

Sport England Complaints Procedure

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Section one: General information about complaints made to Sport England

About this procedure

If you are dissatisfied with the 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 and procedure, explains how to make a complaint, and tells you what you can expect from us if you do. A separate procedure, [Sport England funding appeals procedure - May 2022.pdf \(sportengland-production-files.s3.eu-west-2.amazonaws.com\)](https://sportengland-production-files.s3.eu-west-2.amazonaws.com/Sport%20England%20funding%20appeals%20procedure%20-%20May%202022.pdf) 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 have set out 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
- If you are unhappy about how we have used your personal information,

In exceptional circumstances (further details at *Complaints about organisations we fund* below) we might be able to consider complaints about National Governing Bodies (NGBs) or organisations that we fund.

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 challenge the outcome of a planning decision taken by a Local Planning Authority
- If your complaint is about a sport organisation that we do not have a funding relationship with
- If your complaint is about an NGB, or other organisation, unless your complaint calls into question the organisation's adherence to a funding agreement with us or its status as a recognised NGB
- If your complaint is about an employment, membership or contractual dispute with an organisation we fund.

Section two: Our complaints procedure

General information

- Complaints can be made to us in writing or, depending on the nature of your complaint, verbally
- We ask you to set out the reasons for your dissatisfaction clearly along with details of the person you dealt with at the relevant organisation, 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 calendar days of the incident giving rise to your concern. We may, at our discretion, consider complaints raised after 90 calendar 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 without your consent
- 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 into 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 Team at:

Sport England

SportPark

3 Oakwood Drive

Loughborough

Leicestershire

LE11 3QF

Email: foi@sportengland.org

Complaints about our actions¹

If, having read the sections above regarding our complaints policy, you decide you 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, 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.

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 Team in the first instance.

Formal complaint

If you remain dissatisfied after contacting the member of staff concerned, you should write to the Information Governance Team requesting a review by the Head of Department responsible for the matter in question.

The Head of Department will look into your complaint personally. They will review the facts and consider any information you have provided us with. At the end of your formal

¹ Please note the separate procedure below for complaints about our actions in respect to our role in the planning process.

complaint, we will write to you to tell you the outcome and explain any action we propose to take.

Appeal

If you are not satisfied with our response to your formal complaint, you should write to the Information Governance Team requesting a further review of the matter by the Chief Executive Officer.

The Chief Executive Officer might delegate the task of responding to your complaint to another member of the Executive Team.

The Chief Executive Officer (or delegated Executive Team member) will review the facts, consider any information you have provided to us, and also review our prior handling of your complaint.

The Information Governance Team and/or the Legal Services team may be asked to assist in reviewing your complaint.

After considering your appeal the Chief Executive Officer (or delegated Executive Team member) will write to you to tell you the outcome and explain any action that we propose to take.

Complaints about our actions: our role in the planning process

Sport England is a 'consultee' which means that local planning authorities are legally required to consult us before reaching a decision on a planning application for a development affecting playing field land. More information about how we make decisions about developments on playing field land is available on our website at the following address:

<https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport>

Sport England is a consultee in the planning process; we are not a determining body. The local planning authority is responsible for determining the outcome of a planning application on which we are consulted. This means we will only be able to consider complaints about planning applications where you feel maladministration by Sport England, in its capacity as a consultee, has taken place.

Please bear in mind that we will not be able to assist you if you are raising a complaint simply because you disagree with the merits of the decision made by the local planning authority, only if you feel that maladministration by Sport England in its capacity as a consultee on relevant planning applications has taken place.

We will handle complaints about our capacity as a consultee in the planning process as follows:

Informal complaint

You should initially contact the member of staff whose actions you are complaining about, stating that it is an informal complaint, 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.

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 Team in the first instance.

Formal complaint

If you remain dissatisfied after contacting the member of staff concerned, you should write to the Information Governance Team requesting a review by the Director of Planning.

The Director of Planning might delegate the task of responding to your complaint to a Principal Planning Manager, if this is appropriate. The Director of Planning (or delegated Principal Planning Manager) 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.

Complaints about organisations we fund

Sport England is not an appellate body or Ombudsman, neither are we a regulator or an arbitrator for the sports sector. We have no powers of investigation or enforcement and for this reason we are only able to consider whether we should intervene in complaints about sports and other organisations in very limited circumstances where:

Either

- There is a reasonable suggestion that an organisation has breached the terms of an award agreement with us or the Code for Sports Governance, 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 their complaints process has been exhausted.

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.

We handle complaints about organisations we fund as follows:

Initial review

The Information Governance Team will carry out an initial review to determine whether:

- Sport England has any basis to intervene and 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
- The matter should be referred to the sport or other organisation in question.

