

# Dudley Dolphin BSAC Byelaws

Club/Branch Number 0857 of the British Sub-Aqua Club Adopted 19/03/2021

## Statement of purpose

Dudley Dolphin BSAC exists to promote enthusiasm and excitement for the safe sporting exploration of the underwater world. The name of the club shall be "DUDLEY DOLPHIN BSAC" and shall be an ordinary branch of the British Sub Aqua Club.

The purpose of the Club is to promote and provide facilities for the amateur sport of sub-aqua diving and snorkelling around Dudley in the West Midlands and Community Participation in the same.

The Club shall be organised and run on an amateur basis and shall be non-profit making

## 1. Scope

These Byelaws shall regulate the structure, administration and activities of Dudley Dolphin BSAC. These Byelaws are made in compliance with Article 85 of the Articles of Association of the British Sub-Aqua Club.

## 2. Membership

- i. Membership of the Club shall be open to anyone interested in the sport on application regardless of sex, age, disability, ethnicity, nationality, sexual orientation, religion or other beliefs, subject to a self-signed medical declaration or UKDMC endorsement of fitness, however age limits apply to taking part in activities For Scuba Diving the minimum age requirement is 10 years, and for Snorkelling 8 years.
  - a Diving Membership for under 12s is subject to:
    - i Being a relation of an existing member
    - ii Completing a BSAC Snorkelling Course
- ii. Any known medical issues must be declared and could be subject to further checks prior to membership being granted. Medical forms should be completed annually, however any changes to your medical health must be notified to the Diving Officer.
- iii. The Club will keep subscriptions at levels that will not pose a significant obstacle to people participating.
- iv. Limitations on membership number and types according to available equipment, building or event capacity is allowable on a non-discriminatory basis.
- v. Applicants wishing to join as qualified divers or snorkelers, must satisfy the relevant diving/snorkelling officer as to their ability by either written proof i.e. qualification record, or by undertaking part, or all, of the BSAC tests. They may be asked to demonstrate their skill set with an appointed instructor.

- vi. The Club may have different classes of membership and subscription provided that those arrangements do not discriminate subject to a characteristic outlined in Section 1, clause (i).
- vii. The Committee may refuse, restrict, or remove membership for good reason such as conduct or character likely to bring the club, or BSAC, into disrepute. Appeal against refusal must be made in the first instance in writing to the committee.
- viii. Membership data will be held and managed with due regard for existing data protection regulations and legislation. Data will not be shared with other agencies unless legally required or in case of emergency.
- ix. The right to vote at the club/branch meeting shall be restricted to adult members who have a current membership. A membership has expired once the anniversary of their last paid renewal has passed or following a lapse in regular instalment payments

### 3. Management

A Branch shall adopt Bye-laws not in conflict with the Memorandum and Articles of Association of BSAC in such form as such Branch may approve which provide for:

- A) The management of the Branch which shall be vested in a committee (of which the majority shall be 18 years of age or over):-

In the case of an Ordinary or a Snorkelling Branch elected and consisting of at least 5 members of which the officers shall be Chairman, Secretary, Diving Officer, and Treasurer.

In the case of a Special Branch in a committee of which the officers shall be Chairman, Secretary, Treasurer and Diving Officer.

- B) An Annual General Meeting of the Branch and the Business thereof.
- C) The dissolution of the Branch.
- D) The suspension of Branch members from taking part in the activities of the Branch subject to a right of appeal to the members of the Branch in general meeting.
- E) Other matters as necessary for the proper management of Branch affairs.

### 4. Annual General Meeting

- i. The Annual General Meeting of the club/branch shall be held between 15<sup>th</sup> October and 15<sup>th</sup> January. Notice of the meeting and the agenda shall be provided to all voting members of the club at least 4 weeks before the meeting.
- ii. The Treasurer shall present to the Annual General Meeting an annual review of accounts, which shall have been audited by two adult members of the committee.

- iii. The Notice shall identify those members of the committee who are standing again and shall request nominations for Officers and the committee. Committee members standing again shall be deemed to have been nominated by the committee.
- iv. Information about any of the roles open for nomination can be obtained from the Secretary upon request.
- v. To be valid, nominations not deemed to have been made by the committee must be [a] delivered to the Secretary in writing at least fourteen (14) days before the meeting, [b] seconded and [c] endorsed by the Nominee to the effect that they are willing to accept the position if he is elected.
- vi. The Officers and other members of the committee shall be elected at the meeting by a count of votes. If a nominee stands unopposed, they shall be deemed to have been elected.
- vii. The notice of the meeting shall also include the text of any motion proposed by the committee as a whole. Any member may propose amendments to such motions and may make any further motion for consideration at the meeting. Such amendments and further motions must be proposed and seconded in writing and delivered to the Secretary not less than fourteen (14) days before the meeting.
- viii. Any eligible member may nominate a proxy voter with not less than fourteen (14) days' notice of the AGM in writing to the Secretary. No member may hold more than 3 total votes including their own. Only members may act as proxies.
- ix. The outcome of any vote at a General Meeting takes precedence over any vote of the committee taken previously or subsequently, except where said vote would violate existing Byelaws.
- x. Any vote which would modify or contradict any existing Byelaw must explicitly reference the Byelaw to be changed.

