

# Sport England Complaints Procedure

Version: August 2017

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## Section one: Overview

### About this procedure

If you are dissatisfied with a service that Sport England has provided or feel we have treated you unfairly you may wish to make a complaint. This document sets out Sport England's complaints policy, explains how to make a complaint and tells you what you can expect from us if you do. A separate procedure sets out how to appeal against a Sport England funding decision.

### Guiding principles

1. We are committed to resolving complaints effectively and without undue delay. Wherever possible we will try to resolve complaints informally but if we can't we provide a clear escalation route that is fair and impartial.
2. If we have got something wrong we will apologise and take prompt action to put the matter right. If we can resolve your complaint by clarifying our position, or explaining our decision making process we will do so.
3. We will be open and honest and ensure that you are not disadvantaged in your future dealings with us as a result of your complaint.
4. We will respect your privacy and ensure that your complaint is treated confidentially.

### Complaints we can help with

You can ask us to consider a complaint:

- If you feel we have provided poor customer service or treated you unfairly
- If you feel we have failed to properly follow one of our procedures or policies (maladministration)
- If you feel we have not reached a decision properly (maladministration)
- If you feel we have not handled a request for information in accordance with the terms of the Freedom of Information Act 2000

In some circumstances we may be able to consider complaints about National Governing Bodies (NGBs) or other sports and other organisations that we fund:

- If there is a reasonable suggestion that a funded organisation has breached the terms of a funding agreement with us
- If there is a reasonable suggestion that a recognised NGB no longer meets the minimum requirement to be a recognised NGB

### Complaints we can't help with

Generally speaking we will not be able to consider your complaint:

- If you wish to make it anonymously
- If you wish to disagree with one of our published policies
- If you wish to disagree with wider government policy

- If you wish to disagree with a decision that was reached properly and in accordance with our policies and procedures
- If your complaint relates to a planning decision taken by a Local Planning Authority
- If your complaint is about an NGB or sports and other organisation unless your complaint calls into question the organisation's adherence to a funding agreement with us
- If your complaint is about an employment, membership or contractual dispute with an organisation we fund.

### Information about our role in the planning process

Sport England is a 'statutory consultee' which means that local councils must ask for our opinion whenever an application for a development affecting playing field land is made. More information about how we make decisions about developments on playing field land is available on our website at the following address:

<http://www.sportengland.org/facilities-planning/planning-for-sport/development-management/planning-applications/playing-field-land/>

Sport England has only a small role to play in the overall planning process and we are not responsible for determining the outcome of the planning applications we are consulted on. This means we will only be able to consider complaints about planning applications where you feel maladministration has taken place. For example if:

- You feel that there is evidence that we have not followed the principles set out in our Planning Policy Statement
- You feel that we have not considered information that is materially relevant to our decision, or given insufficient weight to information that is materially relevant to our decision
- You feel that we have considered information that is not relevant to our decision, or have given too much weight to irrelevant information.

Please bear in mind that you are not able to raise a complaint simply because you disagree with the merits of our decision, only if you feel that maladministration has taken place.

## Other sources of information and help

### The Citizen's Advice Bureau

If you need help making a complaint or raising a concern, the Citizen's Advice Bureau is available to provide free, independent and confidential advice.

The Citizen's Advice Bureau may also be able to help with membership and employment issues as well as contractual disputes with sports organisations.

Contact details for your local Citizen's Advice Bureau can be found on their website:

[www.citizensadvice.org.uk](http://www.citizensadvice.org.uk)

### Advisory, Conciliation and Arbitration Service (ACAS)

You may wish to contact ACAS for help and advice on resolving a workplace dispute with a sports organisation.

