Role Description

Judicial Panel and Appeals Panel Members – Legal

# Introduction

Swim England’s independent Judicial Panel provides members to hear Judicial Complaints through the Office of Judicial Administration made to Swim England alleging misconduct, maladministration or a breach of Swim England’s Regulations.

A committee of three Judicial Panel members hear each Complaint, take submissions and evidence from the parties to the Complaint, then publish a decision, together with any sanctions it determines should be imposed.

In addition to participation in hearings, Judicial Panel members may also be requested from time to time to mediate Complaints between parties at the discretion of Swim England’s Judicial Commissioner.

The Swim England Appeals Panel hears matters which have been appealed from the Judicial Panel level. Decisions by the Appeals Panel are final.

Presently, Swim England aims to hold mediations in person wherever possible, and hearings in person or over Zoom. Where a Panel member is required to travel to perform their duties, expenses may be paid subject to Swim England’s Expenses Policy.

The Judicial and Appeals Panels consist of a mix of individuals with a range of experience across the aquatics sports and law. At present, we are seeking in particular to appoint new legally qualified individuals to the Panels in order to complement those panel members with a non-legal background. Appointment to either panel is subject to approval by Swim England’s Judicial Management Group.

# Specific Responsibilities

1. To sit as a member of a Judicial or Appeals Committee to hear evidence and representations and to decide whether allegations brought before it should be upheld or not.
2. If any such allegation has been proved to the satisfaction of the Committee, to decide upon the appropriate sanction (if any).
3. To assist as necessary in the drafting and review of the decision of the Panel for publication, providing advice to panel members on the content, as required.
4. Ensuring that decisions are made in compliance with the Swim England Regulations and Model Constitution.
5. To determine to whom the decision is distributed to.
6. If so appointed to act as Mediator or expert in any dispute referred for determination by such means.
7. To make oneself available for a minimum of three weekend dates per year to participate in hearings or mediations.
8. To at all times proactively ensure that hearings are operated in accordance with natural justice.
9. Where relevant, to immediately declare any knowledge or past conduct which may cause a party to a Complaint to question the independence and impartiality of the Judicial or Appeals Committee.
10. To attend training and/or co-ordination or other relevant meetings as may reasonably be required.
11. To attend two out of four training opportunities, provided by Swim England, in a 12 month period

# The Candidate

## Essential Requirements:

1. To be and to be seen to be entirely impartial and without prejudice in determining issues strictly within the framework of the Swim England Judicial Regulations in force from time to time.
2. To be a current member of Swim England.
3. To have a reasonably comprehensive knowledge and understanding of the Regulations of one or more of the swimming disciplines within Swim England.
4. To understand the rules of natural justice and recognise how to apply such in the context of a judicial hearing.
5. To be able to give time as required (mainly at weekends and/or evenings) travelling to and attending in person or online, Panel or Arbitration Committee hearings, as Mediator or expert.
6. To be able to relate to and communicate with all those involved in such processes with understanding and insight into their situations and concerns.
7. To be able to assess the quality and quantity of evidence and argument brought before a Panel or Arbitration Committee in an open, practical and fair-minded way and to be decisive in conclusions.
8. To observe the fundamental objective of securing as expeditiously as possible a just outcome to all issues.
9. To hold a recognised legal qualification.

## Desirable:

1. A qualified solicitor or barrister in England and Wales.
2. Previous relevant experience in dispute resolution within any sport or in the context of employment.
3. Knowledge and understanding of any or all of the aquatics sports.
4. An understanding of the challenges faced by volunteers within sport.

# The Company

Swim England is striving to create a happier, healthier and more successful nation through swimming and aquatic activity. We strive to inspire everyone to enjoy the water in the way that suits them. As the recognised national governing body for swimming, artistic swimming, diving and water polo in England, we help people learn how to swim, enjoy the water safely, and compete in all our sports. Swim England is an incorporated organisation with charitable status. Volunteers form the backbone and heart of our Swim England family. They support our clubs, events and programmes across the country and they help ensure our aquatic sports grow and thrive. Our volunteers are our biggest asset and their contribution is invaluable. To find out more about volunteering for Swim England, please visit our volunteering page.