

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
- We have discriminated against you, or not treated you fairly.

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.

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).

What can't I complain about?

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 (as set out above) the integrity of the decision-making process.

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.

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 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 fresh 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 provide an explanation.

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 have made under the Freedom of Information Act 2000 ('FOIA'), then you may ask the Principal In-house Solicitor to 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 three 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.

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 if you are an NGB to 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 will hear both sides relating to the appeal. Neither the ICR nor Sport Resolutions are part of our organisation and 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 five 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§ionTitle=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 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 three 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

Email: info@sportengland.org
Phone: 08458 508 508 (general enquiries)

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
Phone: 020 7211 6000 (general enquiries)
E-mail: 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

Sport Resolutions

1 Salisbury Square
London
EC4Y 8AE

Phone: 020 7036 1966
E-mail: 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

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

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 'Sports 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:

- A Sports 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')

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

Given limited resources, we can only investigate those complaints which we believe (in our absolute discretion) to be more serious based on the following considerations:

1. Value of our investment at stake
2. Number of individuals affected or potentially affected
3. Whether the complaint involves a serious allegation
4. Whether the issues have wide ramifications for the sports sector and/or are ones which Sport England would reasonably be expected to be interested in
5. Whether Sport England's reputation is seriously at risk.

What can't I complaint about?

We will routinely decline to consider complaints relating to the following:

- Employment disputes
- Membership disputes
- Commercial disputes (eg. debt collections)

unless such complaints involve circumstances that give rise to a serious breach of our award agreement or pose a serious risk to our investment.

Sport England would not normally intervene in a dispute between a Sports Organisation and a third party.

Initial Review

However, if after reading the above paragraphs of this Part B of the Complaints Procedures, you would still like to complain about a Sports Organisation, then you should write to the FOI and Data Protection Manager. They will acknowledge your complaint within three 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 based on the principles we have outlined above in this Part B
- 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)
- You should go back to the Sports Organisation with your concerns

Before conducting an initial review, we would usually want to know whether you have already raised your concerns with the Sports Organisation 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 Sports Organisation before raising them with us. At any time throughout the process, we may need to contact the Sports Organisation to ask them to explain what their position is. If you do not want us to contact the Sports 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 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 Sports 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 e.g. suspension of award payments, until the matter has been fully investigated. Further, sometimes an immediate referral to an external organisation may be necessary e.g. where the allegations suggest that a child is in immediate danger, the matter will immediately be referred to 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 Sports 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

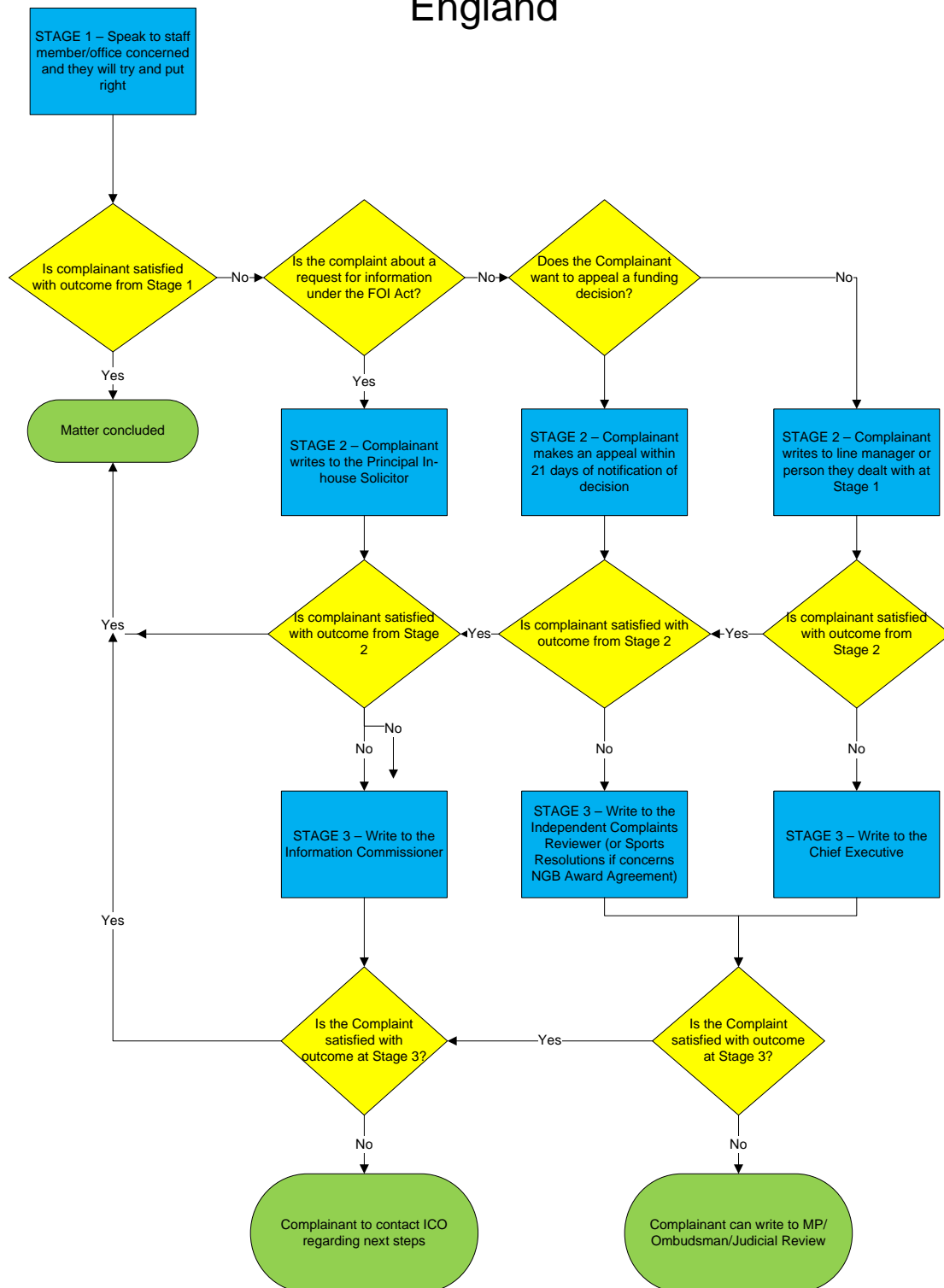
Agreements and our Chief Executive and/or our Chair will be involved to a degree that is deemed appropriate.

