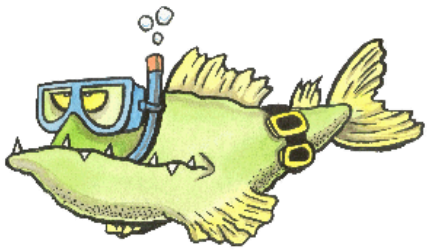

Kingston & Elmbridge Junior Snorkellers Club

www.Snorkelling.org.uk

Constitution and Rules

1. Names

1.1. The Club shall be called Kingston and Elmbridge Junior Snorkelling Club (hereinafter referred to as the club).

1.2. British Sub Aqua Club (hereinafter referred to as BSAC)

2. Objectives

2.1. The objectives of the Club are to teach and promote the arts and skills of all aspects of snorkel diving and to encourage development in the sport.

3. Membership

3.1. Membership of the Club shall be open to anyone with interest in the sport upon payment of the appropriate entrance fee and subscription.

3.1.1. There shall be 3 classes of membership:

3.1.1.1. Snorkeler – any member under the age of 16.

3.1.1.2. Instructor – any member with the appropriate certification wishing to teach.

3.1.1.3. Part-Time Instructor - any member with the appropriate certification wishing to teach intermittently.

4. Equal Opportunities Policy

4.1. The Club is fully committed to the principles of equality of opportunity for all members and will ensure that there is no unfair discrimination against any member on the grounds of age, gender, disability, race, ethnic origin, nationality,

colour, parental or marital status, pregnancy, religious belief, social status, sexual orientation, political belief or discrimination of any other kind.

5. Cessation of Membership

5.1. Any member may resign membership by giving one month's clear notice to Club Secretary.

5.2. If any member is considered by the committee to be in breach of any of the Clubs policies, rules or acted in a manner detrimental to the objectives of the Club or act ed against the best interests of the Club, then the committee may suspend the member for a period of time or expel him from the Club.

5.3. Any member so suspended or expelled may appeal to an independent Hearings Panel of three persons. The panel may be drawn from membership of the Club or from other clubs in the region. The Panel will hear and receive evidence, reach a conclusion and affirm or reject the sanctions imposed as appropriate. Any Hearings Panel must give a fair and independent hearing to the member suspended or expelled within an appropriate timescale. Hearings must not contravene the Human Rights Act 1998 or any other policies of the Club and BSAC.

6. Entrance Fee and Subscriptions

6.1. The Committee shall make recommendations to the Annual General Meeting of the Club in September each year on the amount of the entrance fee, the amount of the annual subscription. The amount of the annual subscription shall be kept at a level that will not pose a significant obstacle to people joining as members.

7. Club Officers

7.1. The officers shall be:

7.1.1. Secretary

7.1.2. Treasurer

7.2. The main duties and responsibilities of the officers of the Club are to run the Club in line with a development plan; these duties may be amended during the year as determine by the Committee. Best efforts must be made to notify all members of the club if amendments are made.

8. Club Committee

8.1. The Annual General Meeting shall elect a Committee to be responsible for the general conduct of the Clubs business and activities.

8.2. The Committee shall consist of up to ten members. At the first Committee meeting of each new Committee it shall elect a Chairman from its elected number.

8.3. The quorum of the Committee shall be at least half its members plus one other elected member.

8.4. All elected members of the Committee shall have a vote, apart from the President who may attend Committee meetings but does not hold a vote.

8.5. The Committee may designate members to hold special responsibilities for the running of the club these members may attend Committee meetings but if they are non-elected members then they shall not hold a vote.

8.6. If a vacancy occurs among the elected members of the Committee then the Committee may co-opt a member as a voting member of the Committee.

8.7. No member under 16 years of age shall be eligible for election or co-option to the Committee.

8.8. The Committee shall meet quarterly. Special meetings of the Committee shall be called by the Secretary on instruction from the Chairman or by no fewer than three elected members.

8.9. Financial or legal liability incurred in the rightful exercise of their duties and responsibilities shall not be the personal liability of the Committee or any member thereof. The Committee shall ensure suitable insurance for the elected members of the Committee in carrying out of their duties and responsibilities.