The Information Governance Team may consult with relevant parties within Sport England and/or the organisation complained about during this initial review. At the end of the initial review the Information Governance Team will write to you to explain the outcome, usually within twenty working days. Please note that it is in our absolute discretion as to whether we consider complaints about organisations that we fund and there is no right to a review.

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 Team will co-ordinate a review to look at the facts and consider any information you have provided.

Having considered the formal complaint, the Information Governance Team 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 the formal complaint you can write to the Information Governance Team to request a review by the Chief Executive Officer. As above, the Chief Executive Officer may delegate the task of responding to the complaint to another member of the Executive Team.

If you are still not satisfied following Sport England's complaints process

The Parliamentary and Health Service Ombudsman (PHSO) can look into complaints (whether they relate to planning matters or any other form of complaint referred to above) 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 or call 0345 015 4033.

The PHSO is independent of the Government and the civil service and has wide powers to investigate. The PHSO makes final decisions on complaints that have not been resolved by the NHS, government departments and some other public organisations. The service is free for everyone.

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.

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 a judicial review of your complaint.

Complaints about information requests

Internal review

As a public body Sport England is subject to the terms of the Freedom of Information Act 2000 and the Environmental Information Regulations 2004. These pieces of legislation oblige us to handle and store information properly. They also oblige us to make information available to the public, both routinely and upon request unless there is a good reason not to. More information on FOI and EIR requests can be found on the [Information Commissioner's Office website](#)

A link to Sport England's Publication Scheme can be found on [our website](#).

If you request information from us and are unhappy with the service you receive, or with a decision to withhold information, you can contact the Information Governance Team to ask for an internal review. Internal reviews are carried out by a lawyer from our Legal Services team or, in appropriate circumstances, the Information Governance Manager² and are usually completed within twenty working days.

The lawyer will review impartially the way we have handled your request and our reliance on any exemptions in the relevant legislation. At the end of the internal review the lawyer will write to you to tell you the outcome and explain any action Sport England propose to take.

Information Commissioner's Office

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

0303 123 1113

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.

² Where the primary decision has not been made by the Information Governance Manager

Complaints about the way we have handled your data

Sport England is subject to the UK GDPR and the Data Protection Act 2018 which gives data subjects rights in relation to their personal data.

If you have a complaint about how we have handled your data or a data subject access request, you can complain to our Data Protection Officer (DPO) in the following ways:

- Email: dpo@sportengland.org
- Post: Sport England, SportPark, 3 Oakwood Drive, Loughborough Leicestershire LE11 3QF

When you contact us, please provide as much detail as possible about your complaint. This will help us to understand the issue and investigate it thoroughly.

We will acknowledge receipt of your complaint within 30 calendar days. We will then investigate your complaint and endeavour to provide you with a full response without undue delay but within 3 months.

Throughout the process, we will:

- Request any additional information we may need from you in a timely and proportionate manner.
- Keep you informed of our progress.
- Provide you with a clear and comprehensive outcome of our investigation.

If you are not satisfied with the outcome of your complaint, or if you feel we have not handled it appropriately, you have the right to complain to the Information Commissioner's Office (ICO). The ICO is the UK's independent regulator for data protection and information rights.

You can contact the ICO in the following ways:

- Email: icocasework@ico.org.uk
- Post: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF
- Phone: 0303 123 1113

For more information about the ICO and their complaints process, you can visit their website at ico.org.uk.

Data Protection Notice

Any personal information you provide to us when making a complaint will be handled in accordance with UK GDPR obligations, our [Privacy Statement](#) and this supplemental notice. The lawful basis for collecting and processing your personal data will be our public task and we will use it to process your complaint and to communicate with you about it. We will process your personal data only for the purposes of managing your complaint or for the original business administration purpose for which it was collected. Your data will be retained for six years from the end of the financial year in which you have made your complaint.

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 1 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 1 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.

Accessibility

This procedure is available in an alternative accessible format on request. Please see Sport England's Accessibility Statement <https://www.sportengland.org/corporate-information/accessibility-statement>

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

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

The Equality Advisory and Support Service (EASS)

If you think you might have been discriminated against or treated unfairly and want further advice, you can contact EASS. They are an independent advice service, not operated by the Equality and Human Rights Commission.

Phone: 0808 800 0082

Web: www.equalityadvisoryservice.com

Sport Resolutions

Sport Resolutions is an 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

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

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

<https://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:

<https://www.planningportal.co.uk>

Appendix 1

1. 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
- 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
- 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
- Limiting the methods of contact available to the complainant – for example by limiting contact to written means only
- Refusing to consider matters that have already been comprehensively dealt with