Phone: 0300 123 1100

Web: [www.acas.org.uk](http://www.acas.org.uk)

### Sport Resolutions

Sport Resolutions is the independent dispute resolution service for sport in the United Kingdom and can be contacted at:

1 Salisbury Square  
London  
EC4Y 8AE

Phone: 020 7036 1966

Web: [www.sportresolutions.co.uk](http://www.sportresolutions.co.uk)

### Department for Culture, Media and Sport (DCMS)

Comments about government policy on sport can be sent to DCMS at the following address:

100 Parliament Square  
London  
SW1A 2BQ

Web: [www.culture.gov.uk](http://www.culture.gov.uk)

### **The Child Protection in Sport Unit (CPSU)**

If you are concerned about the welfare of a child or young person the CPSU can provide help and advice. More information can be found on their website at

[www.thecpsu.org.uk/](http://www.thecpsu.org.uk/)

If you are worried that a child or young person is in immediate danger you should contact the police or local social services.

### **The Ann Craft Trust**

If you are concerned about the welfare of a vulnerable adult the Ann Craft Trust can provide help and advice. More information can be found at the following website:

<http://www.anncrafttrust.org/>.

If you are worried that a vulnerable adult is in immediate danger you should contact the police or local social services.

### **Local Planning Authorities**

Complaints about planning decisions should be directed to the relevant Local Planning Authority. You can find details of your Local Planning Authority at the following website:

[http://www.planningportal.gov.uk/wps/portal/genpub\\_Locallnformation?docRef=LocalInformation&scope=202&langid=0](http://www.planningportal.gov.uk/wps/portal/genpub_Locallnformation?docRef=LocalInformation&scope=202&langid=0)

## Section two: Complaints

### General information

- Complaints can be made in writing or, depending on the nature of your complaint, verbally
- We ask you to set out the reasons for your dissatisfaction clearly, provide copies of any background information you consider relevant and outline any action you think we could take to resolve the matter
- Complaints should be made within 90 days of the incident giving rise to your concern. We may, at our discretion consider complaints raised after 90 days if there has been an understandable reason for the delay
- If you make a complaint we will ask you to provide your name and contact details; we will only use this information for the purposes of handling your complaint and will not disclose it to anyone else
- We may need to contact other parties (without disclosing your identity) in order to properly investigate your complaint. If you do not wish us to do so you must tell us although we reserve the right to refer serious matters to relevant enforcement authorities at any time
- We will acknowledge your complaint within three working days and provide you with contact details for the member of staff looking in to the matter
- We will aim to provide a response as quickly as possible within twenty working days but if we need longer to consider your complaint we will explain why and tell you when you can expect to receive a response

If, at any stage, you are unclear about how to make a complaint and feel you need further advice you should contact our Information Governance and FOI Manager:

Sport England  
21 Bloomsbury Street  
1st Floor  
London  
WC1B 3HF  
Email: [foi@sportengland.org](mailto:foi@sportengland.org)

## Complaints about our actions

If, having read the sections above regarding our complaints policy, you decide to wish to raise a complaint about:

- Customer service or the way we have treated you
- Our failure to properly follow one of our procedures or policies
- Our failure to reach a decision properly

The following information sets out how we will handle your complaint and explains how we will seek to provide you with a satisfactory response.

### **Informal complaint**

We hope that most complaints can be settled quickly and as close to the source of the problem as possible. Therefore if you are dissatisfied with a service we have provided or any other aspect of our contact with you should initially contact the member of staff in question and ask them to help you to resolve the matter.

The member of staff will work with you to understand why you are dissatisfied and, if possible, take action to resolve the matter immediately and informally. If it becomes apparent that informal resolution will not be possible your complaint will be escalated for consideration as a formal complaint straightaway.

We recognise that there may be circumstances under which you might prefer not to contact the member of staff in question. In these cases you should contact the Information Governance and FOI Manager in the first instance.

### **Formal complaint**

If you remain dissatisfied after contacting the member of staff concerned you should write to the Head of Unit responsible for the matter in question. Details of the responsible Head of Unit will be provided by the member of staff who considered your complaint at stage one and can also be obtained from the Information Governance and FOI Manager.

The Head of Unit will look into your complaint personally. He or she will review the facts and consider any information you have provided us with. At the end of your formal complaint we will write to you to tell you the outcome and explain any action we propose to take.