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).

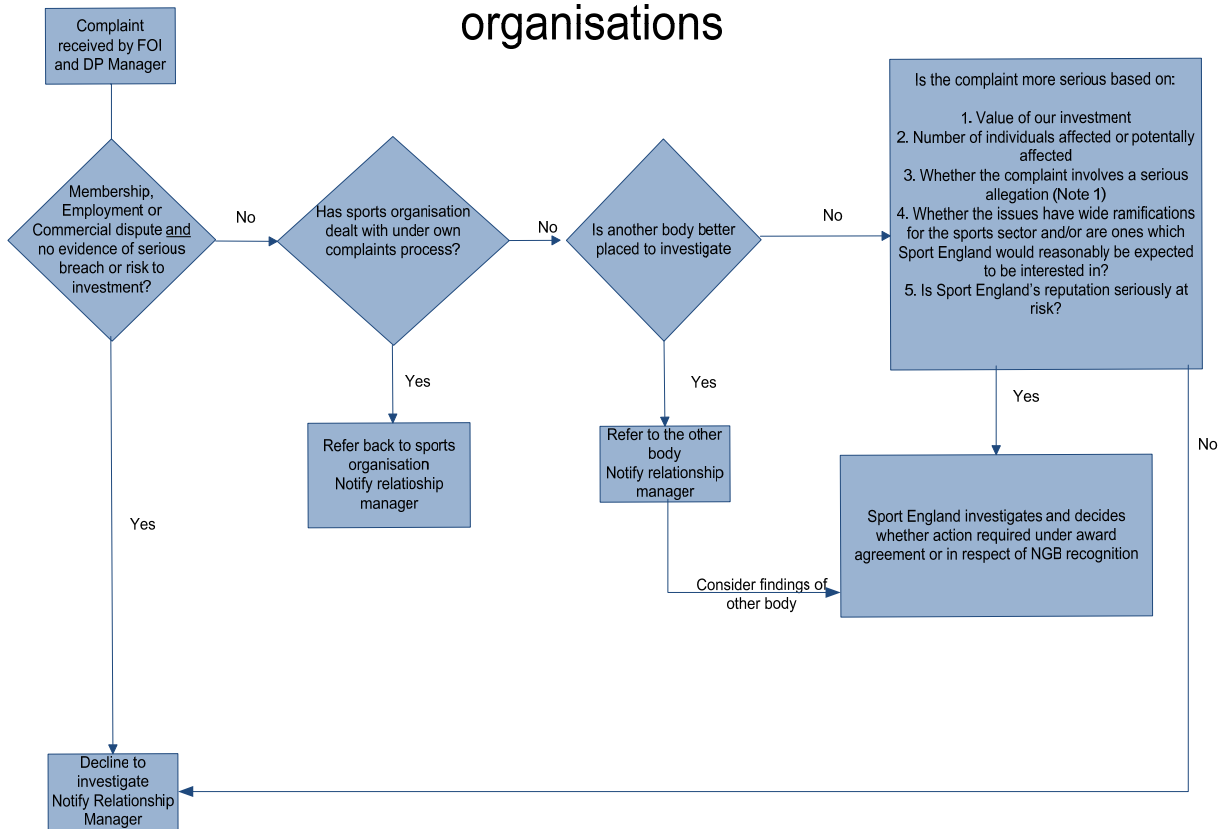
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Appendix 1 Complaints about Sport England



Appendix 2 Complaints about other organisations



Note 1 - For serious allegations it would be likely that another body would be investigating