

# Sport England Complaints Procedure

This document sets out how you can complain about something done by:

- A. Sport England (including how you appeal against a funding decision) or
- B. A funded or recognised National Governing Body (NGB) or another organisation we fund.

We will keep all complaints confidential and will only involve as many personnel or external parties as necessary. If you make a complaint, we will treat you with respect, and we expect you to treat our staff in the same way. Making a complaint will not affect in any way the level of service you receive from us, for example if your complaint is with regard to a funding application your chances of getting a grant from us in the future will not be compromised.

# A. Complaining about something Sport England has done

## What can I complain about?

You can complain if you think that:

- ‘maladministration’ has taken place (for example, if we have delayed, made mistakes in or failed to follow the procedures in our application process);
- we have failed to give you access to information or have given you incorrect advice or information;
- we have not treated you politely; or
- we have discriminated against you or not treated you fairly.

## What can't I complain about?

You may be disappointed if we turn down your application for funding or reduce your funding and you may wish to appeal under any of the permissible grounds set out in this procedure.

You cannot complain about our published policies or any government policy. If you have any comments about our policies, or wish to report a fraud, please send these to our FOI and Data Protection Manager.

## Stage 1

If you are dissatisfied with any aspect of the service received, you should initially speak with the member of staff concerned. We hope that most complaints can be settled quickly and as close to the source of the problem as possible.

If you are dissatisfied with a funding decision we have made and would like to appeal (at Stage 2) you should note that there is a strict deadline of 21 days from the date you have been informed of the decision (Please refer to Stage 2 below)

## Stage 2

- (1) Funding decisions – You can appeal against a funding decision we have made - whether it is in relation to a new application you have made for funding, or it is in relation to our decision to reduce, stop or change the conditions applicable to an existing award agreement. To make an appeal, you must obtain an appeal form and

send it to Sport England's Appeals Adjudicator within 21 days of receiving the decision letter informing you of the outcome of your application of funding, or the changes made to your existing award agreement. You have grounds for an appeal if:

- you believe that we did not follow our procedures or that we did not reasonably apply our procedures
- you can show that we have misunderstood a significant part of your application or the material you have submitted to us relating to the reduction, termination or alteration of the conditions applicable to your existing award agreement;
- you can show that we did not take notice of relevant information
- you believe that the decision taken is irrational and/or disproportionate to any shortcomings in the application for funding or in relation to the breach of an award agreement.

It is unlikely that we will consider your appeal on any other grounds. An appeal may not seek to reargue the merits of the decision itself, only (in accordance with the foregoing grounds) the integrity of the decision-making process.

Your appeal will be considered by the Sport England's Appeals Adjudicator who will assess all of the available information in the light of your reasons for making the appeal. Their decision will be reviewed by the Strategic Lead for Lottery and Grants and as well as Sport England's Chief Operating Officer.

If your appeal is upheld then your funding application will be re-assessed by a new assessor and a new decision will be made by Sport England on the outcome of your application or in relation to the decommitment. You must accept that if your appeal is upheld and your application is re-assessed, this does not mean that an award will be offered automatically. If your appeal is denied then the appeals adjudicator will explain why.

Within three working days of receiving your appeal form we will write to you or phone you to say that we have received it. We will also tell you how you can contact the person who is dealing with your appeal and when you can expect a reply.

You will normally receive a reply to your appeal within 20 working days. If we cannot give a full reply in this time, we will tell you why and when you are likely to receive it. We may ask you to come to a meeting with us to discuss your appeal in more detail. This meeting would normally be held within 20 working days of us receiving your appeal. We would send you a written record of the meeting.

- (2) Freedom of Information requests – If you are dissatisfied with the way in which we have responded to a request for information you made under the Freedom of Information Act 2000 ('FOIA'), then you may ask the Principal In-house Solicitor to 'internally review' the matter. A response will be with you within 20 working days.
- (3) Any other matters - If you are dissatisfied with the response you received at Stage 1, you should request details of the head of unit responsible for the member of staff concerned. You should either write to or telephone the head of unit in which your complaint originated. You will receive an acknowledgment within 3 working days. We will aim to provide a full response within 20 working days. If we need more than 20 working days, we will write to you to explain why and will tell you when you can expect to receive a response. The head of unit will investigate your complaint personally.