### **Appeal**

If your complaint is still not resolved you can ask our Chief Executive to look into the matter.

The Chief Executive will review the facts, consider any information you have provided us with and also review our prior handling of your complaint. The Chief Executive may ask the Information Governance and FOI Manager and/or the Legal Services team to assist in reviewing your complaint.

After considering your appeal the Chief Executive will write to you to tell you the outcome and explain any action that we propose to take.

### **If you are still not satisfied**

The Parliamentary and Health Service Ombudsman (PHSO) can look into complaints if an individual believes there has been an injustice or hardship because Sport England has not acted properly or fairly or has given poor service and not put things right. The PHSO publishes extensive information about raising an issue with them on its website: [www.ombudsman.org.uk](http://www.ombudsman.org.uk).

Generally speaking, you will not be able to ask the PHSO to look into your complaint without the support of your MP. The PHSO will not be able to consider your complaint unless you have first exhausted the Sport England complaints procedure and has no powers to review the merits of a decision made by us.

In some circumstances you may be able to ask for a judicial review whereby a judge examines your complaint to determine whether we have acted lawfully. You should seek legal advice if you are considering requesting judicial review of your complaint.

## Complaints about an information request

### Formal complaint

As a public body Sport England is subject to the terms of the Freedom of Information Act 2000. The Act obliges us to handle and store information properly. It also obliges us to make information available to the public, both routinely and upon request unless there is a good reason not to.

If you request information from us and are unhappy with the service you receive or a decision to withhold information you can ask for an internal review. Internal reviews are carried out by our Principal In-House Solicitor and are usually completed within twenty working days.

The Principal In-House Solicitor will review the way we have handled your request and our reliance on any exemptions in the act impartially. At the end of the internal review the Principal In House Solicitor will write to you to tell you the outcome and explain any action we propose to take.

### Appeal

If you remain dissatisfied following the internal review you are entitled to ask the Information Commissioner to review the way we have handled your request. The Information Commissioner can be contacted at

The Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

If you are not satisfied with the Information Commissioner's decision in relation to your case you are entitled to appeal against this decision at an Information Tribunal.

## Complaints about sports and other organisations we fund

It is important to bear in mind that Sport England is not a regulator or arbitrator for the sports sector. We have no powers of investigation or enforcement and for this reason we are only able to consider complaints about sports and other organisations in very limited circumstances where:

- There is a reasonable suggestion that a sports or other organisation has breached the terms of an award agreement with us, or
- There is a reasonable suggestion that a Recognised NGB no longer meets the minimum criteria for recognition, and
- There is evidence that the complaint has been raised directly with the organisation in question and not resolved at this stage

Even then we have limited resources and this means that we can only consider those complaints that we believe, at our absolute discretion, to be the most serious based on:

- The value of our investment
- The seriousness of the allegation
- The number of individuals affected or potentially affected
- The likely ramifications for the sports sector in general

### Initial review

The Information Governance and FOI Manager will carry out an initial review to determine whether:

- Sport England should consider the complaint based on the criteria set out in this procedure, or
- The complaint should be referred to another public sector body for further consideration (for example the police or Child Protection Services), or
- Sport England has no basis to intervene and the matter should be referred to the sports or other organisation in question.

At the end of the initial review the Information Governance and FOI manager will write to you to explain the outcome, usually within ten working days.

### Formal complaint

In exceptional circumstances the initial review will result in Sport England deciding to consider the concerns you have raised about a sports organisation more fully. The Information Governance and FOI Manager will co-ordinate a review to look at the facts and consider any information you have provided.

Having considered your formal complaint the Information Governance and FOI Manager will write to you to tell you the outcome and to explain any action we propose to take.

### Appeal

If you are not satisfied with the outcome of your complaint you can write to the Chief Executive to request a review.

## What we expect from you

We understand that if you have a complaint you are likely to feel strongly about it. We also understand that you may feel angry, frustrated or upset by the circumstances that led to your complaint and that this may cause you to act in a way that is out of character. Nevertheless we expect you to be polite and courteous to our staff and we will not tolerate aggressive or abusive behaviour.

