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Swim England

Complaints Policy

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1. Policy Purpose

- 1.1. Swim England, as the national governing body for aquatics in England, is committed to providing the highest quality service to members and non-members. However, we do recognise that there may be occasions where we fall short of expectations and individuals may not be satisfied.
- 1.2. The purpose of this Complaints Policy (this '**Policy**') is to contribute to the effective and efficient operation of Swim England by providing a means of receiving and addressing complaints from individuals who are dissatisfied with a service that Swim England has provided. This Policy explains the process of how to make a complaint and what you can expect from us if you do.

2. What is a Complaint

- 2.1. For the purposes of this Policy, a complaint is an expression of dissatisfaction or concern with the action(s), apparent failings, decisions and/or behaviour of Swim England (and/or Swim England's staff or volunteers) in relation to services or activities provided by Swim England (a '**Complaint**').
- 2.2. Section 4 of this Policy (below) provides details of the Complaints that can be brought under this Policy.
- 2.3. Section 5 of this Policy (below) provides details of the Complaints Swim England will not be able to consider under this Policy.

3. General Principles

- 3.1. Swim England takes all Complaints it receives seriously and aims to provide a high quality and responsive service to our members, affiliated clubs, partners and the public. When we receive a Complaint we will:
 - 3.1.1. provide a clear and easy to follow complaints process;
 - 3.1.2. respond fairly and efficiently, in line with this Policy;
 - 3.1.3. handle all information sensitively and in line with data protection requirements;
 - 3.1.4. apologise if we have got something wrong and, where possible, act quickly to put it right; and
 - 3.1.5. monitor Complaints and learn from them.
- 3.2. We will accept Complaints from individuals under the age of 18, however, in certain circumstances, we may need to involve your parent or guardian to progress your Complaint.
- 3.3. Swim England staff and volunteers will conduct themselves in a courteous and responsive manner, listening to requests and concerns to advise what can be provided and in what manner. Where Swim England is not able to meet a request, we will let you know why and advise you of the most appropriate place to direct your request, seeking your permission to forward your email onto the relevant person or department and requesting that they progress the matter directly with you. We will treat all people with respect, on the basis of equal opportunities and free from discrimination, taking any necessary steps to accommodate reasonable requests, wherever practicable.

4. Complaints this Policy covers

- 4.1. This Policy applies to Complaints raised by Swim England members, volunteers, affiliated clubs and any other individuals who have dealings with Swim England.
- 4.2. You can complain to Swim England under this Policy if you think that Swim England has:
 - 4.2.1. provided you with poor customer service;
 - 4.2.2. treated you unfairly or has discriminated against you;
 - 4.2.3. failed to properly follow one of its own policies or procedures;
 - 4.2.4. not reached a decision within the scope of its jurisdiction properly; and/or
 - 4.2.5. failed to give you access to information which you are legally entitled to or has given you incorrect advice or information.

5. Complaints this Policy does not cover

- 5.1. Swim England will endeavour to resolve your Complaint and reach a satisfactory outcome where possible. However, there are some complaints that Swim England will not be able to consider under this Policy or that would be more appropriately dealt with under other Swim England policies (all of which are as amended from time to time)¹, including (but not limited to):
 - 5.1.1. child safeguarding and/or child welfare management concerns – concerns of this nature should be raised in accordance with ‘Wavepower, Swim England Child Safeguarding Policies and Procedures’;
 - 5.1.2. safeguarding concerns relating to adults at risk – such concerns should be raised under ‘Swim England Safeguarding Adults at Risk Policy’ or ‘Swim England Policy Protection of Vulnerable Adults’, as appropriate;
 - 5.1.3. complaints that should be raised pursuant to ‘Swim England’s Judicial Regulations for the Judicial System’;
 - 5.1.4. complaints in respect of the decisions of the ‘Independent Disciplinary and Dispute Resolution Panel’ or the ‘Independent Disciplinary and Dispute Resolution Appeal Panel’;
 - 5.1.5. complaints concerning matters or decisions of a club, body, organisation, association, County Association or region within the remit of the relevant constitution (including, for example, decisions on selection of teams, normal business of clubs, club membership, or by individuals acting on behalf of the relevant club, body, organisation, association, County Association or region, etc.) – such complaints should be made directly to the relevant club, body, organisation, association, County Association or region, following such process being exhausted (or without referral to such, where appropriate) matters may be progressed pursuant to ‘Swim England’s Judicial Regulations for the Judicial System’;

¹ Links to other Swim England policies are set out in section 12 of this Policy.