We ask that you set out the facts as clearly as possible, in a logical order. Remember to include important details and dates where possible. We can give you information about how we will process your complaint. Our contact details are given in the 'Getting in touch' section set out below. If you need any help, you can contact your local citizens advice bureau (their contact details are in The Phone Book or at [www.citizensadvice.org.uk](http://www.citizensadvice.org.uk)).

### **Stage 3**

(1) Funding decisions – If you:

- have appealed against a funding decision and
- are not satisfied with the response at Stage 2,

then you can write to the Independent Complaints Reviewer (ICR), or where you are an NGB, Sport Resolutions. The grounds of appeal at Stage 3 are restricted as they are for Stage 2.

Both the ICR and Sport Resolutions are unbiased and hear both sides relating to the appeal. Neither the ICR nor Sport Resolutions are part of our organisation. Their investigations and recommendations are independent. There is no charge to the complainant for using the services of these bodies. The ICR (or Sport Resolutions if you are an NGB) will contact you within 5 working days of receipt of your complaint.

The ICR or Sport Resolutions may recommend ways for us to put things right, and how to prevent a similar situation in future. The ICR and Sport Resolutions (if you are an NGB) will report within three months, and usually more quickly. We will normally make any changes the ICR or Sport Resolutions recommends to our current procedures as quickly as possible.

In the case of an appeal by an NGB to Sport Resolutions, the appeal process to be followed is as set out in the Sport Resolutions Arbitration Rules ('the Rules'), a copy of which will be sent to the appealing NGB upon receipt by Sport Resolutions of its Notice of Appeal. Rule 3 of the Rules shall not apply to any appeal made under this Complaints Procedure. The Rules can also be viewed at <http://www.sportresolutions.co.uk/page.asp?section=56&sectionTitle=Arbitration>. In the case of any inconsistency between this Complaints Procedure and the Rules, then this Complaints Procedure shall prevail.

For the avoidance of doubt, an appeal to Sport Resolutions will be considered on the papers. However, the Panel may agree to hear evidence or legal or other submission in a specific case, where it believes that to be appropriate, including where good cause is shown for making an exception to the general rule. For example, where the appeal turns on a factual point that is in dispute and an oral hearing is considered necessary to enable the Panel to make a sound decision on that particular point. The Panel appointed by Sport Resolutions will consist of three individuals from the Sport Resolutions Panel of Arbitrators, with the Chair being legally qualified.

The ICR or Sport Resolutions cannot consider appeals that have not gone through the procedure set out in this document. If you want the ICR (or Sport Resolutions if you are an NGB) to consider your complaint, you must write to them, or send them an audio tape or CD, within four (4) weeks of receiving our reply at Stage 2.

The ICR or Sport Resolutions cannot reverse funding decisions or make comments or changes to our legal responsibilities and policies on awarding grants. To contact the ICR (or Sport Resolutions if you are an NGB) see 'Getting in touch' at the end of this document.

- (2) Freedom of Information Requests – If you are not satisfied with the response you have received from the Principal In-house Solicitor, you may wish to write to the Information Commissioner, whose details you can find at the end.
- (3) Any other matters - If you are not satisfied with the outcome of your complaint at Stage 2 and your complaint does not relate to a funding decision or a Freedom of Information request, you can write to the Chief Executive (Jennie Price) at:

Sport England  
3rd Floor Victoria House  
Bloomsbury Square  
London  
WC1B 4SE.

You will receive an acknowledgment within 3 working days. The Chief Executive will aim to provide a full response within 20 working days. If more than 20 working days

are required, the Chief Executive will write to you to explain why and will tell you when you can expect to receive a response. The Chief Executive may ask the FOI and Data Protection Manager (who also investigates complaints) and/or the Legal Services team to assist with investigating and reviewing your complaint.

A more detailed outline of the different routes for complaints about Sport England can be seen at **Appendix 1**.

## **Other ways to make a complaint**

### **The Parliamentary Ombudsman**

The Parliamentary and Health Service Ombudsman ("the Ombudsman") investigates complaints by members of the public who have suffered injustice because of maladministration by public organisations. By law, the Ombudsman is independent of the Government and the civil service, and has wide powers to investigate.

The Ombudsman does not normally investigate complaints if they have not been through our complaints procedures first. The Ombudsman's services are free.

