



Swim Ireland Complaints and Disciplinary Rules and Procedures 2012

Dear All

We are writing to you regarding the Swim Ireland Complaints and Disciplinary Rules and Procedures that were put in place in September 2009 and to advise you, that as promised, a formal review of these Rules and Procedures was carried out at the end of last year and a revised document (2012) has now been finalised. This is in keeping with our commitment to provide a quality and consistent approach to Complaints and Disciplinary matters and to ensure that we carry out improvements where possible.

Accordingly, the revised document – **Swim Ireland Complaints and Disciplinary Rules and Procedures 2012** - which will have immediate effect (save in respect of Complaints processes already in train) - is attached for your information and use. An Explanatory Document which highlights the amendments made to the 2009 document is also attached for your information and guidance and should be made available as widely as possible in your area. These documents are being made available on the Swim Ireland website and a printed version will also be distributed in due course.

Complaints and Disciplinary Officer (CDO): The appointment by Swim Ireland of a Complaints and Disciplinary Officer (CDO) has been provided for under these revised Rules and Procedures (see under Definitions and Procedure clause 2.4) and we are delighted to confirm that Barry Lysaght has recently been appointed to this position. Barry is a solicitor with qualifications in General Law, Sports Law and Human Rights Law. He is contactable at complaints@swimireland.ie.

We have spent a huge amount of time in developing and reviewing these Rules and Procedures and we have made every effort to ensure that they are clear, transparent and lay out the relevant steps to assist our membership in both raising and dealing with Complaints and Disciplinary matters. The first section (Part 1 – Rules) deals with the scope of the Complaints and Disciplinary Rules, Offences and Sanctions. The second section (Part 2 – Procedures) is intended to provide a step by step guideline for the benefit of any Complainant, Respondent or Complaints and Disciplinary Committee as to how a Complaint should be commenced, investigated, decided on and appealed if necessary. We have also applied our learnings since the original document was issued in 2009.

These Rules and Procedures deal with any breaches of (i) these Rules themselves (ii) the Memorandum and Articles of Association of Swim Ireland (iii) the Swim Ireland Rulebook (iv) Swim Ireland Guidelines for Safeguarding Children, as amended from time to time, and other Swim Ireland regulations in existence. By following these Rules and Procedures, the appropriate Complaints and Disciplinary Body shall determine the Offences committed and the Sanctions to be imposed, if any, at Club, Regional or National level.

Some general procedural points:

- Before Formal Complaints procedures are instigated, Members should consider whether the matter can be dealt with informally first. Both parties must agree for the matter to be dealt with informally. If the Informal Complaints procedure does not lead to a satisfactory conclusion then the Formal Complaints procedure shall be adopted.
- Complaints relating to incidents at a certain level (Club, Region, National) should be dealt with by the Complaints and Disciplinary Committee at that level.
- If either party is dissatisfied with the final outcome, then they may appeal the matter to the Swim Ireland Complaints and Disciplinary Committee (acting as an Appeals Committee). Swim Ireland will require appropriate matters to be mediated.
- If either party is still dissatisfied then a challenge to the Complaints and Disciplinary Committee or Appeals Committee decisions may be brought to Just Sport Ireland (JSI) Arbitration (on a limited basis only - see page 29 of these Rules and Procedures).
- There are specific exclusions contained in the document where it would not be appropriate to use these procedures to deal with matters arising.
- There are timeframes contained in the document which should be adhered to.
- There is a cost for each Club, Region and Swim Ireland in administering the Complaints and Disciplinary process. Accordingly Members when making a Complaint or an Appeal will be subjected to an administration fee as set out in this document. However, where a Complaint is upheld or where an appeal is upheld, the administration fee may be reimbursed to the Complainant.

It should be emphasised that Disputes/Complaints should be dealt with at local level until all resolutions at this level have been exhausted.

Please note specifically that these Rules and Procedures are not an appropriate mechanism for dealing with certain Complaints such as allegations of physical or sexual abuse or other potential child abuse issues for which other procedures exist using the appropriate statutory authorities. In respect of such allegations, parties are referred to the Swim Ireland Safeguarding Children Policies and Procedures 2010 as amended from time to time.

Please do not hesitate to contact us with any queries. Your main points of contact in this regard are: the Development Officers and the Complaints and Disciplinary Officer.

Each Club and Region must incorporate these Rules and Procedures into its Constitution/Rules.

Eugene Hillick
Swim Ireland
Company Secretary

Sarah Keane
Swim Ireland
Chief Executive Officer

January 2012