## **5. Special General Meetings**

- i. Any General Meeting of the Branch other than the Annual General Meeting shall be known as a Special General Meeting.
- ii. The committee may call a Special General Meeting at any time upon giving not less than fourteen (14) days written notice to all paid-up members. The notice shall state the reasons for the meeting and shall include the text of any motion proposed for consideration. Amendments to such motion may be proposed at the meeting.
- iii. The committee shall call a Special General Meeting upon receipt of a request to do so signed by not less than 30% paid-up members, provided that the request states the reason and contains the text of at least one motion proposed for consideration. The provisions of the preceding paragraph shall apply with regard to conduct of the meeting.

- iv. The business of a Special General Meeting shall be that for which it was called and no other.
- v. The provisions of Byelaws 4 (vi) and (vii) shall apply to Special General Meetings.

## 6. Voting

- i. Voting on any motion at a General Meeting shall be by show of hands or by ballot, as the Chairman may decide, and motions shall be carried by the votes of a simple majority of voting members present.
- ii. A motion to alter these Byelaws shall only be carried by a simple majority of votes cast by the members of the Branch entitled to vote at General Meetings. Such motion may be voted upon in any General Meeting whether held in person or electronically.

## 7. Committee

- i. The committee shall have the power to fill any vacancy amongst the officers of the club/branch or amongst the rest of the committee's membership which occurs during their term of office, and any person newly appointed to the committee to fill such vacancy shall become a full voting member thereof.
- ii. An appointed committee member should take their position upon election and remain until their successors have been elected unless due to resignation or their removal on disciplinary grounds.
- iii. A simple majority of voting committee members shall form a quorum for a meeting; provided, however, no quorum shall be formed without the presence of two of either the Chairman, or the Secretary, or the Treasurer or the Diving Officer.
- iv. The committee shall include at least four qualified diving members.
- v. The committee may adopt no resolution unless:
  - a. It has the votes of a simple majority of those members present and entitled to vote, and
  - b. The number of such votes is at least equal to a simple majority of the number of members required to open the meeting at which the resolution is proposed.
- vi. No member shall be entitled to vote on a matter in which they have a conflict of interest, and they shall withdraw from any meeting during the period of discussion of such interest.
- vii. Any Officer shall have the power to require the Secretary to call a meeting of the Committee at any time.
- viii. No meeting may be called with the intention of excluding Officers or other committee members otherwise entitled to attend, except for disciplinary purposes.
- ix. The committee is empowered to make adjustments and decisions relating to

relevant rates, costs, rental fees, expenditures and reimbursements at their discretion, where such decisions are taken by a majority of the committee in the interests of the club.

- x. The Committee is empowered to make decisions about the day-to-day running of the club, rules and policy.
- xi. The property and funds of the Club cannot be used for the direct or indirect private benefit of members except as defined below. The Club may provide sporting and related social facilities, sporting equipment, coaching, courses, insurance cover, medical treatment, away expenses, post event refreshments and other ordinary benefits of Community Amateur Sports Clubs.
- xii. All surplus income or profits must be reinvested in the Club or its activities.
- xiii. The Committee may only take decisions which are consistent with the statutory requirements, as defined by The Community Amateur Sports Club Regulations. Any rule or decision which contradict these Regulations is rendered void.
- xiv. The Chairperson will have a casting vote only in all meetings of the Committee, or Annual General Meetings and Special General Meetings of the club.
- xv. The role and conduct of the Committee should reflect the spirit and responsibilities outlined in the BSAC Branch Officer' Handbook.

## 8. Branch Activities

- i. At the discretion of the Diving Officer, club/branch diving and open-water training activities shall be open to members of other club/branches and to guests.
- ii. Child safeguarding will be managed in accordance with the content of the BSAC 'Buddy guard' Policy and its associated appendices.
- iii. Club members may use club/branch equipment for training and club diving. If a member damages or loses club/branch equipment the Committee may charge that member the cost of repairing or replacing it.
- iv. All club/branch diving and open-water training is subject to the terms of the BSAC Safe Diving Guide regardless of any permissions granted by the Diving Officer or the nominated deputy.
  - a. Any lapses in Safe Diving conduct as defined by BSAC shall be reportable to the Diving Officer or their designated deputy at the earliest opportunity.
  - b. Any incidents or accidents which have, or could foreseeably have, resulted in serious injury or illness shall be reported to the Diving Officer or their nominated deputy immediately.
  - c. An incident report must be completed for any incident where actual injury or illness occur during Club activity.

