



Duty of Care

THE DUTIES AND RESPONSIBILITIES OF THE MEMBERS OF THE SWIMMING TEACHERS' ASSOCIATION

- Code of Ethics and Professional Conduct
- Safeguarding & Protecting Children Procedures
 - Articles of Association

The Swimming Teachers' Association
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**NSPCC Child Protection Helpline
0808 800 5000 (24 hour service)**

Code of Ethics and Professional Conduct

1. Safety

- 1.1. The paramount consideration of all members at all time is safety.
 - Safety of pupils.
 - Safety of clients.
 - Safety of the general public.
 - Safety of the member.
- 1.2. Members must ensure that all reasonable steps are taken to provide a safe environment and all activities are in accordance with the appropriate regulations, or best practice if there are no regulations, and be appropriate for the age, experience and ability of the participants.

2. General

- 2.1. Members must respect the rights, dignity and worth of every person and treat everyone accordingly at all times.
- 2.2. Members must abide by the Equal Opportunities Policy of the Association; the Swimming Teachers' Association will not condone or permit harassment or discrimination on the grounds of sex, race, colour, nationality, national or ethnic origin, marital status, sexual orientation, age, disability, political or religious belief.
- 2.3. Child abuse is a criminal act, which will not be tolerated by the Association. Members should be fully aware of the child protection procedures set out on pages 3 to 7.
- 2.4. Members, when acting in a professional capacity, must display the highest standards of behaviour and appearance and must adhere to all STA policies.
- 2.5. Members inevitably gather a great deal of personal information about pupils in the course of a working relationship. Member and pupils must reach agreement as to what is regarded as confidential information, i.e. not divulged to a third party without the express approval of the pupil. Confidentiality does not preclude the disclosure of information where the Member is in an alleged breach of this Code of Ethics.
- 2.6. Advertising by members in respect of qualifications or services shall be accurate and professionally restrained and shall not display affiliation with an organisation that falsely implies sponsorship or accreditation by that organisation.
- 2.7. Members should refrain from public criticism of fellow Members, differences of opinion should be dealt with on a personal basis and more serious disputes should be referred to the STA.
- 2.8. Members should regularly seek ways of increasing their professional development and self-awareness, should welcome evaluation of their work by colleagues and be able to account to pupils, employers and colleagues for their actions.
- 2.9. Members should only act within their qualification.
- 2.10. Members should ensure that they have adequate Public Liability insurance. Fully paid up members are insured by the Association provided that they act within their qualification; if a member acts outside their qualification they may not be covered for insurance.
- 2.11. All members who work with children or vulnerable adults must obtain a CRB clearance. Many employers provide clearance as part of the employment process. If

you are not CRB checked by your employer the STA can provide a CRB clearance; subject to CRB regulations and payment of the relevant fee.

- 2.12. All members who employ staff to work with children or vulnerable adults must obtain a CRB clearance for their staff.
 - ❖ In 2.11 and 2.12 CRB means **Criminal Records Bureau** in England & Wales, **Disclosure Scotland** in Scotland and **Data Protection Unit** in Northern Ireland; see page 6 for contact details.

3. Swimming and Lifeguard/First Aid Teachers

When acting as teachers of swimming, lifeguarding or first aid:

- 3.1. Members must place the well being and safety of the pupils/ candidates within the class/ course above the development of performance. They should follow all guidelines laid down by the governing bodies, Leisure Centres, Local Authorities or such other bodies who control swimming lessons/ courses.
- 3.2. Members must develop an appropriate working relationship with their pupils/ candidates, based on mutual trust and respect.
- 3.3. Members must encourage and guide their pupils/ candidates throughout each lesson/ course.
- 3.4. Members, who teach swimming, lifeguarding or first aid must hold a recognised teaching qualification.
- 3.5. Members must ensure that the activities they direct are appropriate for the age, maturity, experience and ability of the pupils/ candidates.
- 3.6. Members should at the outset, clarify with pupils/ candidates (and where appropriate with their guardians), exactly what format the lessons/ course will take and what is expected of the pupil/ candidate. They should also clarify what fees, if any, are payable.
- 3.7. Members should co-operate fully with others involved in the lessons/ course (e.g. Pool Management, other teachers) in the best interests of the pupil/ candidate.
- 3.8. Members who run training courses under the auspices of the Association must comply with the appropriate rules and regulations of the Association.
- 3.9. Members who receive fees or other monies from candidates or pupils must keep proper accounts. Any fees collected that are due to the Association must be paid over promptly.

4. Violations of the Code of Ethics and Professional Conduct

- 4.1. Allegations that a member has breached any of the articles of the Code of Ethics and Professional Conduct must be made in writing to the Chief Executive of the STA. The Board of Trustees will consider any such complaint in accordance with Articles of Association of the STA, (see pages 8 to 12) clauses 2.10 to 2.19. The powers contained under these clauses include suspension from and exclusion from membership of the STA.
- 4.2. Where the complainant alleges that a member may be in breach of the STA child protection policy the member **WILL BE** suspended from membership pending a full investigation.
- 4.3. A member found guilty under 4.2 will be permanently excluded from membership of the Association.

Safeguarding & Child Protection Processes

It is widely accepted that it is the responsibility of every adult to safeguard the well being of children. Child abuse can arouse strong emotions in those facing such a situation and it is important to understand these feelings and not allow them to interfere with your judgement about any action to take.

Abuse and poor practice can occur within many situations including the home, school and the sporting environment. Some individuals will actively seek employment or voluntary work with children in order to harm them. Everyone working in swimming either in a paid or voluntary capacity, together with those working in affiliated organisations has a role to play in safeguarding the welfare of children and promoting good practice

A swimming teacher, lifeguard, lifesaver, or volunteer may have regular contact with children and be a very important link in identifying cases where a child may be at risk or in need. When establishing guidelines concerning the protection of children it is important to recognise that the organisation has both a moral and legal duty of care to ensure that when it is given responsibility for children it provides them with the highest possible standard of care.

The Swimming Teachers' Association recognises that they have a responsibility to:

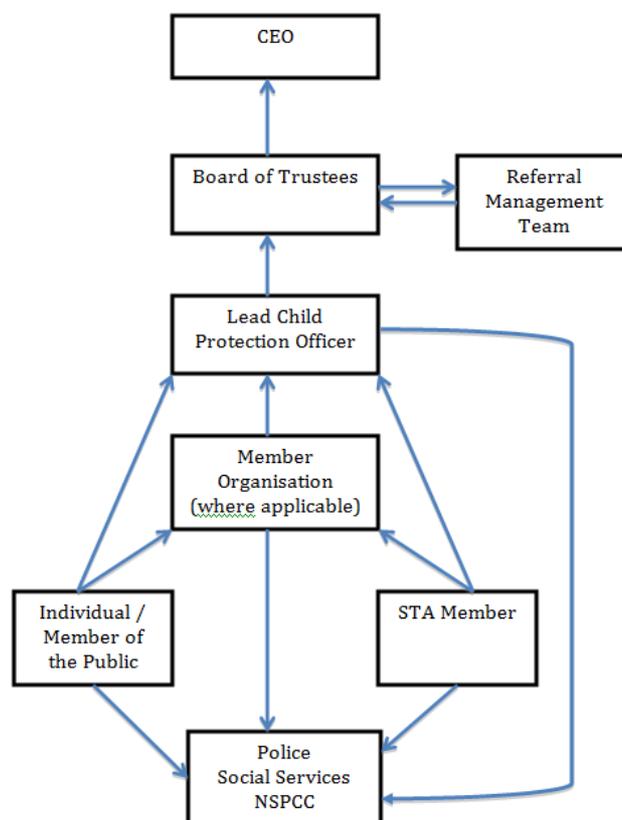
- Safeguard and promote the interests and well-being of children with whom it is working;
- Take all reasonable practical steps to protect them from harm, discrimination, or degrading treatment;
- Respect their rights, wishes and feelings.