9. President

9.1. There shall be a president of the Club. He shall be recommended by the Committee and elected each year by the Annual General Meeting. His duties are chairing the Annual General Meeting and any other General Meetings.

10. Trustees

10.1. There shall be three Trustees of the Club who shall be entitled to attend Committee meetings. No Trustee shall be entitled to vote unless he is also an elected member of the Committee.

10.2. The first Trustees shall be appointed by the Club in a General Meeting and the property of the Club (other than cash) shall be vested in them to be dealt with as the Committee shall from time to time direct (of which an entry in the minutes of the Committee meetings shall be conclusive evidence).

10.3. The Trustees shall be indemnified against risk and expense arising from their holding of the Club property.

10.4. The Trustees shall hold office until death or resignation or until removed from office by a resolution passed at a General Meeting on a simple majority of those present.

10.5. If a position of a Trustee becomes vacant then the Committee shall nominate a new Trustee. The President, within the meaning of Section 36 of the Trustees Act 1925, shall appoint a new Trustee upon the recommendation of the Committee.

10.6. The Trustees shall be circulated the agenda and minutes of each Committee meeting and the Treasurer's reports. Trustees will be notified in advance of any proposed major expenditure, proposed changes to the Clubs constitution and/or rules and any other relevant matters so that their views can be taken into consideration before final decisions are made.

11. Annual Accounts

11.1. The financial year of the Club shall be from the first day of September until the last day of August.

11.2. The Club at the Annual General Meeting shall elect one or more auditors (who shall not be elected Committee members) to audit the Club's accounts.

11.3. The audited accounts shall be presented by the Treasurer for approval to the Annual General Meeting.

11.4. In no circumstances can any profit be distributed to the members, but any reserves earned shall be used in furthering the objectives of the Club in line with its development plan.

12. AGM & General Meetings

12.1. The Annual General Meeting of the Club shall be open to all members and shall be held during the month of September. Members will be notified by the Secretary of the date of the AGM at least twenty-one days beforehand.

12.2. At the AGM the Lead Coach, Secretary, Treasurer, Committee and Auditors shall be elected by a simple majority of those present. Those elected shall begin their duties at the close of the AGM.

12.3. All nominations for the positions of Officer or Committee member must be proposed and seconded, this is not required before the meeting has commenced.

12.4. All motions to be tabled for consideration at the AGM or amendments to the constitution must be proposed and seconded by members. All such motions must be proposed 7 days before the meeting has commenced. The Secretary of the Club will announce all motions and amendments prior to the commencement of the AGM.

12.5. An Extraordinary General Meeting may be called at any time by the Committee to consider and decide upon matters of urgency.

12.6. A Special General Meeting may be called at any time upon written request of at least15 members of the Club.

12.7. The Secretary of the Club will give all members will give 7 days notice of the calling of Special General Meeting or an Extraordinary General Meeting.

12.8. The quorum of any General Meeting shall be ten members. In all cases, except changes to the Constitution & Rules, all decisions shall be decided by a simple majority vote of those present. All members present shall be entitled to a vote.

13. Child Protection Procedures

13.1. The Club accepts the policy and procedures relating to child protection and the protection of vulnerable adults as set out by BSAC and requires all members to accept them as a condition of membership.

14. Bye- laws

14.1. The Committee may make, vary or rescind bye-laws for regulating the affairs of the Club provided that such bye-laws are not contrary to the provisions of the Constitution & Rules of the Club. Best effort must be made to notify all members of the change in bye-laws and they shall be binding on all members.

15. Alterations to Constitution & Rules

15.1. This Constitution & Rules shall not be altered, amended or rescinded except by members at a General Meeting or Annual General Meeting

15.2. A motion to give effect to any change must be passed by at least three quarters of the members present at the meeting.

16.Termination

16.1. The Club shall not be terminated except by a motion carried at a General Meeting or the Annual General Meeting. In such case the motion must be carried by at least three quarters of the members present at the meeting.

