

# Complaints and Disciplinary Rules and Procedures

Swim Ireland has a separate complaints and disciplinary policy that deals with disciplinary matters and complaints between members.

The procedures are in place to ensure members can participate in their sport for fun, safely and in the spirit of fair play. Members are bound by the Swim Ireland constitution, rules and this document including the codes of conduct. The complaints and disciplinary procedures contain clear, transparent processes to raise and deal with complaints and disciplinary matters at club, regional and national level.

The complaints and disciplinary 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 through the appropriate statutory authorities. In respect of such allegations, parties should refer to the Reporting section of this document.

All Swim Ireland clubs and regions must incorporate the Swim Ireland Complaints and Disciplinary Rules and Procedures into their Constitution and Rule Book.

## Summary Outline (taken from the Swim Ireland Complaints and Disciplinary Rules and Procedures 2018)

### Disciplinary

Disciplinary action is when a sanction is issued by either a Person in Charge or CDC to any individual member, team, association, club, region or committee or subcommittee or other grouping within or affiliated to Swim Ireland. Disciplinary action can be issued in the following forms:

Warnings – verbal or written

Immediate sanction – issued there and then by the Responsible Person

Non-Immediate Sanction – Only issued by a Complaints and Disciplinary Committee

### Complaint

A complaint is an expression of discontent by any individual member, team, association, club, region or committee or subcommittee or other grouping within or affiliated to Swim Ireland concerning the behaviour of any individual member, team, association, club, region or committee or subcommittee or other grouping within or affiliated to Swim Ireland or parent.

### Complaint and Disciplinary Action

If you are upset about the way someone has behaved and the behaviour is a breach of the code of conduct or rules you can ask for this to be corrected. This can either be done through:  
a disciplinary action which can be instant, or  
a complaints process

You can make a complaint or be the subject of a complaint or disciplinary action if you are:

- (i) An individual member of Swim Ireland
- (ii) A team
- (iii) An association
- (iv) A club
- (v) A region
- (vi) A committee or subcommittee
- (vii) A grouping within or affiliated to Swim Ireland
- (viii) A parent of a child member

### Person in Charge

The Person in Charge is the person who is in charge at an event, for example:

Coach

Team Manager

Committee

Referee (club level Meet)

Competition Manager/Lead Referee

These people are appointed in various club, regional and national activities and are considered to be responsible for the well-being of participants and to make sure acceptable behaviour is supported by everyone involved at the particular event. A Person in Charge is the only individual who can issue an immediate sanction.

### **Complaints and Disciplinary Committee**

The CDC committees at club, regional and national level deal with complaints and with disciplinary action or reports. The CDC decides on how an incident is dealt with and is the only committee that can issue a non-immediate sanction.

All members of a CDC must be members of Swim Ireland. At club and regional level, the CDC cannot have more than one member who is also on a club or regional committee.

Where a sanction has been issued by a club or a regional CDC, the Swim Ireland Complaints and Disciplinary Officer must receive a copy of the decision ([complaints@swimireland.ie](mailto:complaints@swimireland.ie)).

### **Complaints and Disciplinary Officer (CDO)**

Swim Ireland has appointed a CDO who is independent of the organisation and has the following roles and responsibilities:

- Receive disciplinary matters, complaints and appeals
- Investigate and decide if a prima facie case exists
- Dismiss matters
- Refer matters to mediation
- Correspond with parties
- Prepare papers for complaints and appeals and present matters at a Hearing where relevant
- Refer matters to Swim Ireland Complaints and Disciplinary Committee (SICDC) for Hearing

### **General procedural points:**

- CDC should always consider resolution through an informal process as an initial course of action. If the informal complaints procedure does not lead to a satisfactory conclusion then the formal complaints procedure shall be adopted.
- It should be emphasised that disputes/complaints should be dealt with at local level until all resolutions at this level have been exhausted.
- Complaints relating to incidents at club, regional and national level should be dealt with by the CDC at that level.
- The outcome of a matter at club/regional level may be appealed to the Swim Ireland CDC (SICDC) who act as an Appeals Committee. Swim Ireland may require appropriate matters to be mediated.
- The timeframes contained in the Complaints and Disciplinary Rules and Procedures should be adhered to.
- Following a decision by SICDC the process may be challenged to Sport Dispute Solutions Ireland (SDSI) formally Just Sport Ireland (JSI).
- Members when making a complaint or an appeal may be subject to an administration fee.

The full Complaints and Disciplinary Policy should be read as the above is a summary and should not be used in isolation to conduct a complaint or disciplinary process.