Child protection procedures can:

- Offer safeguards to the children with whom we work, and to our members of staff, volunteers and those in affiliated organisations; a
- Help to maintain the professionalism and the standards of practice that are associated with the members of the STA.

We recognise that any procedure is only as effective as the ability and skill of those who operate it. We are committed to:

- Proper recruitment policies;
- The provision of support and appropriate training;
- Clear processes for recognition and responding to concerns;
- Working together with parents/carers and other organisations to ensure that the needs and the welfare of children remain paramount.



Principles

- The child's welfare is paramount.
- All children whatever their age, culture, disability, gender, language, racial origin, religious belief and/or sexual identity have the right to protection from abuse.
- All suspicions and allegations of abuse will be taken seriously; and responded to swiftly and appropriately.
- Anyone under the age of 17 years (Scotland under 16 years) should be considered as a child for the purposes of this document,

Working in partnership with children and their parents/carers is essential for the protection of the children.

The STA recognise the statutory responsibility of the social services department to ensure the welfare of children and is committed to working together with the local safeguarding children's board (LSCB) and to complying with its procedures.

Recognition of Abuse

Even for those experienced in working with child abuse, it is not always easy to recognise a situation where abuse may occur or has already taken place. The STA acknowledges that their staff, whether in a paid or voluntary capacity, are not experts at such recognition. It therefore expects them to report any concern they may have about the welfare of a child immediately with the person in charge, as follows:

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It is the responsibility of these people to ensure that appropriate advice is obtained from the local Social Services department or the NSPCC. (Also see the section

"Responding to Suspicions or Allegations of Child Abuse" on page 5, which details exactly what action to take.) If the person in charge is not available, or the concern is about the person in charge, the person in receipt of the information will contact the Social Services direct.

Indications that a child is being abused could include:

- Unexplained or suspicious injuries such as bruising, cuts or burns, particularly if situated on a part of the body not normally prone to such injuries;
- An injury for which the explanation seems inconsistent;
- The child describes what appears to be an abusive act involving him/her;
- Someone else - a child or adult, expresses concern about the welfare of another child;
- Unexplained changes in behaviour - e.g. becoming very quiet, withdrawn, or displaying sudden outbursts of temper;
- Inappropriate sexual awareness;
- Engages in sexually explicit behaviour in games;
- Is distrustful of adults, particularly those with whom a close relationship will normally be expected;
- Has difficulty in making friends;
- Is prevented from socialising with other children;
- Displays variations in eating patterns including overeating or loss of appetite;
- Loses weight for no apparent reason;
- Becomes increasingly dirty or unkempt.

It must be recognised that the above list is not exhaustive and the presence of one or more of the indicators is not proof that abuse is actually taking place. **It is not the responsibility of those working in swimming to decide that child abuse is occurring, but it is their responsibility to act on any concerns.** (See section "Responding to Suspicions or Allegations of Child Abuse" on page 5).

Forms of Abuse

Physical Abuse

Where adults, or young people, physically hurt or injure children by hitting, shaking, squeezing, burning and biting or by giving children alcohol, inappropriate drugs or poison. Attempted suffocation or drowning also comes within this category.

In sports situations, physical abuse might occur when the nature and intensity of training disregard the capacity of the child's immature and growing body.

Sexual Abuse

Girls and boys are abused by adults, both male and female, and by other young people who use children to meet their own sexual needs. This could include full sexual intercourse, masturbation, oral sex, anal intercourse, fondling. Showing children pornographic material is also a form of sexual abuse as may be the taking of inappropriate photographs of children.

Swimming or related activities, which might involve physical contact with children, could potentially create situations where sexual abuse may go unnoticed. Also the power of the coach over young athletes, if misused, may lead to abusive situations developing.

Emotional Abuse

Persistent lack of love and affection, where a child may be constantly shouted at, threatened or taunted which may make the child very nervous and withdrawn. Emotional

abuse also occurs when there is constant overprotection, which prevents children from socialising.

Emotional abuse in sport might include situations where children are subjected to unrealistic pressure by the parent or coach, or bullied in order to consistently perform to high expectations.

Neglect

Where adults fail to meet a child's basic needs like food or warm clothing. Children might also be constantly left alone or unsupervised. Adults may also fail to, or refuse to, give children love and affection; this could be seen to be emotional neglect.

Neglect in a sport situation could include a teacher or coach not ensuring children are safe, or exposing them to undue cold

Bullying

Although not a specific form of abuse, can take the form of any of the acknowledged abuse forms. Bullying can occur face to face or in a more subtle manner such as through electronic methods like text messaging and face book. Bullying can not only be physical, sexual or neglectful in nature but also emotionally damaging.

The Effects of Abuse

Abuse in all its forms can affect a child at any age. The effects can be so damaging, that if not treated, they may follow an individual into adulthood. For example, an adult who has been abused as a child may find it difficult, or impossible, to maintain a stable, trusting relationship; may become involved with drugs or prostitution; may attempt suicide, or may abuse a child in the future and find successful parenting difficult.

There have been a number of studies' which suggest children with disabilities are at increased risk of abuse through various factors such as stereo-typing, prejudice, discrimination, isolation, and a powerlessness to protect themselves, or to adequately communicate that abuse has occurred. Children from ethnic minorities, who may also be experiencing racial discrimination, may be doubly powerless.

Listening to the Child

If a child says or indicates that he or she is being abused, or information is obtained which gives concern that a child is being abused, the person receiving this information should:

- React calmly so as not to frighten the child;
- Tell the child they are not to blame and that it was right to tell someone;
- Take what the child says seriously, recognising the difficulties inherent in interpreting what is said by a child who is very young, has a speech disability and/or differences in language;
- Keep questions to the absolute minimum necessary to ensure a clear and accurate understanding of what has been said;
- Reassure the child, but do not make promises of confidentiality which might not be feasible in the light of subsequent developments;
- Make a full record of what had been said, heard and/or seen as soon as possible.

Responding to Suspicions or Allegations of Child Abuse

It is not the responsibility of a member of the STA to take responsibility or to decide whether or not child abuse is taking place. There is however, a responsibility to report concerns so that appropriate agencies can then make inquiries and take any necessary action to protect the child.