16.2. In the event of termination all surplus assets of the Club shall be handed over to a body or bodies with similar objectives to those of the Club or charity or charities agreed at the meeting which decided upon the termination.

17. Wording of Constitution & Rules

17.1. All references in the Constitution & Rules to the masculine gender shall apply equally to the feminine gender.

Code of Conduct

It is accepted that for Junior Members, it may be harder to explain, or comprehend the requirements of a Code of Conduct. As such we ask that parents/guardians accept this responsibility on behalf of their child, and assist in guiding them, our members, in better understanding appropriate behaviour in line with this code.

All members of the Kingston & Elmbridge Junior Snorkellers Club are bound by the following codes of conduct, in addition to abiding by the British Sub Aqua Club Code of Conduct (available on the BSAC Web Page or on request).

This Code should be read in conjunction with the KEJSC Club Rules.

All members shall:

a) Be supportive and encouraging of their peers in their attempts to learn the sport.

b) Treat all staff members with respect commensurate with their position.

c) Act in a polite and courteous manner

d) Not engage in derogatory, bullying or other negative behaviour against their peers or other members.

e) Conduct themselves with discipline, following all rules, and requests of any Instructor.

f) Present themselves professionally when representing the club whether on poolside, in open water, or other public events.

g) Inform a staff member of any injury or illness that would make them unfit for diving/snorkelling activities (alternative support and options can be provided).

h) Notify the club of any known absence, either through illness or other commitment.

i) Not enter the water prior to any session starting, or before being briefed by an instructor. (This is for safety reasons and financial. Outside of our sessions, the pool is public access and not protected by the same safeguarding levels as the club. Additionally any use outside of our sessions must be paid for.)

j) Care for and maintain any equipment loaned or hired to them by the club, and ensure it remains in a functional state for subsequent reissue.

k) Use any training equipment during a training session in an appropriate manner, in line with instruction.

l) Treat other members equipment with respect

Discipline Policy

The Kingston & Elmbridge Junior Snorkellers Club prides itself on providing a positive environment, which nurtures its member's passion for the sport of snorkelling, and helps them to become well rounded individuals.

It is accepted however that there may be incidents which are deemed undesirable, where members may act or display actions or characteristics that do not meet with the clubs, ethos, Rules or Code of Conduct. These incidents, in the less severe instance will be dealt with on an ad-hoc basis, at the time of occurrence, by the Instructor in charge of the lesson or event. Usually by way of corrective conversation, or referral to parental supervision. Any action taken by a KEJSC staff member will be recorded in a duly sanctioned location and reviewed by the Dive Officer on a regular basis to ensure consistency, and to prevent an ongoing course of conduct or any further reoccurrence.

However, any incident beyond the scope of lesser offences, must be dealt with formally by way of the following procedures.

Purpose and scope

This procedure is designed to help and encourage all members of The Kingston & Elmbridge Junior Snorkellers Club (KEJSC) to achieve and maintain standards of behaviour as detailed within the club's Code of Conduct and Club Rules. The emphasis of Disciplinary Procedure is, in the first instance, on the improvement of the member's behaviour by working in partnership with them and their parent/guardian rather than just on imposing sanctions. The Club will only impose sanctions in the most serious cases or where improvement in the member's behaviour has not been forthcoming. Our aim is to ensure consistent and fair treatment for all members.

Principles

The Disciplinary Committee will consist of the Club Welfare Officer and a minimum of two more members of the Club Committee, usually the Dive Officer and Training Officer. A meeting will be convened within 14 days of the alleged breach of the Code of Conduct and the member will

be notified in writing of the nature of their failure to maintain the standards detailed in the Code of Conduct and/or Club Rules.

On the day of the incident giving rise to the breach of the Code of Conduct, the matter should be reported to the Dive Officer or Club Secretary in their absence, by the lead Instructor or any interested or relevant party.

Notification can be achieved by way of the club website (www.snorkelling.org.uk), via the registered member's page and clicking on the Complaints Form. Via Email direct to the club via info@snorkelling.org.uk or via phone or letter to the Dive Officer, Club Welfare Officer, or Club Secretary. Alternatively, if you wish to remain anonymous, you can report any matter via the British Sub Aqua Club (www.bsac.com), who will relay any information on.