### Unreasonable complaints

In most cases complaints can be dealt with quickly and simply. However, in a minority of cases complaints are pursued in unreasonable and inappropriate ways. We have no choice but to take action to protect our staff where this is the case.

Unreasonable complaints are complaints that, because of the nature of the contact or frequency with which the complaint is pursued, hinder our ability to properly consider the matters at hand or place unwarranted demands on staff time. Unreasonable complaints may be justified grievances pursued in inappropriate ways, or they may be complaints which appear to have no substance, or which have already been fully investigated or responded to.

Appendix 4 sets out some examples of the actions and behaviours that may lead Sport England to deem a complaint unreasonable.

If we deem a complaint unreasonable we will take action that is proportionate to the nature and frequency of the complainant's contact with Sport England. Appendix 4 sets out some examples. The decision to apply measures to manage unreasonable complaints will be taken by an Executive Director. The complainant will be informed of the measures in writing.

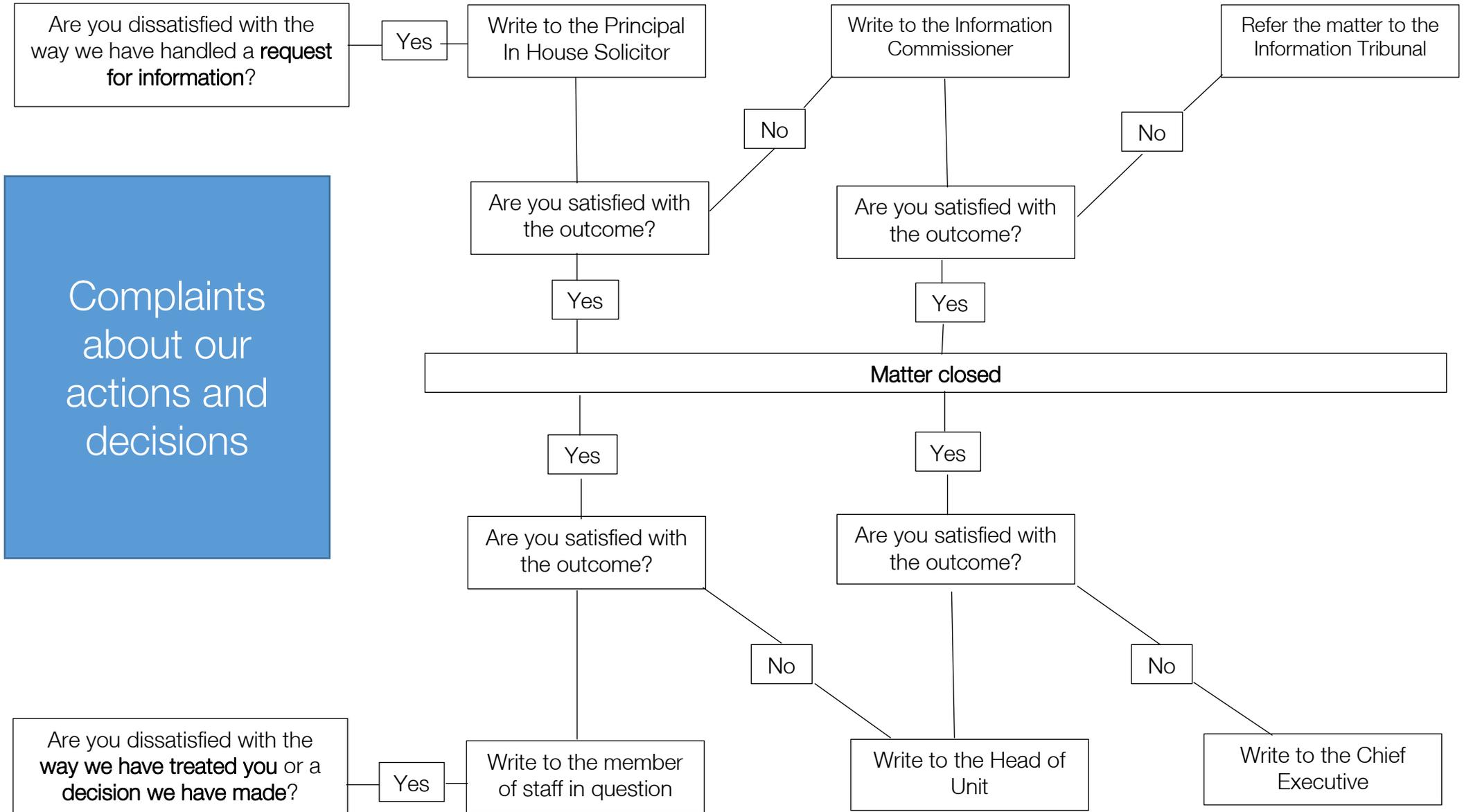
## Section three: appendices

1. An overview of the Sport England complaints and appeals procedure
2. Flowchart: complaints about our actions and decisions
3. Flowchart: complaints about organisations we fund
4. Examples of unreasonable complaints and actions

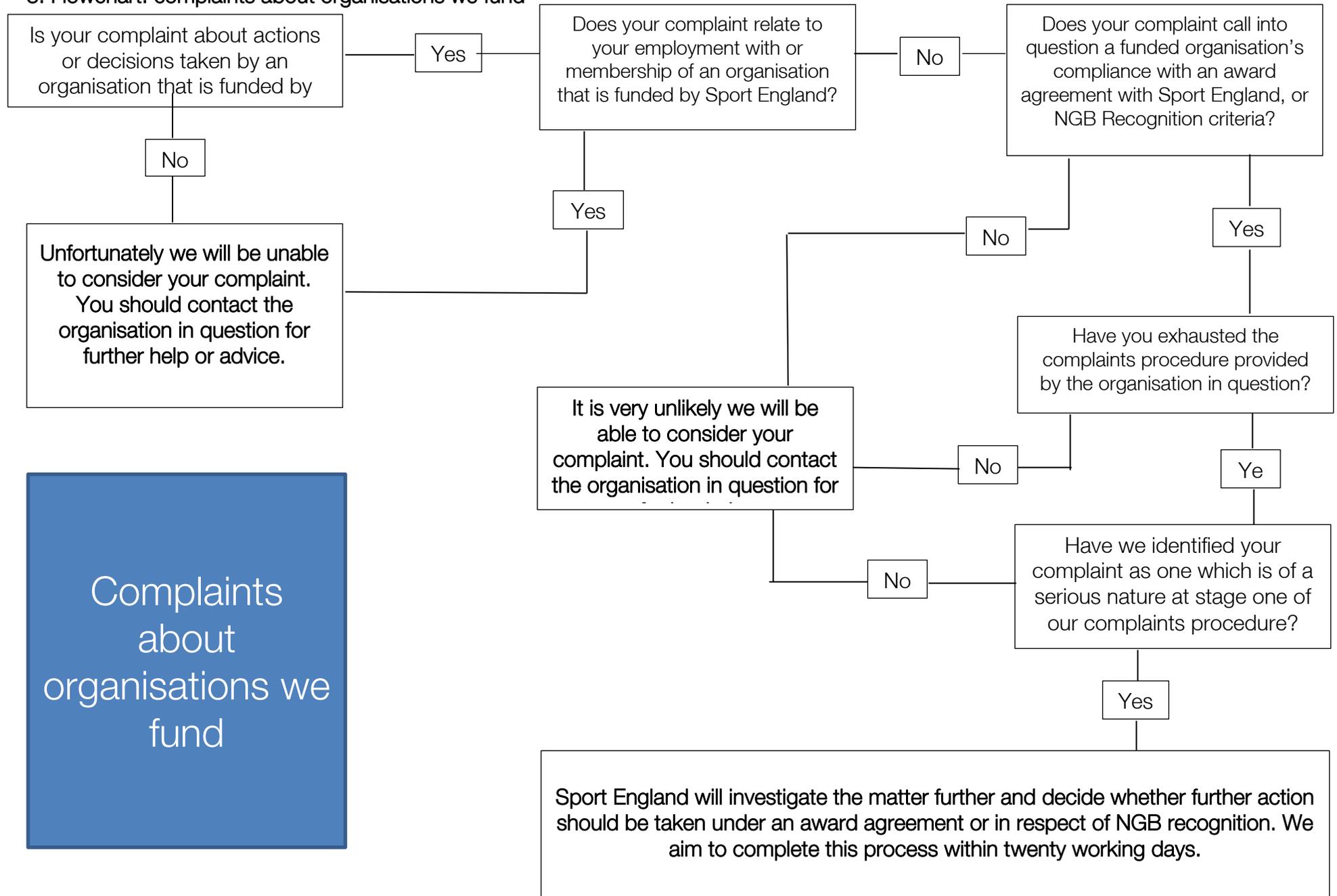
## 1. An overview of the Sport England Complaints and Appeals Procedure