Whilst the STA acknowledges the importance of the role of statutory agencies involved in children's welfare (social services, police, NSPCC), it appreciates that there may be some reluctance to report direct to these agencies, especially if the person reporting is unclear as to whether abuse has occurred. As a result of this, and in line with the STA's duty of care, the STA have a Lead Child Protection Officer (LCPO), who should be contacted at the earliest possible time after the event or allegation. The LCPO can then liaise directly with statutory agencies and assist the organisation that made the report."

The social services department has a statutory duty under the Children Act 1989 to ensure the welfare of a child. When a child protection referral is made its staff have a legal responsibility to investigate. This may involve talking to the child and family and gathering information from other people who know the child. Inquiries may be carried out jointly with the police.

What to do if there are concerns

1. There is always a commitment to work in partnership with parents or carers where there are concerns about their children. Therefore, in most situations, it would be important to talk to parents or carers to help clarify any initial concerns. For example, if a child seems withdrawn, they may have experienced bereavement in the family.
2. **However**, there are circumstances in which a child might be placed at even greater risk were such concerns to be shared, e.g. where a parent or carer may be responsible for the abuse or not able to respond to the situation appropriately.
3. In these situations, or where concerns still exist, any suspicion, allegation, or incident of abuse must be reported to the person in charge as soon as possible, and recorded. (See section "Recognition of Abuse" on page 3).
4. It is the responsibility of the person in charge to inform the social services department without delay. If a person in charge is not available, the person discovering or being informed of the abuse should immediately contact the social services department or the police. If you're not sure about what to do, you can call the STA Child Protection Officer on 07817 640 189 and/or

**NSPCC Child Protection Helpline
0800 800 5000 (24 hour service)**

Recording And Information

Information passed to the social services department or the police must be as helpful as possible, hence the necessity for making a detailed record. If you have access to the internet then you can download the Welfare Incident Form at www.sta.co.uk. If not then the information should contain the following:

- The nature of the allegation;
- A description of any visible bruising or other injuries;

- The child's account, if he or she can give them, of what has happened and how any bruising or other injuries occurred;
- Any times, dates, or other relevant information;
- A clear distinction between what is fact, opinion, or hearsay.
- Reporting the matter to the police or social services department should not however be delayed by attempts to obtain more information.
- Once an allegation or concern has been raised with the police, social services or the NSPCC then the concern must be passed on to the STA through the LCPO.
- Wherever possible, referrals telephoned to the social services department should be confirmed in writing within 24 hours. A record should also be made of the name and designation of the social services member of staff or police officer to whom the concerns were passed, together with the time and date of the call, in case any follow-up is needed.

Allegations of Abuse against Members of the STA

This would include anyone working with children in a paid or voluntary capacity. For example, volunteers in clubs, club helpers, tutors on training camps, lifeguards and swimming teachers.

Child abuse can and does occur outside the family setting. Although it is a sensitive and difficult issue, child abuse has occurred within institutions and may occur within other settings, for example, in sport or other social activities. Recent inquiries indicate that abuse, which takes place within a public setting, is rarely a one-off event. It is crucial that those involved in swimming are aware of this possibility and that all allegations are taken seriously and appropriate action taken.

The person in charge may be informed of situations where they are unsure about whether the allegation constitutes abuse or not, and are therefore unclear about what action to take. There may be circumstances where allegations are about poor practice rather than abuse but those responsible should always consult the STA CEO or LCPO and avoid discussions with colleagues as there is a need to protect human rights of all concerned, including the individual against who the allegation is made, and gain advice from social services, or the NSPCC where there is any doubt. This is because this may be just one of a series of other instances which together cause concern. It is acknowledged that feelings generated by the discovery that a member of staff or volunteer is, or may be abusing a child, will raise concerns among other staff or volunteers, including the difficulties inherent in reporting such matters. However, it is important that any concerns for the welfare of the child arising from abuse or harassment by a member of staff or volunteer should be reported immediately.

The STA would want to assure all staff and members that it would fully support and protect anyone who, in good faith, reports his or her concern that a colleague is, or may be, abusing a child.

Where there is a complaint of abuse against a member of staff, there may be three types of investigation:

1. A criminal investigation
2. A child protection investigation
3. A disciplinary or misconduct investigation

The results of the police and social services investigation may well influence the disciplinary investigation, but not necessarily.

- If, following consideration the allegation is clearly about poor practice then the STA will deal with this as a misconduct issue.
- Any suspicion that a child has been abused by a member will be reported to a person in charge who will take such steps as he or she considers necessary to ensure the safety of the child in question and any other child who may be at risk.
- The designated person will refer the allegation to the social services department who may involve the police.
- The parents or carers of the child will be contacted as soon as possible following advice from the social services department.
- The person in charge should also notify the Chief Executive and the LCPO of the STA .
- Every effort should be made to ensure that confidentiality is maintained for all concerned.
- If the person in charge is the subject of the suspicion/allegation and is a member of the STA, the report must be made to the STA LCPO who is then responsible for taking the action outlined above.
- Irrespective of the findings of the social services or police inquiries, the STA must assess all individual cases under the appropriate misconduct/disciplinary and welfare procedures, to decide whether a member should be reinstated and how this can be sensitively handled. This may be a difficult decision, particularly where there is insufficient evidence to uphold any action by the police. In such cases, the STA will reach a decision based upon the information that is available which could suggest that on a balance of probability it is more likely than not that the allegation is true. The welfare of children should always remain paramount.
- Consideration should be given to what support may be appropriate to children, parents and members of staff.

Allegations of Previous Abuse

Allegations of abuse may be made some period of time after the event. For example, by an adult who was abused as a child by a member of staff who is still currently working with children. Where such an allegation is made, the organisation should follow the procedures given above and report the matter to the social services department or the police. This is because other children, either within the sport or outside it, may be at risk from this person. Anyone who has a previous criminal conviction for offences related to abuse or a schedule 1 offence is automatically excluded from working with children.

Prevention

All children have a right to be safe and to be treated with dignity and respect.

Basic guidelines will help safeguard both children, staff, volunteers and the organisation concerned and reduce the risk of allegations being made. These are listed below.

Recruitment and Selecting Staff and Volunteers

Anyone may have the potential to abuse children in some way and it is important that all reasonable steps are taken to ensure that unsuitable people are prevented from working with children. It is essential the same procedure is used consistently whether staff be paid or unpaid in part-time or full-time occupation.

When undertaking pre-selection checks the following should be included:

- All volunteers and staff working for a club should complete an application form.
- Application forms should be designed to elicit information about an applicants past career (including any gaps), and to establish any criminal record.
- Consent should be obtained from applicants for police and social services checks.
- At least two references should be taken up, including at least one regarding previous work with children.
- Clubs and employers should have effective measures in place to ensure the confidentiality of information received in relation to applicants is treated with the strictest of confidence.
- All volunteers and employees should sign a Child Protection Protocol.
- All volunteers and employees should be checked with the following organisations who maintain information about individuals who are deemed unsuitable to work with children:

England & Wales:	DBS	0870 9090811
Scotland:	Disclosure Scotland	0870 6096006
Northern Ireland:	Data Protection Unit	02890 650222

Policy and Procedure

To help prevent abuse of children the club or organisation should have a policy which ensures that children are protected and kept safe from harm. Everyone involved in the care of children should know what to do if there are concerns about abuse and where procedures are kept.

