

## COMPLAINTS POLICY

### 1. Policy Purpose

- 1.1 British Swimming is committed to providing the highest quality service. 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 British Swimming by providing a means of receiving and addressing complaints from individuals who are dissatisfied with British Swimming. This Policy explains the process of how to make a complaint and what you can expect from us if you do.

### 2. General Principles

- 2.1 British Swimming takes all complaints it receives seriously and aims to provide a high quality and timely response. When we receive a complaint related to or arising from our activities, we aim to:
  - 2.1.1 Provide a clear and easy to follow complaints process to seek to ensure a satisfactory resolution;
  - 2.1.2 Respond as fairly and efficiently as possible, in line with this Policy;
  - 2.1.3 Handle all complaint information sensitively and in line with data protection and GDPR requirements;
  - 2.1.4 Monitor complaints and learn from them.
- 2.2 In the event a Complainant making a Formal Complaint (each as defined below) is under 18 years old, a parent/legal guardian of the Complainant is required to sign a copy of the Complaint Forum (appended to this Policy).
- 2.3 British Swimming staff and volunteers will endeavour to conduct themselves in a courteous and responsive manner, listening to reasonable requests and concerns to advise what can be provided and in what manner. Where British Swimming is not able to meet a request, we will let you know why and attempt to advise you of the most appropriate place for you to direct your request. We aim to 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.

### 3. What is a Complaint

- 3.1 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 British Swimming (and/or British Swimming's staff or volunteers) in relation to activities provided by British Swimming (a '**Complaint**').

3.2 Section 4 of this Policy (below) provides details of the Complaints that can be brought under this policy.

3.3 Section 5 of this Policy (below) provides details of the Complaints British Swimming will not be able to consider under this Policy.

#### **4. Complaints this Policy covers**

4.1 This Policy applies the Complaints raised by individuals who have dealings with British Swimming.

4.2 You can complain to British Swimming under this Policy if you think that British Swimming 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 British Swimming will endeavour to resolve your Complaint and reach a satisfactory outcome where possible. However, there are some complaints that British Swimming will not be able to consider under this Policy or that would be more appropriately dealt with under other British Swimming policies (all of which are amended from time to time), including (but not limited to):

- 5.1.1 Child safeguarding concerns – concerns of this nature should be raised in accordance with British Swimming Child Safeguarding Policies and Procedures;
- 5.1.2 Adults at risk – such concerns should be raised under British Swimming Safeguarding Adults at Risk Policy
- 5.1.3 Complaints that should be raised pursuant to British Swimming's Judicial Regulations for the Judicial System;
- 5.1.4 Complaints against a member of Swim England, Swim Wales or Swim Scotland that falls under their jurisdiction - such complaints shall be dealt with by the relevant organisation;
- 5.1.5 Whistleblowing or allegations of serious misconduct in respect of British Swimming staff or volunteers that falls outside of any other British Swimming policies – such issues will be raised under the British Swimming Whistleblowing Policy;

5.1.6 Selection Polices – such appeals to be dealt with via the Selection Appeals Process; and/or

5.1.7 Anonymous complaints – in order for British Swimming to deal with a complaint effectively, it is necessary for the Complainant to identify themselves within the written complaint.

5.2 This Policy does not apply to complaints brought by British Swimming employees, whose complaints should be dealt with under the relevant internal policies/procedures.

## **6. Resolution Procedure**

6.1 Whilst we acknowledge an individual's right to complain, we expect our staff and volunteers to be treated courteously at all times. Violent, abuse or discourteous language or behaviour towards British Swimming'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 British Swimming's staff and/or volunteers, British Swimming in its sole discretion may cease all communication with the relevant individual and the behaviour may be reported to the Police.

### **6.2 Informal Complaint Resolution**

6.2.1 An informal Complaint is one which we consider to be akin to a comment/recommendation/feedback for British Swimming 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, you should speak to the British Swimming member of staff or volunteer who has responsibility for the activity. They are best placed to resolve most problems and 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. Also, if necessary, they will direct you to another British Swimming policy/process or organisation if the Complaint falls outside the scope of British Swimming's remit (see section 5 above).

6.2.2 In the event the Complaint is resolved at the conclusion of the informal Complaints process, the British Swimming 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 British Swimming 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.

### **6.3 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**') must submit a completed Complaint Form (set out at Appendix 1 to this Policy) within thirty (30) working days of the incident giving rise to the Complaint. The Complaint Form should be marking for the attention of British Swimming Corporate Services and sent to:

- a) Wendy.lockton@swimming.org; or
- b) Postal Address: British Swimming Corporate Services, SportPark, 3 Oakwood Drive, Loughborough, Leicestershire, LE11 3QF

British Swimming shall assist Complainants in completing the Complaint Form upon request. Assistance shall be provided on a case-by-case basis and may include verbal completion of the Complaint Form.

6.3.3 Where a Formal Complaint is received by British Swimming without a Complaint Form or where we receive a partially completed Complaint Form, British Swimming may not accept the Complaint until the Complaint Form has been completed correctly. If you require assistance in completing the Complaint Form, please let us know by contacting British Swimming Corporate Services at the details set out in section 6.3.2 above.

6.3.4 As soon as reasonably practicable, and normally within fourteen (14) working days of receiving the Formal Complaint, British Swimming Corporate Services shall notify the Complainant, in writing, if the Formal Complaint has been accepted or declined (the '**Acknowledgement**')

- a) if accepted, the Acknowledgement 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 declined, the Acknowledgement 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 meeting the criteria for submitting a Formal Complaint (e.g. it was submitted late or it was not submitted using the Complaint Form);
  - iii. Not submitting enough information or evidence to warrant further action being taken; and/or
  - iv. Raising an allegation which is frivolous or vexatious (see section 8 below) or which does not relate to, or is outside the jurisdiction of, British Swimming.