### **Judicial review**

A judicial review is where a judge examines your complaint to see whether we have behaved illegally. The judge cannot rule that we must change a funding decision, but he or she can ask us to reconsider our decision.

### **Freedom of information**

Our publication scheme gives details of what information we make available to the public as a matter of course. We will extend the range of this list in the future, whenever it is possible for us to do so. If you want information that we do not include in our publication scheme, the Freedom of Information Act 2000 gives you the right to ask us for it. Under the Act, we must provide you with the information you ask for unless it is not covered by the Act (that is, it is 'exempt'). If the information you want is exempt, we have to tell you why.

If you do not agree with us, you should follow stages one and two of the procedures set out in this document. If you are still not satisfied, you may ask the Information Commissioner to review our decision.

You can get copies of our freedom of information policy and our publication scheme here or phoning 020 7273 1551.

To contact the Information Commissioner, see 'Getting in touch' at the end of this document.

### **Your personal information**

If you use our complaints procedure, you are agreeing that we can use any personal information you send us for purposes connected with your complaint. We may also give your personal information to other people and organisations if we have to do so by law or if you have given us permission.

### **Equal opportunities**

We are committed to equal opportunities and take complaints about discrimination seriously. We may use complaints about discrimination to review our policies and procedures. This is to make sure we treat everyone fairly. We will keep all information confidential.

### **Comments and suggestions**

We welcome comments and suggestions as these can help us improve our services. Please send any comments or suggestions to the Legal Services Team. The contact details are given in 'Getting in touch' at the end of this document.

## **Getting in touch**

Sport England  
3rd Floor Victoria House  
Bloomsbury Square  
London  
WC1B 4SE

[Contact us](#)

### **If you want to comment on any government policy on sport, contact:**

Department for Culture, Media and Sport  
2–4 Cockspur Street  
London  
SW1Y 5DH

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

Phone: 020 7211 6000 (general enquiries)

E-mail: [enquiries@culture.gsi.gov.uk](mailto:enquiries@culture.gsi.gov.uk)

## **Other contacts**

### **Independent Complaints Reviewer**

c/o Lottery Forum  
7 Holbein Place  
London  
SW1W 8NR

Phone: 020 7591 6038

Textphone: 020 7591 6255

Email: [katie.roberts@lotteryforum.org.uk](mailto:katie.roberts@lotteryforum.org.uk)

### **Sport Resolutions**

1 Salisbury Square  
London EC4Y 8AE

Phone: 020 7036 1966

E-mail: [resolve@sportresolutions.co.uk](mailto:resolve@sportresolutions.co.uk)

### **Parliamentary and Health Service Ombudsman**

Millbank Tower  
Millbank  
London  
SW1P 4QP

Helpline: 0345 015 4033

E-mail: [phso.enquiries@ombudsman.org.uk](mailto:phso.enquiries@ombudsman.org.uk)

### **The Information Commissioner**

Wycliffe House  
Water Lane  
Wilmslow

Cheshire  
SK9 5AF

Phone: 01625 545 700

Fax: 01625 524 510

E-mail: [mail@ico.gsi.gov.uk](mailto:mail@ico.gsi.gov.uk)

## **B. Complaining about something done by a funded or recognised National Governing Body (NGB) or by another organisation funded by Sport England**

Throughout the remainder of this document, the following bodies shall be referred to as 'Sporting Organisations':

- National Governing Bodies (NGB) that we fund under an Award Agreement and/or recognise as NGBs
- Any other organisation that we fund under an Award Agreement

### **What can I complain about?**

You can complain if you think that:

- an organisation is in breach of an Award Agreement that is in place between us and the organisation; and/or
- a Recognised NGB no longer meets the minimum requirements to be a recognised NGB ('the NGB Recognition Criteria')

### **What can't I complain about?**

We will only consider a complaint where it reasonably suggests that a Sporting Organisation has breached an Award Agreement it has with us and/or it suggests that a Recognised NGB no longer meets the Recognition Criteria. Any other matters will not be investigated by us. We will generally not consider any complaint that has not been previously raised with Sporting Organisation. We will ask you to explain what steps you have taken to raise and resolve the matter with the Sporting Organisation.