Training and Seminars

It should be recognised that checks are only part of the process to protect children from possible abuse by members of staff. STA teachers are required to have completed a Safeguarding Children course, with the STA's course or an acceptable alternative as determined by STA. They should receive appropriate ongoing training and attend suitable seminars undertaken by experienced deliverers so that they are aware and sensitive to potentially abusive situations.

Supervision

Managers should be sensitive to any concerns about abuse or not adhering to good practice as set out below, and act on them at an early stage. They should also offer appropriate support to those who report concerns.

Complaints & Appeals

The Management Committee of all clubs will ensure that there is a well established complaints procedure in operation and that parents and their children have the relevant information that will allow easy access to this procedure.

Good Practice in the Care of Children

You can reduce situations for the abuse of children and help to protect staff and volunteers by promoting good practice. The following are more specific examples of care which should be taken when working within a swimming context.

- Always be publicly open when working with children. Avoid situations where a teacher/coach and individual swimmers are completely unobserved;
- Where any form of manual support is required, this should be provided openly and with the assent of the child and consent of the parent. The teacher should also be extremely careful as it is difficult to maintain hand

positions when the child is constantly moving. The views of parents / guardians should always be carefully considered;

- Where possible parents / guardians should take on the responsibility for their children in the changing rooms. Where classes have to be supervised in the changing rooms always ensure that teachers/coaches work in pairs. Encourage an open environment, e.g. no secrets;
- Do not take children alone in a car on journeys, however short.

Where cases arise where it is unavoidable that these things do happen, they should only occur with the full knowledge and consent of someone in charge in the organisation, or the child's parents.

And you should never.

- Engage in rough, physical or sexually provocative games, including horseplay.
- Share a room with a child.
- Allow or engage in inappropriate touching of any form.
- Allow children to use inappropriate language unchallenged.
- Make sexually suggestive comments to a child even in fun.
- Let allegations a child makes go unrecorded, or not acted upon.
- Do things of a personal nature that children can do for themselves.
- Have children stay at your home with you unsupervised.

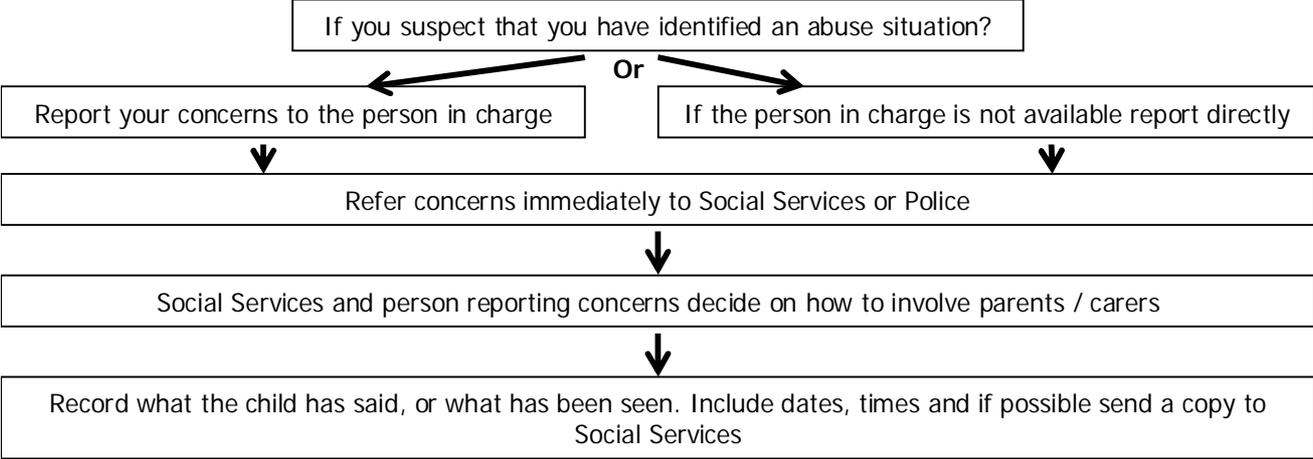
- Spend excessive amounts of time alone with children away from others.
- Take children to your home where they will be alone with you.
- Take still or movie photographs of children without obtaining the guardians consent in writing.

It may be sometimes necessary for staff or volunteers to do things of a personal nature for children, particularly if they are young or are children with disabilities. These tasks should only be carried out with a full understanding and written consent of parents and of the children involved. There is a need to be responsive to a child's reactions and if a child is fully dependent upon you, talk with them about what you are doing and give them choices where possible. This is particularly so if you are involved in any dressing, or undressing of outer clothing, or where there is physical contact of lifting or assisting a child to carry out particular activities.

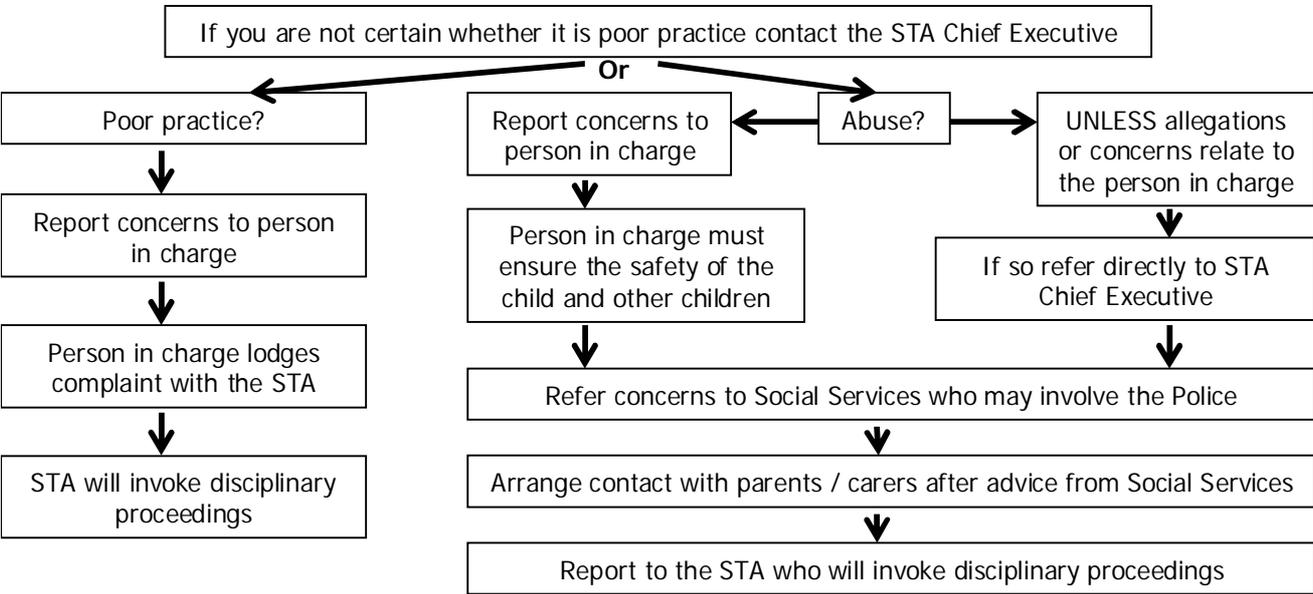
If during your care of a child you accidentally hurt them, the child seems distressed in any manner, appears to be sexually aroused by your actions, or misunderstands or misinterprets something you have done, report any such incident as soon as possible to another colleague and make a brief written note of it. Parents or carers should be informed of the incident.

