

Reference	L1001
Page	1 of 9
Version	5
Last reviewed / updated	January 2026
Equality Impact Assessed	09.08.2023

# Swim England

## Complaints Policy

### 1. Policy Purpose

1.1. We recognise that there may be occasions where Swim England falls short of expectations and individuals may not be satisfied. This Policy explains how to make a complaint and what you can expect from us if you do.

### 2. General Principles

2.1. When we receive a Complaint we will:

- 2.1.1. provide a clear and easy to follow complaints process;
- 2.1.2. respond fairly, efficiently and proportionately, in line with this Policy;
- 2.1.3. handle all information sensitively and in line with data protection requirements;
- 2.1.4. apologise, if we have got something wrong and, where possible, act quickly to put it right; and
- 2.1.5. monitor Complaints and learn from them.

2.2. We may, in our absolute discretion, refer any Complaint or Review to an external and independent person or body, where we consider that we are unable to investigate it due to:

- 2.2.1. a conflict of interest;
- 2.2.2. the Complaint or Review being deemed sufficiently complex; or
- 2.2.3. resourcing requirements.

In the event of such a referral, the independent person or body will decide the procedures and timelines for the Complaint or Review and will let you know. A decision by an external and independent person or body, whether at Complaint or Review stage, will be final and binding and there will be no further right of review. Swim England reserves the right to close correspondence at this stage.

### 3. Complaints this Policy covers

3.1. You can complain to Swim England under this Policy if you think that we have:

- 3.1.1. provided you with poor customer service;

- 3.1.2. treated you unfairly or discriminated against you;
- 3.1.3. failed to properly follow one of our own policies or procedures (maladministration);
- 3.1.4. not reached a decision properly (maladministration); and/or
- 3.1.5. failed to give you access to information which you are legally entitled to or given you incorrect advice or information.

These are all subject to clause 4.1, which sets out types of complaints which are not covered by this Policy.

- 3.2. Disappointment or disagreement with the outcome of a whistleblowing, safeguarding or judicial matter is not grounds for a complaint.

## 4. Complaints this Policy does not cover

- 4.1. There are some complaints that Swim England will not be able to consider under this Policy including (but not limited to):
  - 4.1.1. safeguarding concerns – these should be raised in accordance with Wavepower (Swim England’s child and adult safeguarding policies and procedures);
  - 4.1.2. complaints in respect of the decisions of the ‘Disciplinary Officer’, ‘Judicial Commissioner’, ‘Dispute Resolution Panel’ or ‘Appeals Panel’ - complaints alleging malpractice relating to these decisions are limited to process only and will not consider the merits of any outcome;
  - 4.1.3. complaints concerning matters or decisions of an aquatics club, county or region within the remit of their constitution (including, for example, decisions on selection of teams, normal business of clubs, club membership, or by individuals acting on behalf of the relevant organisation) – such complaints should be made directly to the relevant organisation, in the first instance or, where appropriate, raised under our Judicial Regulations (which can be found in our Handbook);
  - 4.1.4. concerns regarding the actions or behaviours of Swim England members, including other swimmers, parents, and committee members (which are not safeguarding concerns) - these should be raised either with their club, where appropriate, or under our Judicial Regulations (which can be found in our Handbook);
  - 4.1.5. complaints against a member of Swim England that falls under the jurisdiction of Aquatics GB;
  - 4.1.6. concerns about wrongdoing or illegal or unethical conduct within aquatic sports – these should be raised under the Whistleblowing Policy;
  - 4.1.7. complaints which have been concluded in accordance with another policy or complaints which have been investigated and resolved in accordance with this Policy;
  - 4.1.8. anonymous complaints, where we consider that anonymity prevents us from investigating the matter appropriately;

4.1.9. complaints by Swim England employees relating to their employment by Swim England; and/or

4.1.10. complaints against a Swim England employee (other than allegations of maladministration, which shall remain under this policy) - these will be dealt with in accordance with our relevant HR policies/procedures.