- v. Any Club diving or organised trips will be subject, where deemed necessary at the discretion of the Treasurer, to specific payment requirements. This may include but is not limited to:
- Non-refundable deposits to secure places
  - Scheduled instalment arrangements for payments
  - Individual payment plans (with Committee consent)
- vi. Where a member is removed from the club, withdraws from a trip, or permission to attend a trip is refused on disciplinary or other grounds as outlined in the club rules, payment-to-date may be forfeit unless another member is able to attend and make payment in full.
- vii. Where pool/sheltered water training occurs, a Pool Marshall/Lifeguard shall be appointed by the Training Officer or Diving Officer. Such person should be a qualified lifeguard or Sports Diver or above. The Pool Marshall/ Lifeguard is to be responsible for the enforcement of pool and club rules. The Pool Marshall should not substantially participate in instruction or training.
- viii. All instruction shall be organised and delivered by the Training Officer, who is responsible to the Diving Officer. They may delegate their authority to suitably qualified persons who may take charge of training sessions.
- ix. The training programme shall be according to the BSAC scheme currently in operation.
- x. Only suitably qualified persons, as deemed by the Diving Officer, may pilot any club vessel.
- xi. Diving may not take place at Lodge Farm Reservoir unless at a time approved by the Committee, and with a suitable Dive Manager and manned safety vessel present. Diving at Lodge Farm Reservoir is permitted only from the confines of Dudley Watersports Centre.
- a. The permissions granted by the committee are subject to Lease arrangements between Dudley Watersports Centre Ltd. and Dudley Metropolitan Borough Council.
  - b. It is the responsibility of the Committee to ensure any permissions correspond to existing Lease arrangements.
- xii. Members are expected to behave in a way that is not harmful or disruptive to the best interests of the club, or to other members. The club will not tolerate behaviour comprising of (but not limited to) the following recognised examples of a serious breach of club rules:
- acts of bullying
  - threatening behaviour
  - harassment – sexual or otherwise

- physical / verbal abuse
  - theft
  - failure to comply with BSAC Safe Diving guidance
- xiii. Disciplinary matters are to be managed in accordance with the Disciplinary procedure as ratified at the 2017 Annual General Meeting. **See Appendix 1.**
- xiv. Concerns relating to conduct, discrimination, abuse, or any other matter may be raised formally by any member in accordance with the Complaints procedure. **See Appendix 2.**
- a. Committee members will be required to absent themselves from any discussions wherein they are named as a subject of a complaint, except where the complaint relates to general governance involving the whole committee.
  - b. Complaints regarding the Secretary should be referred to the Chair.

## 9. Subscriptions

- i. Anyone joining or re-joining the club/branch shall pay the appropriate BSAC membership subscription and the club/branch subscription.
- ii. BSAC membership is mandatory for all Club members in order to satisfy insurance requirements.

## 10. Dissolution

- i. The club/branch may not be dissolved except pursuant to a vote taken at a General Meeting; provided, however, that dissolution may be put to a vote at an Annual General Meeting only if it appears on the agenda provided for in Byelaw 4(i).
- ii. A proposal to dissolve the club/branch shall be subject to ballot and, in order to be carried, it must receive the votes of 75% of the whole voting membership of the club/branch.
- iii. After settling all liabilities of the Club, the Committee shall dispose of the net assets remaining to one or more of the following:
  - a To another club with similar sport purposes which is a registered charity, and/or
  - b To another club with similar sport purposes which is a registered CASC, and/or
  - c To the club's governing body for use by them for related community sports.

## 11. Amendment

- i. These Bye-laws may only be amended at a General Meeting in accordance with the affirmative votes of a majority of those voting members of the club/branch who are present at the meeting.

- ii. Notwithstanding anything to the contrary contained in these Byelaws, no amendment may be made to this Byelaw or to Byelaws 3, 11 and 12, unless prior to the meeting at which such amendment is proposed, an Officer or the Chief Executive of the British Sub-Aqua Club shall have notified the Branch in writing of the British Sub-Aqua Club's approval of the subject and text thereof.

## **12. British Sub-Aqua Club Rules**

These Byelaws are made in compliance with Article 85 of the Articles of Association of the British Sub-Aqua Club, shall be subject to the provisions and requirements of that Rule, and shall only be valid to the extent that they are not in conflict with the said provisions and requirements or with those of the Articles of Association of the British Sub-Aqua Club.