The STA acknowledge the help provided by NSPCC in producing these procedures.

What to do if you have concerns about child abuse



What to do if you have concerns about child abuse by a member of the STA



ARTICLES OF ASSOCIATION OF THE SWIMMING TEACHERS' ASSOCIATION LIMITED

GENERAL

1.1. In these Articles of Association (unless the context otherwise requires):

- **'the act'** means the Companies Act 1985 including any statutory modification or re-enactment thereof for the time being in force
- **'the Articles'** means these Articles of Association
- **'the Board'** means the Board of Trustees of the Association constituted as provided in Article 6 hereof
- **'the Auditors'** means the auditors for the time being of the Association
- **'the Association'** means The Swimming Teachers' Association Limited
- **'month'** means calendar month
- **'the Office'** means the registered office of the Association for the time being
- **'the Seal'** means the Common Seal of the Association
- **'Trustee'** means a member of the Board of Trustees
- **'The United Kingdom'** means Great Britain and Northern Ireland
- **'voting member'** means a member of the Association with voting rights in the Association; and
- **'in writing'** means written, printed or lithographed or partly one partly another and other modes of representing or reproducing words in a visible form;
- and words importing the singular number only shall include the plural number, and vice versa, and words importing the masculine gender only shall include the feminine gender.
- Subject as aforesaid, words or expressions contained in these Articles shall unless the context requires otherwise bear the same meanings as in the Act.

1.2. The provisions of Sections 352 and 353 of the Act shall be observed by the Association, and every member of the Association shall either sign a written consent to become a member or sign the register of members on becoming a member.

MEMBERSHIP OF THE ASSOCIATION

2.1. There shall be several categories of membership of the Association:-

2.1.1. The following categories of membership shall have full voting rights in the Association.

- **Fellows** of the Association who are entitled to use the designation **'FSTA'**;
- **Diploma Members** of the Association who are entitled to use the designation **'DSTA'**;
- **Qualified Members** of the Association who are entitled to use the designation **'MSTA'**;
- **Associate Members** of the Association who are entitled to use the designation **'ASTA'**.

A suffix may be added to the designation to indicate the STA qualifications held by the member.

2.1.1. The following categories of membership shall not have voting rights in the Association but may attend all meetings of the Association other than those reserved solely for voting members.

- **Student Members** of the Association who shall be entitled to use the designation **'ASTA(STU)'**;
- **Honorary Associates** of the Association who may be authorised individually by the Board to use the designation **'Hon ASTA'**;
- **Vice Presidents** of the Association who are not entitled to use any designation denoting their membership of the Association.

2.2. The Board may in its absolute discretion from time to time create new grades of membership of the Association and decide whether or not such members shall be entitled to use any designation or description.

2.3. The Board may from time to time close and/or delete a grade of membership of the Association. In the case of the deletion of a grade of membership the Board shall determine the grade or grades of membership to which the members in the grade being deleted may transfer. The terms of such transfer shall be determined by the Board in its absolute discretion.

2.4. The Board may from time to time recognise as associated persons associations or bodies any person association or body (whether incorporated or not) who or which have in the opinion of the Board objects or attainments incidental or conducive to the objects of the Association. Such persons associations or bodies shall not have any voting rights in the Association.

2.5. Qualifications for and admission to membership of the Association or any grade thereof shall be as resolved by the Board from time to time.

2.6. Applications for membership and transfer between membership grades must be submitted to the Secretary on the form to be supplied by him and shall include an undertaking to abide by the Articles. Such applications shall be accompanied by the appropriate fee as determined by the Board from time to time.

2.7. The annual subscription of members is payable annually in advance and shall be of such sum as is resolved by the Board. The amount and dates for payment of subscriptions may be varied by the Board from time to time.

2.8. A member who has not paid his subscription on or before the date upon which subscriptions may from time to time become due shall automatically and without any requirement for notification cease to be a member of the Association and is thereby debarred from exercising any right of membership.

2.9. No person who has been convicted of an offence anywhere in the world which if committed in some part of the United Kingdom would be an offence to which part 1 of the Sex Offenders Act 1997 (or any subsequent amending legislation) applies ("Sexual Offence"), shall be admitted as a member.

2.10. The Board shall be entitled to expel any member who is convicted of a Sexual Offence (as defined in Article 2.10 above). A member shall notify the Board immediately of a conviction for a Sexual Offence.

2.11. The Board shall be entitled, in their absolute discretion, to refuse admission as a member to any person who has been investigated by the Police (or equivalent) with regard to the committing of a Sexual Offence (as defined in Article 2.10 above) anywhere in the world.

2.12. The Board shall be entitled, in their absolute discretion, to expel any member who is investigated by the Police (or equivalent) with regard to the committing of a Sexual Offence (as defined in Article 2.10 above). A member shall notify the Board immediately of any such investigation and the Board shall be entitled to request further information from the member in respect of any such investigation. The member shall respond to such requisitions promptly and accurately.

2.13. The Board shall be entitled to expel any member who provides false information to the Board or omits to provide information to the Board, whether that information is supplied or the omission occurs prior to membership or after admission to membership.

2.14. The Board shall have the power to suspend or expel a member who in the reasonable opinion of the Board is guilty of any conduct which is of disgraceful or discreditable kind, or brings the Association into disrepute, or violates the standard of professional practice, or acts to the detriment of the interests of

- the Association or is guilty of a breach of any provisions of these articles.
- 2.15. The Secretary shall give written notice to a member against whom a complaint is made under this Article which may lead to the exercise by the Board of its powers of suspension or expulsion indicating the nature of such complaint and that it will be considered by the Board. This notice shall be sent by the registered or recorded delivery post to the member in question not later than 28 days before the date specified for the hearing by the Board of the relevant complaint.
 - 2.16. The member against whom such complaint is made may either attend personally when the Board considers the complaint or submit in writing any representations he may wish to make to the Board and the Board shall invite the member in person or a friend to be heard (and if such invitation is accepted hear the member or a friend) and consider his written representation (if any) before reaching its decision.
 - 2.17. The member shall be notified if the decision of the Board in writing by the Secretary who, in the case of suspension or expulsion, shall remove the relevant member's name from the Register of Members.
 - 2.18. The Board may at any time revoke or modify its decision to suspend or expel a member and the Secretary shall thereupon send by post written notification of such revocation or modification of its decision to the former member at his last known address and if such decision shall involve the full restoration of such person to membership of the Association such person shall be deemed to have remained at all times a member of the Association (but shall not be entitled to have received notice of any meeting given during the period of suspension or expulsion prior to revocation thereof).
 - 2.19. Any member wishing to resign or having been expelled from the Association shall forthwith return his Certificate of Membership to the Secretary. He shall be debarred from all activities of the Association and is not permitted to use any designatory letters or any designation or description in any way relating to the membership of the Association or to describe himself as an 'Incorporated Swimming Teacher' or 'Certified Swimming Teacher'.
 - 2.20. Former members who wish to return to membership of the Association shall be required to satisfy such tests and examinations and pay such fees (if any) as may be resolved by the Board from time to time before resuming membership of the Association.

