

## Disputes within Clubs



Even in the most friendly, and well managed, clubs there are unfortunately times when things go wrong. Sometimes these issues arise from a misunderstanding or a clash of personalities, but problems do need to be resolved quickly for the benefit of everyone involved, and for the club as a whole.

The [Swim England Handbook](#) includes lengthy information (Regulation 150) on dealing with 'Internal Disputes' and this should be read and understood by everyone involved. In our view, there are very few instances where an internal dispute should lead to a formal complaint to the national governing body. Complaints to Swim England may take many months to be resolved. There is also the possibility that a formal complaint could make matters worse in the short-term and that it may not result in an outcome that enables everyone to move on within the same club afterwards.

It is essential that clubs, and their members, act in accordance with the club's constitution. The constitution sets out the rules for the club, and those rules must be followed.

### **Informal discussion**

So, the best idea is to sit down and talk about the issue, as soon as possible, in a calm and civilised manner and to try to resolve the issue without falling out. Ideally the individuals involved could do this informally, but if that doesn't resolve the problem, and a complaint is submitted to the club chairman, they should arrange for the issue to be discussed with a mediator.

### **Mediation**

The Chairman, or another committee member if the Chairman is involved, should arrange for an independent mediator to meet with both parties. The mediator should be someone from the club who is independent in that they haven't been involved in the issue previously, and is not a family member or particular friend (or enemy) of either party. Both parties should be given the opportunity to raise any concerns about the choice of the mediator. If there is no-one suitable within the club, consider appointing someone from another local club, or ask the county association if they could help.

A mediation meeting should be arranged, either face to face or via video conferencing, so that both parties can explain their views on the issue in front of the other party, and answer questions from the other party and from the mediator. The conduct of the meeting should be informal, the mediator should ask both parties what resolution or outcome they are seeking, and both parties should be willing to achieve a resolution, even if this means compromise. The mediator should seek to come to a conclusion at the meeting that is acceptable to both parties.

## **Hearing the Complaint**

If the mediation process doesn't resolve the issue and the complaint is not withdrawn, the club Chairman must arrange for the complaint to be heard by a panel.

The Panel should be made up of independent people who can listen to the complaint without bias, so must not have previously been involved in the issue or incident, must not have an 'interest' in the outcome, and should be acceptable to both parties. One of the Panel must be appointed as the Chairman, who will then take over the management of the arrangements for the hearing.

Usually, within a club, it is possible to find suitable members who have not been involved in the complaint. However, if that isn't possible, for example because the complaint is about an issue that involves many members, the region will help the club identify people who can hear the complaint independently.

Although it is open to the Chairman of the Panel to decide on process, we suggest that the following procedure be used to achieve a fair hearing:

- Both parties be advised of the arrangements for the hearing, which may be conducted face to face or via video conferencing. This will include the agenda for the meeting, and names of panel members
- Both parties be asked to submit any evidence at least 5 days before the hearing, by email. Any evidence submitted will be sent to the panel members and to both parties.
- At the hearing the attached agenda will ensure that everyone has the opportunity to present their case, in the presence of the other party, and for questions to be asked by either party and by the panel members.
- At the end of the hearing both parties should leave, and the panel members should make a decision. This decision must be based on written and oral evidence, presented at the hearing.
- The decision will be communicated to both parties by the Chairman.

Everyone involved must remember that the purpose of the hearing is to try to resolve the complaint, so that all members can continue to enjoy their sport.

## **Support from the Region**

The region neither has the resources nor the inclination to get involved in disagreements within clubs. In most circumstances clubs can, and do, resolve these issues themselves without the need for support from others.

There may, however, be exceptional circumstances where either the region feels that support is required, or where a club committee ask for support and we feel that this is appropriate, and then regional staff or our volunteers may give impartial advice based on Swim England Regulations.

If you are a club chairman or secretary and you wish to seek advice you should contact the region by email to [disputes@swimming.org](mailto:disputes@swimming.org).

The region does not have the capacity to give ongoing support to individual members and, if appropriate, instead will suggest that members contact a Swim England Friend. However, where the complaint relates to a welfare issue, advice can be sought from either the appropriate County Welfare Officer or the Regional Welfare Officer at [welfare@eastswimming.org](mailto:welfare@eastswimming.org)