- 5.1.6. complaints against a member of Swim England that falls under the jurisdiction of British Swimming whether in England, Scotland, Wales or abroad – such complaints shall be dealt with by British Swimming;
- 5.1.7. whistleblowing or allegations of serious misconduct in respect of Swim England staff or volunteers that falls outside of any other Swim England policies – such issues will be raised under the ‘Swim England Policy Whistleblowing’;
- 5.1.8. complaints which have been concluded in accordance with another policy or complaints which have been investigated and resolved in accordance with this Policy; and/or
- 5.1.9. anonymous complaints – we will consider anonymous complaints, however, in the event that anonymity prevents us from investigating the matter appropriately then we reserve the right to advise that we are unable to accept such complaint.
- 5.2. In the event that you consider Swim England has failed to follow its procedures set out within 5.1.1 – 5.1.4, inclusive and 5.1.7, you may complain to the Swim England Board of Directors in accordance with Paragraph 7 of this Policy.
- 5.3. This Policy does not apply to complaints brought by Swim England employees relating to their employment by Swim England, whose complaints will be dealt with under the relevant internal policies/procedures.
- 5.4. Where a complaint is brought against a Swim England employee the complaint will be forwarded to Swim England’s People Development Department, who will deal with such complaint in accordance with the relevant employee disciplinary policy.
- 5.5. Where Swim England is unable to accept your complaint under this clause 5, we will advise you of why, explain the most appropriate policy for your matter to be addressed under (where relevant) and, with your permission, request that the relevant internal department initiate the appropriate process (save in the case of complaints raised under clause 5.16 above which will be redirected to British Swimming with a request that they progress the matter direct with you).

6. Resolution Procedure

6.1 Informal Complaint Resolution

- 6.1.1. An informal Complaint is one which we consider to be akin to a comment/recommendation/feedback for Swim England or relates to a minor issue that does not require a formal investigation or response. If you have an informal Complaint, then in the first instance the Swim England member of staff or volunteer who has responsibility for the work/service provided will look into your concerns, involving other colleagues where necessary. They will work with you to understand why you are dissatisfied and, if possible, act to resolve the matter immediately without need for a formal process to be initiated.
- 6.1.2. In the event the Complaint is resolved at the conclusion of the informal Complaints process, the Swim England staff member or volunteer who handled the Complaint will make a written note of the key details of the complaint (including the date of the complaint; who made it; the key facts and

the outcome) which will be retained by Swim England in accordance with our Data Protection Policy to enable a continual review of our processes and procedures. Feedback will be provided to the individual following the conclusion of the informal Complaints process.

6.2 Stage 1 – Formal Complaint Resolution

6.3.1. Where it has not been possible to achieve a resolution to a Complaint informally, or the Complaint is more complex and/or requires investigation and a formal response, the Complaint will be handled under our formal Complaint resolution process (i.e. Stage 1) of this Policy (a '**Formal Complaint**').

6.3.2. In order to submit a Formal Complaint under this Policy, the individual raising the Formal Complaint (the '**Complainant**') should provide Swim England with all relevant details as soon as possible after the incident giving rise to the Complaint and where possible within ninety (90) days of the incident giving rise to the Complaint. Whilst passage of time is not a barrier to raising a complaint Complainants should appreciate that historic complaints may be challenging to investigate and respond to.

6.3.3. In order to ensure that Swim England has sufficient information to progress your Complaint, we recommend using the Complaint Form at Appendix 1 of this Policy. Formal Complaints must be in writing and sent to:

- a) Email address: Legal@swimming.org; or
- b) Postal address: Swim England Legal Department, SportPark, 3 Oakwood Drive, Loughborough, Leicestershire, LE11 3QF.

6.3.4. Where a Formal Complaint is received by Swim England with incomplete information Swim England may request further detail from you prior to commencing the complaint process. If you require assistance in making your Complaint, please let us know by contacting the Swim England Legal Department at the details set out section 6.2.3 above.

6.3.5. Within ten (10) working days of receiving the Formal Complaint, the Swim England Legal Department shall notify the Complainant, in writing, if the Formal Complaint has been accepted or declined (the '**Acknowledgment**').