GENERAL MEETINGS

- 3.1 The Association shall hold a General Meeting in every calendar year as its Annual General Meeting at such time and place as may be determined by the Board, and shall specify the meeting as such in the notices calling it, provided that every Annual General Meeting shall be held not more than fifteen months after the holding of the last preceding Annual General Meeting.
- 3.2 All General Meetings other than Annual General Meetings shall be called Extraordinary General Meetings.
- 3.3 The Board may whenever they think fit convene an Extraordinary General Meeting, and Extraordinary General Meetings shall also be convened on such requisition, or in default may be convened by such requisitions, as provided by Section 368 of the Act.
- 3.4 Notices of members' resolutions shall be lodged with the Secretary not less than twenty-eight days prior to the date of the relevant General Meeting. The Board shall have power to provide regulations for the submission of members' resolutions as they deem fit, subject to the provisions of Sections 376 and 377 of the Act.
- 3.5 Twenty-one days' notice in writing at the least of every General Meeting and of every meeting convened to pass a Special Resolution, and fourteen days' notice in writing at the least of every other General Meeting (exclusive in every case both of the days on which it is served or deemed to be served and of the day of the meeting for which it is given) specifying the place, the day and the hour of the meeting, and in the case of special business (as specified in Article 4.1) the general nature of that business, shall be given in manner hereinafter mentioned to such persons (including the Auditors) as are under these articles or under the Act entitled to receive such

- notices from the Association; but with the consent of all the members having the right to attend and vote thereat (or of such proportion of them as is prescribed by the Act in the case of meetings other than General Meetings), a meeting may be convened by such notice as those members may think fit.
- 3.6 The accidental omission to give notice of a meeting to, or the non-receipt of such notice by, any person entitled to receive notice thereof shall not invalidate any resolution passed or proceeding taking place at any time.

PROCEEDINGS AT GENERAL MEETINGS

- 4.1 All business shall be deemed special that is transacted at an Extraordinary General Meeting and at an Annual General Meeting save for the consideration of the income and expenditure account and balance sheet and the reports of the Board and of the Auditors, the election of Trustees in the place of those retiring and the appointment of, and the fixing of the remuneration of, the Auditors.
- 4.2 No business shall be transacted at any General Meeting unless a quorum of members is present when the meeting proceeds to business. Save as herein otherwise provided, 20 members personally present and entitled to vote shall be a quorum.
- 4.3 If half an hour after the time appointed for the holding of a General Meeting a quorum is not present, the meeting, if convened on the requisition of members, shall be dissolved. In any other case, it shall stand adjourned to the same day in the next week, at the same time and place, or at such other place as the Board may determine, and if at such adjourned meeting a quorum is not present half an hour after the time appointed for holding the meeting the members present shall be a quorum.
- 4.4 The President of the Association shall preside as Chairman at every General Meeting but if there be no President or if at any meeting he shall not be present within 30 minutes of the time appointed for holding the same or shall be unwilling or unable to preside, the members present shall choose one of the Trustees or if no Trustee be present, or if all the Trustees present decline to take the chair, they shall choose a voting member who is present to chair the meeting.
- 4.5 The Chairman may, with the consent of any meeting at which a quorum is present (and shall if so directed by the meeting), adjourn the meeting from time to time, and from place to place, but no business shall be transacted at any adjourned meeting other than business which might have been transacted at the meeting from which the adjournment took place. Whenever a meeting is adjourned for 30 days or more, notice of the adjourned meeting shall be given in the same manner as for the original meeting. Save as aforesaid, the members shall not be entitled to any notice of an adjournment or of the business to be transacted at an adjourned meeting.
- 4.6 At any General Meeting a resolution put to the vote of the meeting shall be decided on a show of hands unless a poll is, before or upon the declaration of the result of the show of hands, demanded by the Chairman or by 10 members present in person and having the right to vote at the meeting or a member or members representing one-tenth of the total voting rights of all the members having the right to vote at the meeting. Unless a poll be so demanded, a declaration by the Chairman that a resolution has been carried, or carried unanimously or by a particular majority, or lost, or not carried by a particular majority, and an entry to that effect in the minute book of the Association, shall be conclusive evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against that resolution. The demand for a poll may be withdrawn.
- 4.7 Subject to the provisions of Article 4.8, if a poll be demanded in manner aforesaid, it shall be taken at such time and place and in such manner as the Chairman shall direct, and the result of the poll shall be deemed to be the resolution of the meeting at which the poll was demanded.
- 4.8 No poll shall be demanded on the election of a Chairman of a meeting or on any question of adjournment of a meeting.
- 4.9 In the case of an equality of votes, whether on a show of hands or on a poll, the chairman shall be entitled to a second or casting vote.

4.10 Any business other than that upon which a poll has been demanded may be proceeded with pending the taking of the poll and whilst the votes are being counted.

VOTES OF MEMBERS

- 5.1 Subject as herein expressly provided to the contrary, every voting member shall have one vote.
- 5.2 Save as herein expressly provided to the contrary, only a voting member duly registered, who shall have paid every subscription and other sum (if any) which shall be due and payable to the Association in respect of his membership shall be entitled to vote on any question either personally or by proxy, or as a proxy for another member at a General Meeting.
- 5.3 Votes may be given on a poll either personally or by proxy. On a show of hands a member present only by proxy shall have no vote.
- 5.4 The instrument appointing a proxy shall be in writing under the hand of the appointer or of his attorney duly authorised in that behalf.
- 5.5 The instrument appointing a proxy and the power of attorney or other authority (if any) under which it is signed or a notarially certified or office copy thereof shall be deposited at the Office not less than 48 hours before the time appointed for holding the meeting or adjourned meeting at which the person named in the instrument proposes to vote, and in default the instrument of proxy shall be valid after the expiration of twelve months from the date of its execution.
- 5.6 A vote given in accordance with the terms of an instrument of proxy shall be valid notwithstanding the previous death or insanity of the principal or revocation of the proxy or of the authority under which the proxy was executed, provided that no intimation in writing of the death, insanity or revocation as aforesaid shall have been received at the Office before the commencement of the meeting or adjourned meeting at which the proxy is used.
- 5.7 Any instrument appointing a proxy shall be in the following form or in such form as the Board shall determine from time to time:

'THE SWIMMING TEACHERS' ASSOCIATION LIMITED'

I, _____
of, _____
A Fellow/Diploma member/Qualified membership/Associate member of THE SWIMMING TEACHERS' ASSOCIATION LIMITED (delete as applicable)
Hereby appoint _____
of _____
And failing him/her _____
of _____
And failing him/her, the chairman of the meeting specified below to vote for me and on my behalf for or against any resolution (as any proxy may in his/her sole discretion think fit) at the Annual or Extraordinary or Adjourned, as the case may be, General Meeting of the Association to be held on the _____ day of 20____ and at every adjournment thereof.
As witness my hand this _____ day of 20____

The instrument appointing a proxy shall be deemed to confer authority to demand or join in demanding a poll.