### **Initial Review**

Sport England would not normally intervene in a dispute between a Sporting Organisation and someone else. However, if you think that a Sporting Organisation has not followed the requirements of one of our Award Agreements and/or is a Recognised NGB which is no longer meeting the Recognition Criteria, then you should write to the FOI and Data Protection Manager. They will acknowledge your complaint within 3 working days and then undertake an Initial Review. The purpose of the Initial Review is to consider whether:

- Sport England should itself investigate the concerns more fully
- you and/or Sport England should refer the complaint to another public sector body which is better placed to consider the matter (eg. The Police, Child Protection Services) or
- you should go back to the Sporting Organisation with your concerns

Before conducting an initial review, we would usually want to know whether you have already raised your concerns with the Sporting Organisations and perhaps made a complaint under their own complaints process. In many cases, it would be appropriate for you to raise your concerns directly with the Sporting Organisation before raising them with us. At any time throughout the process, we may need to contact the Sporting Organisation to ask them to explain what their position is. If you do not want us to contact the Sporting Organisation as part of our process, then you must let us know why. .

A more detailed outline of the possible routes at the Initial Review stage can be found at

## **Appendix 2.**

At the conclusion of the Initial Review, the FOI and Data Protection Manager will write to you and explain which of the above routes will be followed. The FOI and Data Protection Manager may liaise with other staff as necessary and is required to seek the formal consent of a nominated member of our Executive team (excluding our Chief Executive) before you are notified of the route we will follow.

In some cases where the matter is referred to another public sector body, Sport England may still leave the complaint file open until the outcome of any investigation is known.

The Initial Review should only take 10 working days, however, in the event that more time is considered necessary then the FOI and Data Protection Manager will write to you to explain why and give you a revised deadline. Where very serious concerns have been reasonably raised about a Sport Organisation, the matter may be escalated to our Chief Executive and/or our Chair for them to provide input as deemed appropriate. It may also be necessary for Sport England to immediately invoke contractual remedies in accordance with the Award Agreement eg. suspension of award payments, until the matter has been fully investigated. Further, sometimes an immediate referral to an external organisation may be necessary eg. where the allegations suggest that a child is in immediate danger, the matter will immediately be referred the Police and/or Social Services.

If you consider that Sport England has not properly carried out its responsibilities in conducting the Initial Review then you may complain by writing to the Chief Executive. We will treat this as a Stage 3 Complaint against Sport England (see above).

## **Sport England investigation**

In exceptional circumstances, the Initial Review will result in Sport England conducting a more thorough investigation of the concerns you have raised. This may involve meeting with you and other interested parties to more fully understand the issues and the facts relating to your complaint. Minutes will be taken of such meetings and provided to attendees for the sake of clarity. At the beginning of the investigation, the FOI and Data Protection Manager (or other investigating officer) will let you know how long the investigation is likely to take and upon conclusion, will provide you with a letter including a summary of our findings and an outline of any next steps we would follow.

The FOI and Data Protection Manager will lead on and conduct the Sport England investigation except where the complaint relates to a non NGB Award Agreement (i.e. an Award Agreement with a Sporting Organisation that is not an NGB). Investigations relating to non NGB Award Agreements will be conducted by the Grants Management Team.