			Informal complaint	Formal complaint	Appeal
Action or decision taken by Sport England	Non-funding decision / general complaint	Complaints concerning our handling of an <b>information request</b>	Write to the <b>Principal In House Solicitor</b> to request an internal review	Write to the <b>Information Commissioner's Office</b>	Raise the matter with the <b>Information Tribunal</b>
		<b>General complaints</b> concerning non-funding related matters	Write to the <b>member of staff</b> and ask them to resolve the complaint informally	Write to the <b>Head of Unit</b> and ask them to resolve the complaint formally	Write to the <b>Chief Executive</b> and ask them to review the complaint and our handling of it
	Funding decision	National Governing Body	Not applicable	Write to the Director of Sport within 21 days	Write to Sport Resolutions
		Other sports organisation	Not applicable	Write to the Appeals Adjudicator within 21 days	Write to the Independent Complaints Reviewer (Lottery Forum)
Action or decision by NGB or other funded organisation	Complaints concerning compliance with an <b>award agreement</b> or <b>recognised NGB criteria</b>	Write to the <b>Information Governance and FOI manager</b> to request an initial review	If applicable the <b>Information Governance and FOI manager</b> will co-ordinate a full review of the complaint	Write to the <b>Chief Executive</b> and ask them to review the complaint and our handling of it	
	Complaints concerning matters <b>not relating to award agreement terms</b> or <b>NGB recognition criteria</b>	We are not able to consider complaints of this nature. Please contact the organisation in question			

## 2. Flowchart: complaints about our actions and decisions



### 3. Flowchart: complaints about organisations we fund



#### 4. Examples of unreasonable complaints and actions

Here are some examples of the actions and behaviours that may lead Sport England to deem a complaint unreasonable:

- Refusing to specify the grounds of a complaint, despite offers of assistance from staff
- Refusing to co-operate with the complaints procedure while still wishing the complaint to be resolved
- Refusing to accept that some issues are not within the remit of our complaints procedure despite having been provided with the information
- Changing the basis of the complaint while the procedure is in process
- Introducing trivial or irrelevant new information or raising large numbers of detailed but unimportant questions and insisting they are all fully answered
- Adopting a 'scattergun approach': repeatedly contacting different members of staff with different information and/or questions, or pursuing a complaint simultaneously with a number of different public bodies
- Submitting a repeat complaint once the matter has been concluded or refusing to accept a decision and repeatedly arguing a point or complaining about the decision

If we deem a complaint unreasonable we will take action that is proportionate to the nature and frequency of the complainant's contact with Sport England which may include:

- Refusing to consider further, additional complaints about a matter currently under consideration
- Placing limits on telephone conversations or personal contact – for example by limiting telephone contact to one named member of staff
- By limiting the methods of contact available to the complainant – for example by limiting contact to written means only
- By refusing to consider matters that have already been comprehensively dealt with