THE TRUSTEES

- 6.1 The Trustees shall be the President of the Association and the immediate Past President ('the Honorary Officers') together with a number up to 8 Fellows, Diploma or Qualified Members and up to 2 trustees who are not Fellows, Diploma or Qualified Members elected in accordance with the provision hereof provided that no person shall be entitled to stand for election as a Trustee where they are greater than 69 years of age. The Trustees shall be the directors of the Association.
- 6.2 At the Annual General Meeting one-third (or if the number is not divisible by three then the nearest to one-third) of the Trustees with the exception of the President for the time being shall retire from office but shall be eligible for re-election.

- 6.3 The Trustees to retire in any one year shall be those who have been longest in office since their last election but as between the persons who became Trustees on the same day those to retire (unless otherwise they agree among themselves) are to be determined by lot.
- 6.4 A retiring Trustee may stand for re-election save for where such retiring Trustee is greater than 69 years of age. At the meeting at which a Trustee retires the Association may fill the vacated office by electing a person thereto; in default, the retiring Trustee shall, if offering himself for election be deemed to have been re-elected unless at such meeting it is expressly resolved not to fill such vacated office or unless a Resolution for the re-election of such Trustee shall have been put to the meeting and lost.
- 6.5 No person shall be considered for election as Trustee at a General Meeting unless not less than eight weeks before the date appointed for the meeting there shall have been left at the Office notice in writing signed by two voting members proposing such person for election, and also notice in writing signed by that person indicating his willingness to be elected.
- 6.6 No member shall be entitled to nominate more than one person for consideration for election as Trustee at the same General Meeting.
- 6.7 The Board shall have power at any time and from time to time to appoint any person to be a Trustee either to fill a casual vacancy or as an addition to the Board but so that the total number of Trustees shall not at any time be less than three and shall not exceed the maximum number fixed in accordance with the Articles. Any Trustee so appointed shall hold office only until the next Annual General Meeting and may then stand for re-election but shall not be taken into account in determining the Trustees who are to retire by rotation at such meeting.
- 6.8 The Association may by Ordinary Resolution of which special notice has been given in accordance with Section 379 of the Act remove any Trustee before the expiration of his period of office not withstanding anything in the Articles or in any agreement between the Association and such Trustee. Such removal shall be deemed also to be effective to remove the relevant Trustee from the office of director of the Association, subject to compliance with the provisions of Sections 303 to 305 inclusive of the Act and vice versa.
- 6.9 The Association may by Ordinary Resolution appoint another person in place of a Trustee removed from office under Article 6.8.

POWERS OF THE BOARD OF TRUSTEES

- 7.1 The business of the Association shall be managed by the Board who may exercise all such powers of the Association, and do on behalf of the Association all such acts as may be exercised and done by the Association, and as are not by statute or by the Articles required to be done in General Meeting, subject nevertheless to any provisions of the Articles, to the provisions of statutes for the time being in force and affecting the Association, and to such provisions being not inconsistent with the aforesaid provisions as may be prescribed by the Association in General Meeting but no regulation made by the Association in General Meeting shall invalidate any prior act of the Board which would have been valid if such regulation had not been made.
- 7.2 In particular and without prejudice to the foregoing, the Board may exercise the following powers:
 - to control the administration of the Association;
 - to make bye-laws and regulations consistent with the provisions of these articles;
 - to appoint Standing and Sub-Committees as they may deem necessary;
 - to establish such advisory panel or panels to advise the Board or any committee or committees of the Board with regard to its or their activities, and membership of such panel or panels shall be open to non-members of the Association and shall be during the pleasure of the Board;
 - to fill any casual vacancies on the Board in accordance with Article 6.7;

- to consider all questions raised by members (all categories);
 - to prepare the Agenda of the Annual General Meeting; and
 - to exercise all powers of the Association to borrow money, to mortgage or charge its undertaking and property or any part thereof and to issue debentures, debenture stock and other securities whether outright or as security for any debt liability or obligation of the Association or of any third party.
- 7.3 The members for the time being of the Board may act notwithstanding any vacancy in their body, provided always that in case the members of the Board shall at any time be (or be reduced in number to) less than three it shall be lawful for them to act as the Board for the purpose of filling up vacancies in their body, or of summoning a General Meeting, but not for any other purpose.
- 7.4 The Board shall meet on such dates as it shall determine from time to time provided that no fewer than three meetings shall take place in each year. No less than seven days notice in writing of any such meeting shall be given to each member of the Board. A member of the Board who is absent from the United Kingdom shall not be entitled to notice of a meeting.

DISQUALIFICATION OF TRUSTEES

- 8.1 The office of Trustee shall be vacated in any of the following circumstances:
- if a receiving order is made against him or he makes any arrangement or composition with his creditors;
 - if he becomes of unsound mind;
 - if he ceases to be a member of the Association;
 - if by notice in writing to the Association he resigns his office;
 - if he ceases to hold office by reason of any order made under the Company Directors Disqualification Act 1986 and/or the Insolvency Act 1986;
 - if he is removed from office by a resolution duly passed pursuant to Section 303 of the Act;
 - if he ceases to be a Member by virtue of Section 293 of the Act;
 - if he is absent from three consecutive meetings without having given reasonable explanation in writing of inability to attend;
- 8.2 Any such vacation of office shall extend to the office of director of the Association held by such Trustee.

PROCEEDINGS OF THE BOARD OF TRUSTEES

- 9.1 The Board may meet together for the despatch of business, adjourn and otherwise regulate its meetings as they think fit, and determine the quorum necessary for the transaction of business. Unless otherwise determined by the Board the quorum shall be four. Questions arising at any meeting shall be decided by a majority of votes. In case of an equality of votes the Chairman shall have a second or casting vote.
- 9.2 A Trustee may and, on the request of a Trustee, the Secretary shall at any time, summon a meeting of the Board by written notice served upon the Trustees.
- 9.3 The Board shall elect from amongst its members a chairman entitled to preside at all meetings of the Board at which he shall be present, but if at any meeting the Chairman be not present within thirty minutes after the time appointed for holding the meeting or is unwilling to preside, or if there shall for the time being be no person holding the office of Chairman of the Board, the Trustees present shall choose one of their number to be Chairman of the meeting.
- 9.4 A meeting of the Board at which a quorum is present shall be competent to exercise all the authorities, powers and discretions by or under the regulations of the Association for the time being vested in the Board generally.
- 9.5 The Board may delegate any of its powers to committee consisting of such Trustee or Trustees as it thinks fit. Any committee so formed shall, in the exercise of the powers so delegated, conform to any regulations imposed on it by the Board. The meeting and proceedings of any such committee shall be governed by the provisions of the Articles for

regulating the meetings and proceedings of the Board so far as applicable and so far as the same shall not be superseded by any regulations made by the Board. All acts and proceedings of such committees shall be reported back promptly as soon as possible to the Trustees.