If the Dive Officer, Club Secretary or Welfare Officer considers that a potential breach of the Code of Conduct has occurred, the matter will be passed to the Welfare Officer who will coordinate the investigation and institute the disciplinary procedure.

Members will be notified of the time, date and venue of the meeting by letter and will be required to confirm attendance no later than 24 hours prior to the date of the meeting. The member will be required to attend with their parent/guardian, if they are under 18, who may make representations on their behalf. The member and or their representative will be given an opportunity to state their case prior to any decision being made by the Disciplinary Committee.

No disciplinary action will be taken against a member until a full investigation as to the circumstances of the incident have been conducted by the club. At all stages of the investigation the member will be required to be accompanied by their parent/guardian, if they are under 18, who may make representations on their behalf and confirm that the member fully understands the potential breach of the code, the procedure taking place and the sanction, if any, imposed by the Disciplinary Committee.

All aspects of the investigation will remain confidential. No member will be dismissed from the Club for a first breach of the Code of Conduct except in cases where there has been a Gross Misconduct as detailed under section 4. In those circumstances a specific procedure will be followed. A member will have the right to appeal against any disciplinary action imposed. An appeal should be addressed to the Club Secretary and submitted within seven days from the date that the Disciplinary Committee's decision is communicated to the member.

Investigation & "Cooling Off" Period

In all cases, there will be a period of investigation where enquiries will be made to ascertain the details of events, and an explanation as to the incident. This may be carried out informally or formally via various processes, such as committee or instructor enquiries, or via the governing body, local council or police.

During this period, it will be at the discretion of the club committee, usually a two thirds majority of a quorum of five (or if five committee members are unavailable, a unanimous agreement of three), as to whether any temporary suspension is issued to the parties involved until the matter is concluded.

This suspension is in no way to apportion any blame or agree with any allegation, until a formal investigation is complete. Any suspension issued is only to separate concerned parties from a common environment to form a "Cooling Off" period, to reduce any conflict which may affect the smooth running of the club while the matter is being properly investigated.

This is especially important where there may be outside investigating bodies making enquiries, e.g. BSAC or Police. So that these investigations are not jeopardised. It will then be for the appropriate body to take action in accordance with this policy if internal, or other options if external.

At the conclusion of the enquires should any misconduct be identified, the below procedures may be carried out in accordance with this policy, and any formal sanction may be imposed as required.

Any suspension issued, will either be cancelled or continued at the discretion of the committee at this point.

Misconduct

The following list gives examples of behaviour that are normally regarded as misconduct (This list is not exhaustive):

1. Low Level Bullying

2. Low Level Harassment

3. Repeated Disruption of Classes

4. Refusal to Follow Club Rules

5. Swearing or Verbal Abuse

Procedure

Stage 1 - Verbal Warning If the conduct is deemed to be in breach of the standards laid down in the Code of Conduct, a member will in the first instance be given a verbal warning. The member and their parent/guardian will be advised of the reason for the warning and notified that this is the first stage of the Disciplinary Procedure. He or she will be notified that they have a right to appeal, the timescale upon which the appeal should be submitted to the Club Secretary for the

Club's further consideration. A note of the verbal warning will be kept by the Club Secretary, but will be discarded after 12 months or in line with the present requirements of the Data Protection Act. Where a follow up review is necessary, the member will be advised of this and the timescales for review. In those circumstances, an action plan will be mutually agreed with the member or parent/guardian if under 18, and a mentor appointed by the Club.

Stage 2 - Written Warning If the matter is more serious or there is a further breach of the Code of Conduct, then a written warning will be given to the member. This will explain the reason for the warning, the improvement in conduct required and the timescale. Further, if there is no improvement that action detailed in Stage 3 may be considered. The right of appeal against this decision will be advised and explained to the member. An action plan will be mutually agreed with the member or parent/guardian if under 18, and a mentor appointed by the Club. A copy of the written warning will be kept by the Club Secretary, but will be discarded for disciplinary purposes after 12 months subject to satisfactory conduct.