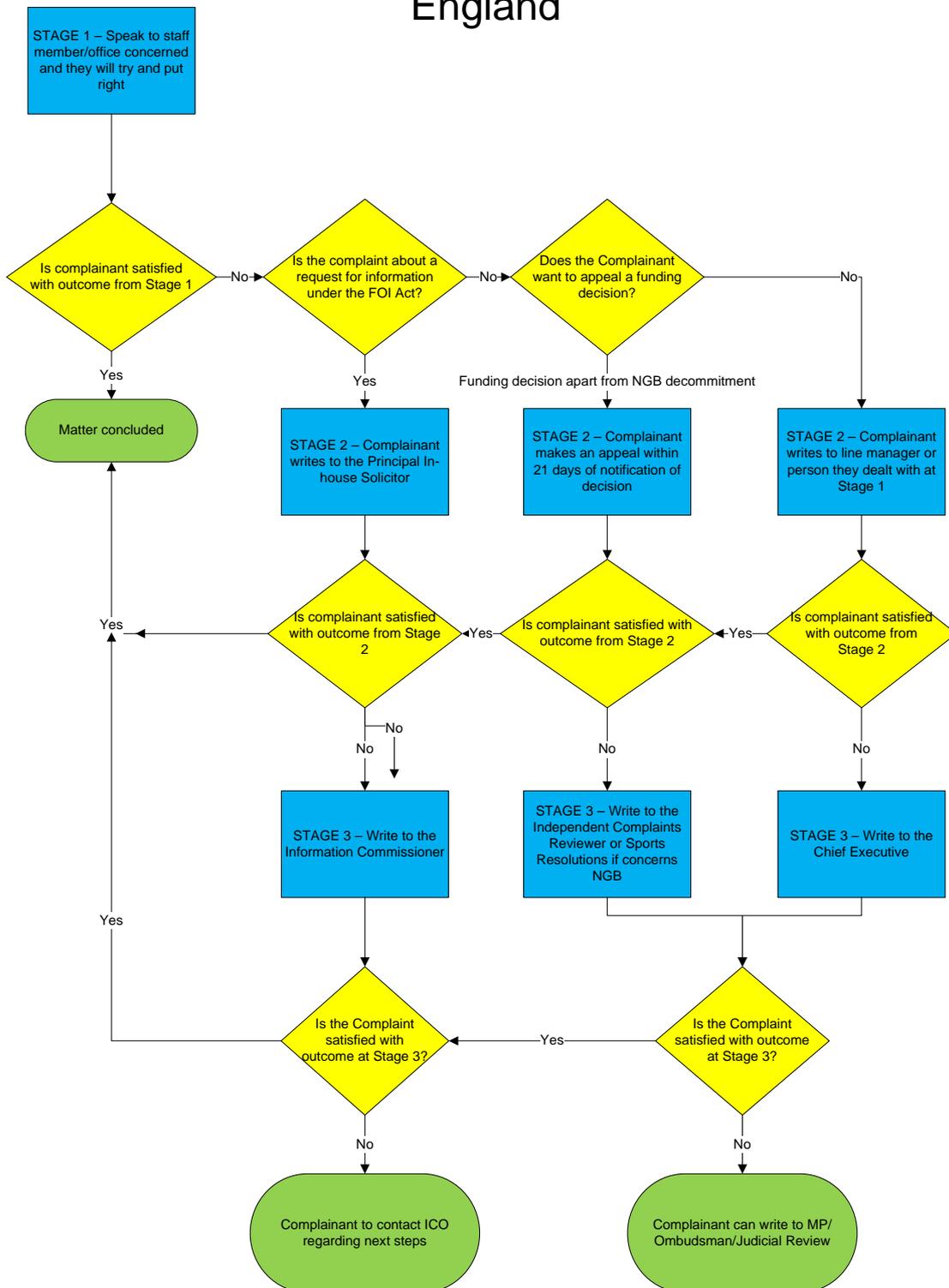
As with the Initial Review, the FOI and Data Protection Manager (or other investigating officer) will obtain the approval of the nominated member of our Executive team before writing to you and before implementing any follow up actions. In serious cases funding may be stopped or reduced in accordance with the remedies set out in Award Agreements and our Chief Executive and/or our Chair will be involved to a degree that is deemed appropriate.

If you consider that Sport England has not carried out its responsibilities in conducting the investigation then you may complain by writing to the Chief Executive. We will treat this as a Stage 3 Complaint against Sport England (see above).

Version 2

[DRAFT 18 October 2012]

# Appendix 1 Complaints about Sport England



## Appendix 2 Possible routes for complaints about funded organisations and/or recognised NGB

Issue	First contact	Second contact
Child protection concerns	Police or Social Services (if immediate concern that a child is at risk)	NGB Designated Safeguarding Officer (via CPSU website) or CPSU (if DSO not listed)
Criminal activity (including fraud)	Police	
Discrimination	NGB	Sporting Equals/Equality and Human Rights Commission
Condition of facilities	NGB	Facility operator (e.g. Local Authority, club etc)
Breach of rules or constitution	NGB	The NGB regulator (e.g. Financial Services Authority or Charities Commission)
Use or allocation of Sport England funding	NGB	Sport England - full investigation
Operational concerns (e.g. sporting risk or delivery failure)	NGB	Sport England – full investigation