complaint Log Form from the Respondent the chairperson of the Club (or their nominee) shall appoint an independent person to act as a mediator between the parties to the Club Complaint.

The mediator will arrange a meeting between the parties to the Club Complaint within **14 days** of their appointment. The parties should endeavour for such meeting to occur in person but meetings may be conducted via video call if necessary.

If the mediator is able to bring a satisfactory settlement at the mediation meeting,



the mediator shall record the outcome of the mediation in writing and provide a copy of such mediation outcome to each of the: (i) Complainant; (ii) Respondent; and (iii) chair of the Club.

If the mediator is unable to bring about a satisfactory settlement at the mediation meeting, the mediator shall notify the chairperson of the Club (or their nominee) in writing. The chairperson of the Club shall within **7 days** of receipt of the mediator's written notification appoint a panel of three members, who are not involved in the Club Complaint, (the '**Club Panel**') to determine the Club Complaint.

Club Complaint Hearing Procedure

If Mediation is not agreed to by the parties, within **7 days** of receipt of the Club Complaint Log Form, the chairperson of the Club shall appoint a panel of three members of the Club (the '**Club Panel**') to determine the Club Complaint. The Club Panel shall consist of three independent persons who have not been involved in the Club Complaint, either from the members of the Club or, if this is not possible or desirable, from the members of any other Club affiliated to Swim England. The Chair of the Panel shall usually be a Swim England member who has been proposed to chair the Club Panel by the Region to which the Club is affiliated.

The parties shall be given the opportunity to object to any of the members of the Club Panel within **3 days** of being notified of the members of the Club Panel. The chairperson of the Club (or their nominee) shall consider any such objections, decide whether they are justified and act accordingly. The burden of proof to demonstrate the basis for an objection shall rest with the party making such objection.

An objection to the appointment of any members of the Club Panel may only be raised if:

- i. a member has prior involvement in the Club Complaint;
- ii. a member will be or realistically may be adversely affected by the Club Complaint; or
- iii. a member will be or realistically may be conflicted in determining the Club Complaint.

If the Region to which the Club is affiliated has not proposed a chair for the Club Panel, the Club Panel shall appoint one of their number to act as the chair of the hearing.

The chair of the Club Panel shall set the date of the hearing, which shall in any event be within **28 days** of the appointment of the Club Panel and shall notify the parties of the date of the hearing at least **14 days** in advance. The notified date shall not be changed unless one or more of the parties has a compelling reason for



not being able to attend on the notified day or time. The reason shall be carefully considered by the Club Panel and decided by majority as to whether the hearing continues on the date originally set, with such decision being final and binding (subject to the right to submit a Judicial Complaint).

The hearing procedure shall be flexible according to the needs and circumstances of the parties involved and for the purposes of ensuring fairness, and it shall be the responsibility of the chair of the Club Panel to ensure the orderly and effective conduct of the hearing so far as possible under the circumstances.

The number of witnesses that each party is able to call shall be limited to 3 unless the Club Panel agrees that there are compelling reasons to exceed this limit in the interests of fairness. Parties shall normally only be permitted to call witnesses that can provide factual evidence directly related to the Club Complaint, and parties must in all cases obtain the consent of the Club Panel prior to the hearing in respect of each witness that such party intends to call, having set out clearly why such witness is relevant to the Club Complaint. Witnesses shall normally be provided with an area outside the hearing room to wait while they are not taking an active part in the proceedings and shall not take any part in the hearing other than giving evidence and responding to questions which may be asked of them by the Club Panel only.

The parties shall have the right to make a Judicial Complaint to the Commissioner under Regulation 104 if there has been a material failure by the Club and/or the Club Panel

to comply with the Judicial Regulations or if they consider any sanction imposed to be disproportionate.

If any of the parties concerned do not attend the hearing, the matter may be dealt with by the Club Panel in the absence of that party, taking into account any written representations that may have been received from that party.

A Club Panel shall decide on any issue by a majority and on the balance of probabilities. If it fails to reach a majority decision on any issue, the decision of the chair of the Club Panel shall be final (subject to the right to submit a Judicial Complaint).

Club Panel Rights and Responsibilities

Where the Club Panel finds that there has been a breach of the Club's rules it may:

- i. apply sanctions to a member relating to activities wholly within its own power up to and including suspension from any or all of them (for example, including but not limited to training with the Club, competing for the Club in Club competitions and volunteering for the Club); and/or



- ii. submit a **J**udicial Complaint to the Commissioner in accordance with Regulation 104 below.

As set out at Regulation 103.1.2 above, if the alleged offence is a breach of Swim England Regulations the Club shall not deal with it but may make a **J**udicial Complaint to the Commissioner under Regulation 104.

Each Club shall include in its rules these Stage 1 Actions (i.e. Regulation 103) so the procedures that are to be carried out to handle Club Complaints are clear to all parties to a Club Complaint.

Club Complaint Outcome

The Club Panel shall come to a decision as soon as reasonably practicable, and usually within **14 days** after date of the hearing. The Club Panel shall provide its decision on the outcome of the Club Complaint in writing to all parties to the Club Complaint, stating the reasons for the decision (the '**Club Complaint Outcome**').

Subject to being able to bring a **J**udicial Complaint in respect of the Club Complaint Outcome (as set out at Regulation 104 below), the Club Complaint Outcome is final and binding on the parties.

A copy of the Club Complaint Outcome shall also be provided to the chairperson of the Club, provided that the same must be kept strictly confidential at all times.

If a person or Club considers there has been a material failure by the Club and/or the Club Panel to comply with these **J**udicial Regulations or if they consider any sanction imposed to be disproportionate in respect of the Club Complaint Outcome, **J**udicial Complaint may be made to the Commissioner under Regulation 104 below.