Stage 3 – Final Written Warning If there is still a failure to improve and conduct is still unsatisfactory, or if the matter is sufficiently serious to warrant only one written warning but insufficiently serious to justify dismissal from the club, a final written warning will be given by the Committee. This will explain the reason for the warning, the improvement required and the timescale. An action plan will be mutually agreed with the member or parent/guardian if under 18, and a mentor appointed by the Club. It will also warn that dismissal from the Club will result if there is no improvement and will advise the right of appeal. The Club Secretary will hold a copy of the final written warning, but it will be disregarded for disciplinary purposes after 12 months subject to satisfactory conduct which will be assessed by the committee.

Stage 4 – Dismissal from the Club If the conduct is still unsatisfactory and the member still fails to reach the required standards or the conduct is regarded as serious gross misconduct then dismissal from the club will usually result. Only the Club Committee with a quorum of at least two thirds can take the decision to dismiss the member. The member will be provided, as soon as practicable, a written explanation for dismissal, the date upon which membership will terminate and the right of appeal.

Gross Misconduct

The following list gives examples of behaviour that are normally regarded as gross misconduct (This list is not exhaustive):

1. Fighting

2. Assault

3. Deliberate damage to Club property

4. Bringing the Club into disrepute by actions or words

5. Serious negligence or disregard of the Club Rules that causes, or could have caused, unacceptable loss, damage or injury.

6. Serious act of insubordination, including the failure to follow or observe reasonable instructions of the Club Staff or Instructor.

Procedure

In the event that a member of the Club is alleged of gross misconduct the member shall be automatically suspended; pending investigation/disciplinary hearing according to the Club's policy or when superseded by The British Sub Aqua Club's Policies and Procedures, or other Legal Authority.

1. In the case of members, the individual will not be able to train or attend club events until an emergency meeting of the Club Committee has been convened.

2. An emergency meeting of the Club Committee will be convened within 2 weeks of the incident. Comprising the Welfare Officer, Dive Officer, Training Officer and other Committee members to constitute a quorum of five. The committee members will be mutually agreed by the Welfare Officer and Dive Officer or where one of these officers is involved, another committee member.

3. The individual involved will be asked to attend the meeting and in the case of a member under 18, will be accompanied by a parent/guardian or other representative.

4. The individual will be asked to recall the incident, to confirm that they understand the charges, explain their actions and to answer questions regarding the incident with the agreement of their parent/guardian or representative. Witnesses may be called by members or staff charged with serious/gross misconduct. The Club also reserves the right to call witnesses if deemed appropriate.

5. At the end of the hearing once all the evidence has been heard the individual and or their representative will be entitled to make a closing submission to the Disciplinary Committee.

6. After the closing submissions, all other persons shall withdraw whilst the Committee considers the evidence and submissions. It will determine whether the breach has been proved or not, and what actions are to be taken as a result.

7. The individuals will be re-called to the meeting and notified of the Committee's decision which will be confirmed in writing.

8. Should a person charged with serious/gross misconduct not attend the Disciplinary Meeting then a decision will be made in their absence and the decision of the Committee will be confirmed in writing to the address noted on their membership record.

The Committee have the authority to take whatever action is appropriate within the club rules and constitution. In the most serious of cases this could lead to dismissal from the club. Individuals/parents will be expected to pay any fines, damages or administrative costs imposed by any ruling bodies or The Kingston & Elmbridge Junior Snorkellers Club (KEJSC) in relation to such an incident.

Appeals

A member who wishes to appeal against any disciplinary decision should inform the Club Secretary within seven days. At the appeal any disciplinary action proposed will be reviewed by the Dive Officer and another member of the Committee not involved in the original hearing or investigation. If any conflict of interest or for any other reason, another committee member is unavailable. A committee member may be sought from an outside Snorkelling Club (e.g. our sister clubs, Dorking or Woking) to assist in the process. The member's parent/guardian or representative, if they are a member under 18 years old, will accompany them to the appeal hearing. The member will be notified of the outcome of the appeal in writing within seven days of the hearing.