4.2. Where Swim England is unable to accept your complaint under this clause 4, we will let you know why.

We will also, where relevant, advise you of the most appropriate place to direct your request, and forward your email onto the relevant person or department requesting that they progress the matter directly with you. If you have asked us not to share your complaint or to protect your anonymity we will seek your permission first before forwarding any information.

## 5. Resolution Procedure

### 5.1. Informal Complaint

5.1.1. 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 as quickly as possible.

### 5.2. Formal Complaint

5.2.1. 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 this clause 5.2 (a '**Formal Complaint**').

5.2.2. To submit a Formal Complaint, please provide us with all relevant details as soon as possible after the incident giving rise to the Complaint and where possible within ninety days of the incident giving rise to the Complaint.

5.2.3. For Complaints relating to incidents occurring more than ninety days ago, we will determine, at our discretion, whether it would be appropriate to investigate and respond to such a complaint giving due consideration to relevant principles, including but not limited to:

- a. the seriousness of the Complaint;
- b. the number of individuals affected or potentially affected;
- c. the proportionate use of our resources; and
- d. the importance of the issues raised for aquatics, our members and other participants.

If we decide not to investigate and/or respond to your complaint, we will write to you with our reasons, which would be the end of the matter.

5.2.4. In order to ensure that we have sufficient information to progress your Complaint, we recommend using the Complaint Form at Appendix 1 of this Policy. If the

information provided appears to be incomplete, we may request further details from you before starting this process. Formal Complaints must be in writing and sent to:

Email address: [complaints@swimming.org](mailto:complaints@swimming.org)

Postal address: Swim England Disciplinary Officer, SportPark, 3 Oakwood Drive, Loughborough, Leicestershire, LE11 3QF.

5.2.5. You can also use these contact details or call us on 01509 640 700 if you need any assistance in making your Complaint.

5.2.6. Within ten working days of receiving your Formal Complaint, the Swim England Disciplinary Officer will let you know in writing if your Formal Complaint has been accepted or declined.

- a. If accepted, we will endeavour to provide you with a decision in writing within five weeks from the date of acceptance (a 'Decision'). If we think it will take longer than this, we will let you know why and when you can expect to receive a response.
- b. If declined, we will let you know in writing and explain why. Reasons for declining a Formal Complaint may include (but are not limited to you:
  - i. raising a complaint which cannot be dealt with under this Policy (see section 4 above);
  - ii. not submitting enough information or evidence to warrant further action being taken, following a request to you for further information;
  - iii. submitting a complaint which is not sufficiently clear or comprehensible to enable us to readily understand your concerns, following a request to you for clarification;
  - iv. raising a complaint relating to incidents occurring more than ninety days ago, which we do not consider to be appropriate for us to investigate or respond to and in respect of which decision, we have provided our written reasons;
  - v. raising an allegation which does not relate to Swim England; and/or
  - vi. raising an allegation which is persistent, repeated, unreasonable, frivolous or vexatious (see section 7 below).

### 5.3. Review

5.3.1. If you are unsatisfied with our Decision please let us know as soon as possible in writing, providing full information (a '**Review**'). We are unable to consider any new information at this stage. Reviews shall be paper based and limited to process only and will not consider the merits of any whistleblowing, judicial or safeguarding outcome. We will acknowledge receipt of your Review in writing within ten working days.

5.3.2. Your request for a Review will be forwarded to an external, independent person or body to consider whether it should be considered externally of Swim England giving due consideration to relevant principles including but not limited to:

- a. the seriousness of the Complaint;
- b. the number of individuals affected or potentially affected;
- c. the proportionate use of our resources; and
- d. the importance of the issues raised for aquatics, our members and other participants.

5.3.3. If the Review is to be considered externally of Swim England, an independent person or body will decide the procedures and timelines for the Review and will let you know.

5.3.4. If the Review is to be considered by us, it will be dealt with by a member of our Senior Leadership Team who has had no prior involvement in the Complaint. We will endeavour to provide you with a decision in writing within six weeks from when we receive your request for a Review. If we think it will take longer than this, we will let you know why and when you can expect to receive a response.

5.3.5. A decision regarding a Review is final and binding and there will be no further right of review. Swim England reserves the right to close correspondence at this stage.