- a) If accepted, the Acknowledgment shall provide details of how the matter will be progressed including the indicative timeframe for a decision (see paragraphs 6.3.5 to 6.3.7 below).
- b) If accepted and the Formal Complaint relates to the procedures followed under Swim England's Whistleblowing, Judicial or Safeguarding Regulations, the Acknowledgment shall inform the individual that the matter has been referred to the Swim England Board of Directors.
- c) If declined, the Acknowledgment will provide an explanation as to why the Formal Complaint has been declined. Reasons for declining a Formal Complaint may include (but may not be limited to), the Complainant:
 - i. raising a complaint which cannot be dealt with under this Policy (see section 5 above);

- ii. not submitting enough information or evidence to warrant further action being taken, following a request to you for further information from Swim England; and/or
- iii. raising an allegation which does not relate to Swim England; and
- iv. raising an allegation which is persistent, repeated, frivolous or vexatious (see section 8 below).

6.3.6. If the Formal Complaint is accepted, following the provision of the Acknowledgment, a member of the Swim England Legal Department, or any other person who the Swim England Legal Department appoints as an alternative (the '**Investigating Officer**') will undertake an investigation of the matter to establish the facts of the case. As part of any investigation into a Complaint, in addition to evidence provided in the Formal Complaint, it may be necessary to obtain further evidence from the Complainant and other relevant individuals/witnesses. The Investigating Officer will endeavour to complete the investigation within twenty-five (25) working days from the provision of the Acknowledgment.

6.3.7. It is in the best interests of all parties concerned for a Formal Complaint that has been accepted to be adequately investigated. In this regard, a more complex Formal Complaint is likely to require more time to be investigated and a Complainant is requested to be patient and understanding in this respect. If the investigation cannot be completed within the timescale set out at paragraph 6.2.6 above due to a more complex investigation being required, an update will be provided to the Complainant with an expected completion date of the investigation.

6.3.8. Following such investigation, and within twenty-five (25) working days from the Acknowledgment, the Investigating Officer will provide his/her decision on the outcome of the Formal Complaint in writing, stating the reasons for the decision (the '**Decision**'). If the Decision cannot be completed within the timescale set out herein, an update will be provided to the Complainant with an expected date for the provision of the Decision.

6.4 Stage 2 – Appeal

6.4.1. Where the Complainant is unsatisfied with the Decision provided under Stage 1, there will be a right of appeal to Swim England (an '**Appeal**').

6.4.2. In order to submit an Appeal under this Policy, the individual raising the Appeal must submit a completed Appeal Form (set out at Appendix 2 to this Policy) where possible within ninety (90) days of the Complainant receiving the Decision. Whilst passage of time is not a barrier to raising a complaint Complainants should appreciate that historic complaints may be challenging to investigate and respond to. The Appeal Form should be marked for the attention of the Swim England Legal Department and sent to it via the details set out at paragraph 6.3.2 above.

6.4.3. When submitting an Appeal Form, the Complainant must provide details of the reasons why they are unsatisfied with the Decision. The Complainant shall refer to matters raised within the original Complaint and no 'new' information shall be provided at Appeal. If you require assistance in completing the Appeal Form, please let us know by contacting the Swim England Legal Department at the details set out section 6.2.3 above.

6.4.4. The Swim England Legal Department will then forward the Appeal to a member of Swim England's Senior Leadership Team, who has had no prior involvement in the Complaint (the '**Reviewing Officer**') for a formal and final decision.

6.4.5. The Reviewing Officer shall review the complaint decision, alongside any information provided by the Complainant as to why they are unsatisfied with the Decision. The Reviewing Officer may conduct further investigations at their discretion.

6.4.6. The following timescales apply under Stage 2 of this Policy:

- a) A formal acknowledgement of the Appeal will be sent to the Complainant within ten (10) working days of receipt of the Appeal Form.
- b) A formal decision on the outcome of the Appeal will be provided to the Complainant in writing within thirty (30) working days of receipt of the Appeal Form (the '**Appeal Decision**').

6.4.7. If the Appeal Decision cannot be provided within the timescale set out above due to a more complex review being required, an update will be provided to the Complainant with an expected completion date of the Appeal Decision.

6.4.8. The Reviewing Officer's Appeal Decision is final and binding and there will be no further right of appeal in respect of a Complaint made under this Policy.