This document should be read concurrently with:

BSAC Buddyguard Policy

BSAC Safe Diving Guidance

BSAC Branch Officers' Handbook

Dudley Dolphin disciplinary procedure (ratified at AGM 2017), appendix 1

Dudley Dolphin complaints procedure (ratified at AGM 2017), appendix 2



## Appendix 1

### Dudley Dolphin Discipline Procedure

All members of Dudley Dolphin are expected to conduct themselves in a manner that is consistent with being a member of the club. Members should not engage in any action that contravenes the standards expected by BSAC training, safe diving, safeguarding or other policies or would adversely affect other members or bring the name of Dudley Dolphin into disrepute. Appropriate conduct by all members should ensure that the following policy does not require to be called into action.

From time to time, Branch Committees may have the unenviable task of disciplining members. Members may have to be disciplined if they are considered to have committed serious or persistent breaches of Club rules.

At the first signs of unacceptable behaviour, an appropriate Branch Officer (Chairperson, Diving Officer, Training Officer or Welfare Officer) dependant on the breach, should take the member(s) to one side for a 'quiet word' – to explain why the behaviour is unacceptable, how it should be corrected and a warning as to what may happen if it is not. (Note: all members have a duty to remind others whenever their behaviour is considered unacceptable)

If this does not work, or the breach is of a serious nature, the member(s) involved should be called before the Branch Committee to explain their actions. The Committee will then decide what action should be taken.

Dependant on the nature of the breach the following procedures will apply:

- a. Verbal warning, recorded on committee minutes and valid for a period of no less than 3 months, and no more than 6 months and/or withdrawal of the use of club, including social media, equipment, training and all other club facilities\*\*.
- b. Written warning, recorded on committee minutes, and valid for a period of no less than 6 months and no more than 12 months and / or withdrawal of the use of the facilities detailed above marked \*\*
- c. Suspension from the club during the investigation into any allegations, during which the withdrawal of the facilities marked \*\* will also apply. In addition, you will be excluded from visiting club premises either as a member or visitor in any capacity.
- d. Exclusion by Declining Membership Renewal: The processes for disciplining members described above apply during the currency of a member's Branch membership. Should BSAC and Branch membership of someone who is undergoing disciplinary action be close to its expiry date, the Branch has the option of declining to accept their membership renewal.
- e. As a last resort, and for behaviour deemed to be gross misconduct, exclusion from the Branch. This will only be in the event of persistent or very serious breach of behaviour or safe practices.

Exclusion includes the withdrawal of all facilities listed above \*\*, as well as permanent exclusion from club premises either as a member or visitor in any capacity.

- f. The decision to exclude a member is more serious and will only take effect on the majority vote
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of the Branch Committee.

Note: that Branch Bye-Laws may give the member the right of appeal in writing to the full committee: this right will not be denied.

If a decision is made to exclude a member, details of the member and the reasons for dismissal will be forwarded as soon as possible to BSAC Headquarters.

If a Branch believes the actions of the member are of such severity that the member might be excluded from membership of BSAC as well as the Branch, then full details should be forwarded to BSAC Headquarters for the matter to be placed before Council.

All disciplinary action will be recorded, and a copy kept on Branch record for a period of no less than 18 months.

## Appendix 2

It is acknowledged and accepted that there are occasions when members may wish to make a formal complaint regarding an issue which has directly affected them during their time spent at the club.

### **Dudley Dolphin BSAC Complaints Procedure**

1. Should you feel it necessary to lodge a complaint, please do so in writing to the club secretary, or emailed to the designated club email address - [dudleydolphinbsac@gmail.com](mailto:dudleydolphinbsac@gmail.com)
2. Email is acceptable; however Social Media or text message cannot be accepted.
3. The club secretary will, depending on the nature of the complaint,
  - notify the committee immediately that a complaint has been received.
  - acknowledge the letter of complaint in writing to the complainant within 7 days, providing dates of the next committee meeting at which the complaint will be presented and discussed.
  - Keep the complainant informed, in writing or by email of the status of the complaint and if necessary, invite the member to a committee meeting to present their complaint in person.
  - Take steps to initiate a timely investigation where appropriate, in discussion with the committee.
  - Inform the complainant in writing of the outcome of any investigation including the actions taken to prevent a reoccurrence.
4. If necessary, and to gain further information, the member(s) involved may be invited to the next committee meeting or if necessary, called before the Branch Committee to explain their actions. The Committee will then decide what action should be taken.

Any action taken will be in accordance with the disciplinary procedure.

All disciplinary action will be recorded, and a copy kept on Branch record.