- 9.6 All acts bona fide done by any meeting of the Board or any committee of the Board or by any person acting as a Trustee shall, notwithstanding it be afterwards discovered that there was some defect in the appointment or continuance in office of any Trustee acting as aforesaid or that they or any of them were disqualified, be as valid as if every such person had been duly appointed or had duly continued in office and was qualified to be a Trustee.
- 9.7 The Board shall cause proper minutes to be made of all appointments of officers made by the Board, and of the proceedings of all meetings of the Association and of the Board and of committees of the Board and all business transacted at such meetings, and any such minutes of any meeting, if purporting to be signed by the Chairman of such meeting, or by the Chairman of the next succeeding meeting, shall be sufficient evidence without any further proof of the facts therein stated.
- 9.8 A resolution in writing signed by all the Trustees or of any committee of the Board who are entitled to receive notice of a meeting of the Board or of such committee shall be as valid and effectual as if it had been passed at a meeting of the Board or of such committee duly convened and constituted.

HONORARY OFFICERS

10. In addition to the President and the Immediate Past President the Board may appoint other Honorary Officers or Advisors as it shall determine from time to time but such persons will not be permitted to serve on the Board during the period of their appointment which shall be during the pleasure of the Board and subject to such terms and conditions as they shall see fit.

THE PRESIDENT

- 11.1 The President of the Association for the ensuing year shall be the person who immediately prior to the Annual General Meeting of the Association holds the office of President Elect.
- 11.2 The President Elect shall be elected by the Board at a meeting of the Board prior to the Annual General Meeting of the Association, to take office immediately after that Annual General Meeting, from nominations received from not less than ten voting members. Such nominations are to be deposited at the Office no less than eight weeks prior to the Annual General Meeting. The form of nomination shall be signed by each of the ten proposers and contain a declaration signed by the nominee, who shall be a Fellow, Diploma Member or a Qualified Member of the Association, expressing his willingness to stand for office. Unless it complies with this Article no nomination may be accepted as valid. A voting member of the Association may propose one person only each year for the office of President Elect. Where a nominee for President Elect is already a member of the Board, irrespective of anything to the contrary contained within these articles, that member shall take no part in the selection of a President Elect and will retire from the Board meeting whilst interviews of candidates and subsequent election to office takes place.
- 11.3 In the event of the death, resignation or unsuitability of the President Elect or in the event of there being no nomination in accordance with Article 11.2 for the office of President Elect, the Board may appoint another to office.

SECRETARY

- 12.1 The Secretary shall be appointed by the Board from such persons (whether or not Members of the Association) as they consider to be fit and able to perform the functions of the office. The appointment shall be for such term, at such remuneration and upon such conditions as the Board may think fit.
- 12.2 The Secretary shall attend all meetings of the Board and perform the function of Secretary ex-officio to all Standing and Sub Committees.
- 12.3 At Board Meetings the Secretary shall be responsible for recording correctly the names of Officers and members of the

Board there present and for preparing the Minutes of the proceedings.

- 12.4 The Secretary shall summon and give due notice of all meetings of the Board and of the Annual General Meeting and other meetings of the Association to those persons entitled to receive notice of such meetings.
- 12.5 All appropriate legislation shall apply to and be observed by the Secretary.
- 12.6 The Board may from time to time by resolution appoint an assistant or deputy Secretary, and any person so appointed may act in place of the Secretary if there be no Secretary or no Secretary capable of acting.

THE SEAL

13. The Seal shall only be used by the authority of the Trustees or of a Committee of Trustees authorised by the Trustees. The Trustees may determine who shall sign any instrument which the Seal is affixed and unless otherwise so determined it shall be signed by a Trustee and by the Secretary or by a second Trustee.

ACCOUNTS

- 14.1 It shall be the responsibility of the Board to cause proper books of account to be kept with respect to:
- all sums of money received and expended by the Association and the matters in respect of which such receipts and expenditure take place;
 - all sales and purchases of goods by the Association; and
 - the assets and liabilities of the Association.
- 14.2 The books of account shall be kept at the Office, or at such other place or places allowed by law as the Board shall think fit, and shall be available for inspection by members of the Board.
- 14.3 The Board shall from time to time determine at what times and places and under what conditions or regulations the accounts and books of the Association or any of them shall be open to the inspection of members not being Trustees, and no member (not being a Trustee) shall have any right of inspecting any account or book or document of the Association except as conferred by statute or authorised by the Board or by the Association in General Meeting.
- 14.4 At the Annual General Meeting in every year, the Board shall lay before the Association a proper income and expenditure account for the period since the last preceding account made up to a date not more than twelve months before such meeting and a proper balance sheet made up as at the same date together with proper reports of the Board and the Auditors. Copies of such account, balance sheet and reports (all of which shall be framed in accordance with any statutory requirements for the time being in force) and of any other documents required by law to be annexed or attached thereto or to accompany the same shall, not less than twenty one clear days before the date of the meeting (subject nevertheless to the provisions of Section 238(3) of the Act) be sent to the Auditors and to all other persons entitled to receive notices of General Meetings in the manner in which notices are hereinafter directed to be served.

AUDIT

- 15.1 Once at least in every year the accounts of the Association shall be examined and the correctness of the income and expenditure account and balance sheet ascertained by one or more properly qualified Auditor or Auditors.
- 15.2 Auditors shall be appointed and their duties regulated in accordance with statutory requirements for the time being in force, the Trustees being treated as the directors mentioned in such requirements.

NOTICES

- 16.1 A notice may be served by the Association upon any member, either personally or by sending it through the post in a prepaid letter, addressed to such member at his registered address as appearing in the register of members.
- 16.2 Any member described in the register of members by an address not within the United Kingdom, who shall from time to time give the Association an address within the United Kingdom at which notices may be served upon him, shall be entitled to have notices served upon him at such address, but, save as aforesaid and as provided by the Act, only those members who are described in the register of members by an address within the United Kingdom shall be entitled to receive notices from the Association.
- 16.3 Any notice, if served by post, shall be deemed to have been served on the day following that on which the letter containing the same is put into the post, and in proving such service it shall be sufficient to prove that the letter containing the notice was properly addressed and put into the post as a prepaid letter.

DISSOLUTION

17. Clause 6 of the Memorandum of Association relating to the income and property of the Association and the winding up and dissolution of the Association shall have effect as if the provisions thereof were repeated in these articles.

INDEMNITY

18. Subject to the provisions of the Act but without prejudice to any indemnity to which a Trustee may otherwise be entitled, every Trustee or other officer or auditor of the Association shall be indemnified out of the assets of the Association against any liability incurred by him in defending any proceedings, whether civil or criminal, in which judgement is given in his favour or in which he is acquitted or in connection with any application in which relief is granted to him by the Court from liability for negligence, default, breach of duty or breach of trust in relation to the affairs of the Association.

Adopted on 6th November 2004