6.4.9. Swim England reserves the right to close correspondence beyond an Appeal Decision, at their discretion.

7. Complaints Relating to Whistleblowing, Judicial or Safeguarding Procedures

7.1. In order to ensure that any Formal Complaint alleging that Swim England has failed to comply with the procedures under the Swim England Judicial or Safeguarding Regulations is dealt with independently of Swim England, such a Formal Complaint shall, upon receipt, be referred to the Senior Independent Non-Executive Member of the Swim England Board of Directors.

7.2. A Formal Complaint may not be made on the sole basis that the individual is disappointed with any outcome of a Judicial or Safeguarding process.

7.3. Consideration of such a Formal Complaint shall be in the form of a paper review to establish whether Swim England complied with the Swim England Whistleblowing Policy, Swim England Judicial or Safeguarding regulations. Such a review shall not assess the merits of the outcome of any Whistleblowing, Judicial or Safeguarding matter.

7.4 Procedure

7.4.1. Upon receiving a Formal Complaint under this section 7, the Legal Department will assess whether the Complainant has detailed the process which they believe has not been followed. The Legal Department will not assess the merits of that belief, but will only progress the matter to the Senior Independent Director if the Complainant has outlined the specific process or procedure which has not been followed.

- 7.4.2. Upon accepting a Formal Complaint under 7.4.1 above, the Swim England Legal Department shall refer the matter to the Senior Independent Non-Executive Member of the Swim England Board of Directors.
- 7.4.3. Within ten (10) working days, the Senior Independent Member shall appoint two (2) independent members of the Swim England Board of Directors, who may include the Senior Independent Director (the “**Board Reviewers**”), to review the Formal Complaint. The Complainant shall be informed of the Board Reviewers for their Formal Complaint.
- 7.4.4. The Board Reviewers will undertake a review of the matter to establish the facts of the case. As part of any review into a Complaint, the Board Reviewers shall consider the evidence provided in the Formal Complaint and documentation providing the outcome of the relevant matter. In addition, the Board Reviewers at their discretion may request copies of correspondence and additional documentation from Swim England and information from other individuals whom they deem relevant to the matter, in addition to evidence provided in the Formal Complaint. It may be necessary to obtain further information from the Complainant and other relevant individuals/witnesses, including Swim England employees. The Board Reviewers will endeavour to complete the review within twenty-five (25) working days from the date of their appointment.
- 7.4.5. It is in the best interests of all parties concerned for a Formal Complaint that has been accepted to be adequately reviewed. In this regard, a more complex Formal Complaint is likely to require more time to be reviewed and a Complainant is requested to be patient and understanding in this respect. If the review cannot be completed within the timescale set out at paragraph 7.4.4 above due to a more complex review being required, an update will be provided to the Complainant with an expected completion date of the review.
- 7.4.6. Following such review, and within twenty-five (25) working days of their appointment, the Board Reviewers will provide their decision on the outcome of the Formal Complaint in writing, stating the reasons for the decision (the ‘**Decision**’). If the Decision cannot be completed within the timescale set out herein, an update will be provided to the Complainant with an expected date for the provision of the Decision.
- 7.4.7. A Decision made by Board Reviewers is final and cannot be appealed.

8. Potential Outcomes of a Complaint or Appeal

- 8.1. If a Formal Complaint or an Appeal is upheld, the Investigating Officer, Reviewing Officer or Board Reviewers (as appropriate) may respond in any of the following ways:
- 8.1.1. issue an apology on behalf of Swim England;
 - 8.1.2. indicate what service improvement will be made to prevent the problem occurring again; and/or
 - 8.1.3. make any other decision or proposed remedy as deemed appropriate and within Swim England’s power taking into account all of the circumstances of the case.

- 8.2. If a Formal Complaint relating to Whistleblowing, Judicial or Safeguarding procedures is upheld, the Board Reviewers may, in addition to the outcomes listed in paragraph 8.1, require that the matter to which the Formal Complaint relates be reheard if it is considered that a different outcome might have resulted but for Swim England's failings.