## 6. Potential Outcomes of a Complaint or Review

6.1. If a formal Complaint or Review is upheld, outcomes may include:

6.1.1. recommending an apology is made on behalf of Swim England;

6.1.2. recommending service improvements to prevent the problem occurring again; and/or

6.1.3. recommending 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.

6.2. If a Formal Complaint relating to Whistleblowing, Judicial or Safeguarding procedures is upheld, outcomes may also include requiring that the matter to which the Formal Complaint relates or any specific part of it be reheard in whole or in part if it is considered that a different outcome might have resulted but for Swim England's failings.

## 7. Persistent, Repeat, Unreasonable, Frivolous or Vexatious Complaints

7.1. We appreciate that in certain circumstances you may not be happy with the outcome of your Complaint or Review. However, where the proper process has been followed in accordance with this Policy, we will not take any further action and reserve the right to close correspondence. Violent, abusive or discourteous language or behaviour towards our staff and/or volunteers will not be tolerated and may at our sole discretion result in your Complaint being rejected and all correspondence stopping.

7.2. In a minority of cases, Complaints are pursued unreasonably and it is important that we are able to protect our staff, volunteers and resources more generally. Where a Complaint and/or complainant is considered to be persistent, repeat, unreasonable, frivolous or vexatious, or is considered to have no basis or genuine substance, we reserve the right not to investigate and will write to you explaining our decision and thereafter bring the communication to a close. In extreme cases, we reserve the right to refer the matter under our Judicial Regulations.

7.3. A Complaint may be deemed:

7.3.1. persistent if we consider it to be substantially the same as a previous Complaint from the same person or body and contains no substantively fresh allegations and/or evidence which significantly affect the account of the previous Complaint.

7.3.2. repeat if we consider it is substantially the same as a previous Complaint from a different person or body and contains no substantively 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 may, at our discretion be linked to the first Complaint and considered as a whole. Where a Complaint is received which relates to a matter already considered and finalised, you will be advised that the matter has been considered previously and advised of the outcome. Your Complaint will therefore be considered concluded on the same basis.

7.3.3. unreasonable if for example (but without limitation) you:

- a. refuse to specify or clarify the grounds of the Complaint, when this is requested by us;
- b. refuse to co-operate with the complaints procedure;
- c. refuse to accept a decision under this Policy (although this does not affect any right to a Review in accordance with this Policy);
- d. change the basis of the Complaint while the resolution procedure is ongoing;
- e. introduce trivial or irrelevant new information or raise a large number of detailed but unimportant questions;
- f. adopt 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 bodies.

7.3.4. frivolous or vexatious where we deem it has been 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.

7.4. If a Complaint is considered persistent, repeat, unreasonable, frivolous or vexatious, Swim England will write to the Complainant explaining our decision and the actions to be taken which may include (but are not limited to):

7.4.1. refusing to consider further, additional Complaints about matters currently under consideration;

7.4.2. placing limits on contact, e.g. to be with one person only and / or limited to written contact;

7.4.3. refusing to consider matters that have already been comprehensively dealt with;

7.4.4. bringing the communication to a close, no longer dealing with a complainant in relation to that Complaint.

## 8. Confidentiality

8.1. We are committed to keeping the details of your Complaint confidential and will not share your information with third parties 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, we accept no responsibility for any breach of confidentiality by such parties.

8.2. Notwithstanding the above, we reserve the right to share anonymised data relating to complaints received with our funding partners, from time to time.

## 9. Records

9.1. We will keep a record of each Formal Complaint made and its outcomes in accordance with our Data Protection Policy to enable a continual review of our processes and procedures.

# Appendix 1

## Swim England Complaint Form

Please submit this completed Complaint Form to the Swim England Disciplinary Officer at:

**Email address:** [complaints@swimming.org](mailto:complaints@swimming.org); or

**Postal address:** Swim England Disciplinary Officer, 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 on 01509 640 700.

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

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

### 2. Please provide details of the type of complaint you are making (under clause 3.1) of this Policy and the Swim England regulation or policy section that you consider to have 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:**