- 6.3.5 If the Formal Complaint is accepted, following the provision of the Acknowledgement, a member of British Swimming Corporate Services or an externally appointed representative from Sports Resolutions (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 thirty (30) working days from the provision of the Acknowledgement.
- 6.3.6 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 6.3.5 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.
- 6.3.7 Following such investigation, and within thirty (30) working days, the Investigating Officer 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.

#### **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 British Swimming ('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) within ten (10) working days of the Complainant receiving the Decision. The Appeal Form should be marked for the attention of British Swimming Corporate Services and sent via the details set out at paragraph 6.3.2 above.
- British Swimming shall assist Complainants in completing the Appeal Form upon request. Assistance shall be provided on a case-by-case basis and may include verbal completion of the Appeal Form.
- 6.4.3 When submitting an Appeal Form, the Complainant must provide details of the reasons why they are unsatisfied with the Decision.
- 6.4.4 British Swimming Corporate Services will then forward the Appeal to a member of British Swimming's Senior Management Team, has had no prior involvement in the Complaint (the '**Reviewing Officer**') for a formal and final decision.
- 6.4.5 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**').
- 6.4.6 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.
- 6.4.7 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.
- 6.4.8 British Swimming reserves the right to close correspondence beyond an Appeal Decision, at their discretion.

## **7. Potential Outcomes of a Complaint or Appeal**

- 7.1 If a Formal Complaint or an Appeal is upheld, the Investigating Officer or Reviewing Officer (as appropriate) may respond in any of the following ways:
- 7.1.1 Issue an apology on behalf of British Swimming
  - 7.1.2 Indicate what service improvement will be made to prevent to problem occurring again; and/or
  - 7.1.3 Make any other decision or proposed remedy as deemed appropriate and within British Swimming's power taking into account all of the circumstances of the case.

## **8. Frivolous or Vexatious Complaints**

- 8.1 Whilst British Swimming 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, British Swimming will be unable to take any further action.
- 8.2 Persistent or repeated Complaints about the same issue will not be dealt with by British Swimming. Persistent or repeated Complaints can sometimes become vexatious as well as resulting in a disproportionate use of British Swimming's resources. A Complaint will be deemed persistent if it is substantially the same as a previous Complaint and contains no fresh allegations and/or evidence which significantly affect the account of the previous Complaint. If a Complaint is considered persistent and/or vexatious, British Swimming may bring the communication to a close and will no longer deal with the relevant individual.
- 8.3 Further, a Complaint will be deemed frivolous or vexatious if it is initiated without sufficient grounds and/or only serves to cause annoyance or nuisance and/or is

made with the sole purpose of abusing British Swimming's processes and procedures for dealing with Complaints and/or has been resolved under another British Swimming policy.

## **9. Confidentiality**

9.1 British Swimming is committed to keeping the details of your Complaint confidential. 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, British Swimming accepts no responsibility for any breach of confidentiality by such parties.

## **10. Records**

10.1 British Swimming 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.

## **11. Key Contacts**

- British Swimming Corporate Services
  - Wendy.lockton@swimming.org
  - Postal Address: British Swimming Corporate Services, SportPark, 3 Oakwood Drive, Loughborough, Leicestershire, LE11 3QF

## **12. Other British Swimming Policies**

- British Swimming Child Safeguarding Policies and Procedures
- British Swimming Adults at Risk Policy
- British Swimming Whistleblowing Policy

For any advice or assistance with this Policy please refer to the Corporate Department.

This Policy will be periodically reviewed. Any amendment to it will be notified to employees by the Corporate Department.

Issue date	TBC
Revision date	



**APPENDIX 1**

**BRITISH SWIMMING COMPLAINT FORM**

In order to submit your Complaint to British Swimming, please complete this Complaint Form and send it to British Swimming Corporate Services at:

Wendy.lockton@swimming.org

**Postal address:** British Swimming Corporate Services, SportPark, 3 Oakwood Drive, Loughborough, Leicestershire, LE11 3QF

If you require assistance in completing this Complaint Form, please contact us by the above.

<b>First Name:</b>	
<b>Surname:</b>	
<b>Date of Birth:</b>	
<b>Address:</b>	
<b>Email address:</b>	
<b>Telephone number:</b>	

**1. Please give full details of your Complaint:**

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2. Please provide details of the Policy 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 British Swimming 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:

Parent/Legal Guardian of the Complainant is required to sign below, where the Complainant is under 18 years old:

Name:.....

Relationship to the Complainant:.....

Signature:.....

**APPENDIX 2**

**BRITISH SWIMMING APPEAL FORM**

In order to submit your Appeal to British Swimming, please complete this Appeal Form and send it to British Swimming Corporate Services at:

**Email address:**

**Postal address:** British Swimming Corporate Services, SportPark, 3 Oakwood Drive, Loughborough, Leicestershire, LE11 3QF

If you require assistance in completing this Complaint Form, please contact us by the above.

<b>First Name:</b>	
<b>Surname:</b>	
<b>Date of Birth:</b>	
<b>Address:</b>	
<b>Email address:</b>	
<b>Telephone number:</b>	
<b>Complaint Reference Number:</b>	

1. Please give full details of your Appeal:

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2. Please provide details of the Decision rendered by the British Swimming 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:

Parent/Legal Guardian of the Appellant is required to sign below, where the Complainant is under 18 years old:

Name:.....

Relationship to the Appellant:.....

Signature:.....