9. Persistent, Frivolous or Vexatious Complaints

- 9.1. Whilst we acknowledge an individual's right to complain, we expect our staff and volunteers to be treated courteously at all times. Violent, abusive or discourteous language or behaviour towards Swim England's staff and/or volunteers will not be tolerated and may result in the Complaint of anyone engaging in such behaviour being rendered invalid. Where there is a threat or use of physical violence or verbal abuse towards Swim England's staff and/or volunteers, Swim England in its sole discretion may cease all communication with the relevant individual and the behaviour may be reported to the police. In cases where a Swim England member engages in any such violent, abusive or discourteous language or behaviour, and Swim England, in its sole discretion, deems such language or behaviour sufficiently serious, Swim England reserves the right to take appropriate action through the Office of Judicial Administration against such member.
- 9.2. Whilst Swim England appreciates that in certain circumstances you may not be happy with the outcome of your Complaint/Formal Complaint or Appeal, where the proper process has been followed in accordance with this Policy, Swim England will be unable to take any further action.
- 9.3. Persistent or repeat Complaints will be dealt with as follows:-
- 9.3.1. A Complaint will be deemed persistent if it is substantially the same as a previous Complaint from that Complainant and contains no fresh allegations and/or evidence which significantly affect the account of the previous Complaint.
- 9.3.2. A Complaint will be deemed repeat if it is substantially the same as a previous Complaint from a different Complainant and contains no fresh allegations and/or evidence which significantly affect the account of the previous Complaint. In the event that a Complaint is received which relates to a matter which is already being considered under this policy, the additional Complaint will be adjoined to the first Complaint and will be considered as a whole. Where a Complaint is received which relates to a matter already considered and finalised, the Complainant will be advised that the matter has been considered previously and advised of the outcome. Their Complaint will therefore be considered concluded on the same basis.
- 9.4. A Complaint will be deemed frivolous or vexatious if it is initiated to cause annoyance or nuisance and/or is made with the sole purpose of abusing Swim England's processes and procedures for dealing with Complaints.
- 9.5. If a Complaint is considered persistent, frivolous or vexatious, Swim England will write to the Complainant explaining our decision and thereafter bring the communication to a close, no longer dealing with a Complainant in relation to that Complaint.

10. Confidentiality

- 10.1. Swim England is committed to keeping the details of your Complaint confidential and will not share your information without your permission. However, please note in order to investigate a Complaint it may be necessary to speak to the person(s) in respect of whom your Complaint has been made and/or relevant witnesses (where appropriate). We will inform these parties that the details of the Complaint should remain confidential, however, Swim England accepts no responsibility for any breach of confidentiality by such parties.
- 10.2. Notwithstanding the above, Swim England reserves the right to share anonymised data relating to complaints received with our funding partners, from time to time.

11. Records

- 11.1. Swim England will keep a record of each Complaint made, including the outcome/Decision, in accordance with our Data Protection Policy to enable a continual review of our processes and procedures.

12. Key Contacts

- **Swim England Legal Department:**
 - **Email:** Legal@swimming.org;
 - **Postal Address:** Swim England Legal Department, SportPark, 3 Oakwood Drive, Loughborough, Leicestershire, LE11 3QF.

13. Other Swim England Policies

- Wavepower, Swim England Child Safeguarding Policies and Procedures
- Swim England Handbook
- Swim England Safeguarding Adults at Risk Policy
- Swim England Policy Protection of Vulnerable Adults
- Swim England Policy Whistleblowing

Appendix 1

SWIM ENGLAND COMPLAINT FORM

Please submit completed Complaint Forms to the Swim England Legal Department at:

Email address: Legal@swimming.org; or

Postal address: Swim England Legal Department, SportPark, 3 Oakwood Drive,
Loughborough, Leicestershire, LE 11 3QF.

If you require assistance in completing this Complaint Form, please contact us by the above or by telephone at 01509 640 700.

First Name:	
Surname:	
Email address:	
Telephone number:	
If a Swim England member, please provide your membership number	

1. Please give full details of your Complaint:

- 2. Please provide details of the Swim England regulation or policy section that you consider has been breached (if appropriate):**

- 3. Please briefly explain the steps you have already taken to resolve your Complaint, including the details of anyone at Swim England you have previously spoken to about your Complaint?**

- 4. Please list all documents that you intend to rely on in relation to your Complaint and submit copies of these documents with this Complaint Form:**

Appendix 2

SWIM ENGLAND APPEAL FORM

Please submit completed Appeal Forms to the Swim England Legal Department at:

Email: Legal@swimming.org; or

Postal: Swim England Legal Department, SportPark, 3 Oakwood Drive, Loughborough, Leicestershire, LE11 3QF.

If you require assistance in completing this Appeal Form, please contact us by the above or by telephone at 01509 640 700.

First Name:	
Surname:	
Email address:	
Telephone number:	
If a Swim England member, please provide your membership number:	
Complaint Reference Number:	

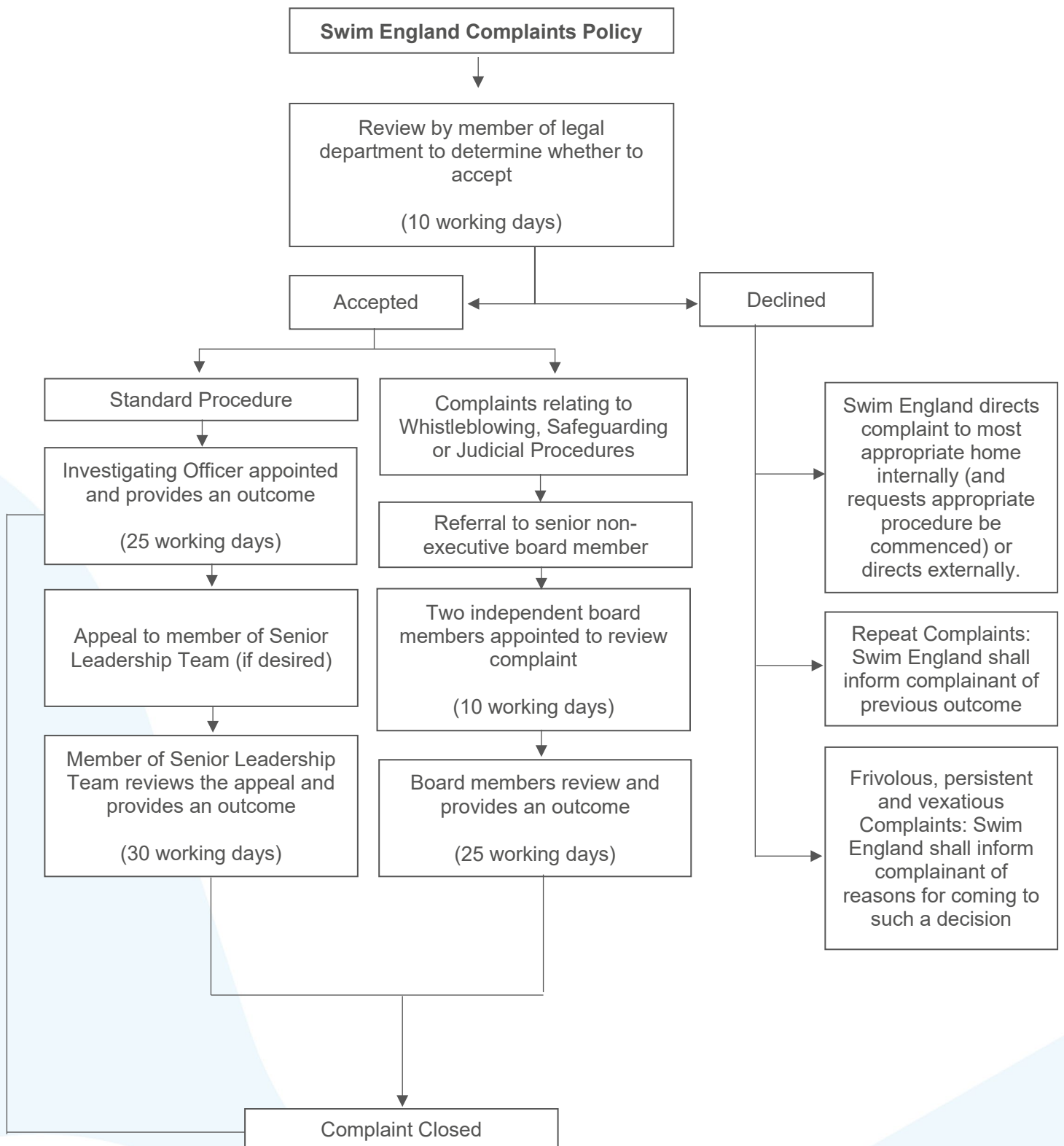
1. Please give full details of your Appeal:

2. Please provide details of the Decision rendered by the Swim England Investigating Officer in respect of your Complaint:

3. Please list all documents that you intend to rely on in relation to your Appeal and submit copies of these documents with this Appeal Form:

Appendix 3

Complaints flowchart



Alternative complaint routes

