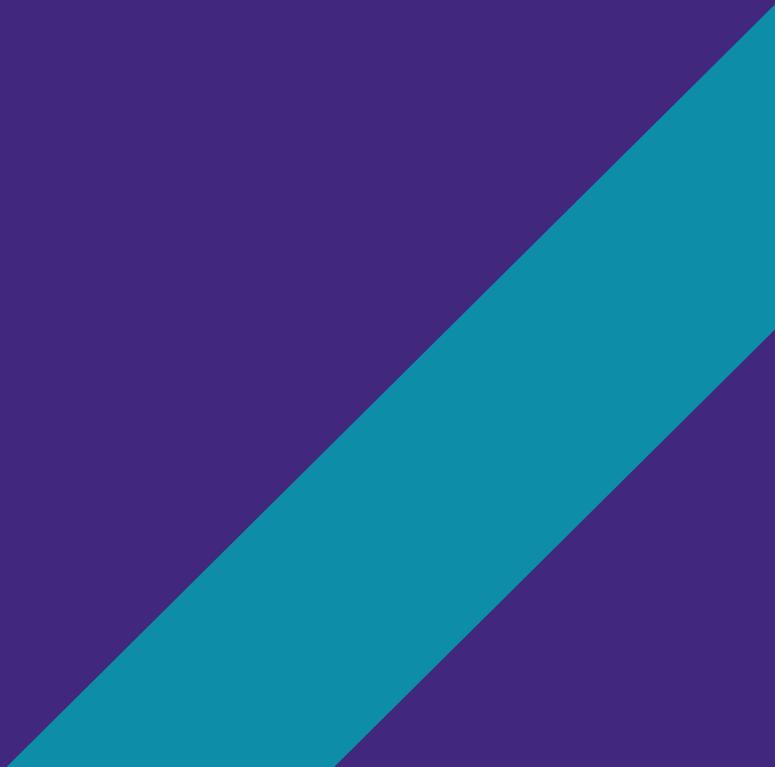
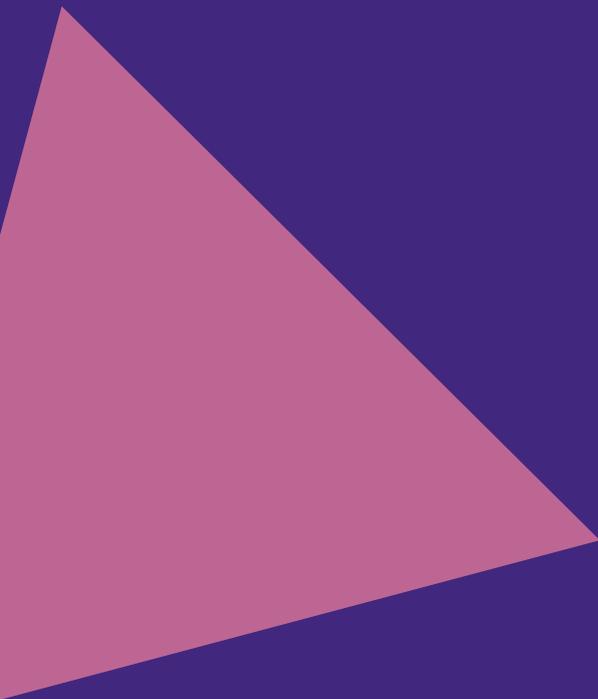
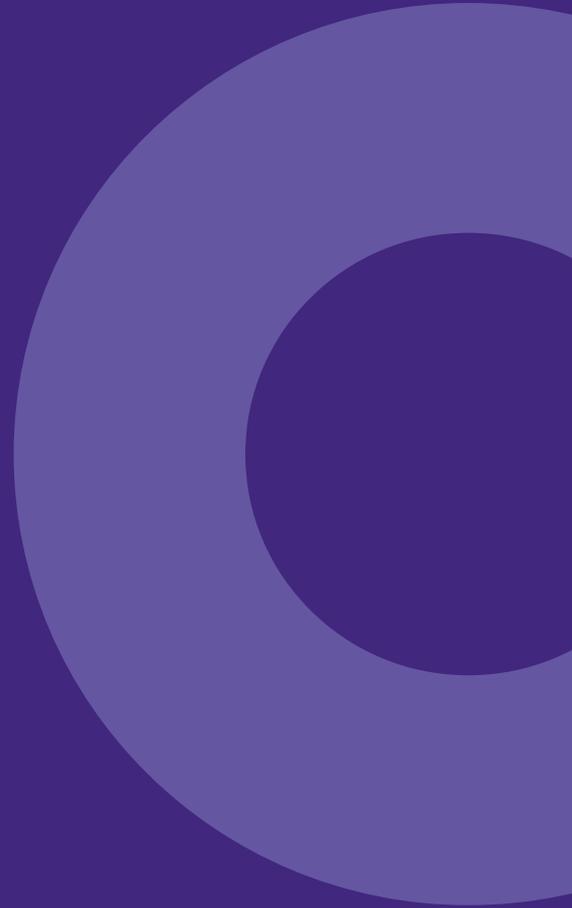




ARTS COUNCIL ENGLAND

# Making a Complaint

Published November 2019



## Making a complaint

This document describes our process and principles for complaints handling which applies to most aspects of our work as the national development agency for Arts and Culture in England.

We do have separate complaints processes for certain funds and services that we provide, including:

- Artsmark
- National Portfolio Investment Process
- Procurement

If you'd like advice on which process to use, please contact [complaints@artscouncil.org.uk](mailto:complaints@artscouncil.org.uk) or call our Customer Services team on **0161 934 4317**.

Arts Council England uses the Parliamentary and Health Service Ombudsman's principles of good complaint handling. This means:

- Getting it right
- Being customer focused
- Being open and accountable
- Acting fairly and proportionately
- Putting things right
- Seeking continuous improvement

Making a complaint will not affect, in any way, the level of service you receive from us nor will it affect the service you receive from us or if applicable the chances of getting a grant from us in the future.

We are committed to listening to your concerns and providing an objective and empathetic service through a dedicated Complaints Manager. We welcome the opportunity to improve our services through complaints.

If your complaint is not suitable for our process, we will still carefully consider the points you have raised. Our Complaints Manager will explain why your complaint cannot be investigated via our formal process, and where possible provide Arts Council England's full response to your concerns.

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## When should I use this process?

You should use this process if you think that:

- we have delayed, made mistakes or failed to follow our processes;
- 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 unlawfully discriminated against you or not treated you fairly.

If your complaint relates to an application for funding, this could mean:

- you believe that we have made mistakes or failed to follow our procedures when handling your application for funding;
- you believe that a member of our organisation has given you incorrect information (it could be this information has affected the outcome of your application);
- you believe a member of our organisation has treated you impolitely or unfairly.

If you are unsure if your experience with us fits within any of these points, please contact our Complaints Manager for advice by emailing [complaints@artscouncil.org.uk](mailto:complaints@artscouncil.org.uk)

## Can I use this process to appeal a decision?

We understand that you may be disappointed if our decision is not what you would have liked. We will not accept complaints through this process that relate solely to the decision rather than the way we have taken it.

We can only reconsider any decisions we have made if we find we have made mistakes that have materially affected it.

If the decision is following an application was to the National Lottery Project Grants fund, you may find our Support for unsuccessful applicants section of the website helpful in understanding our decision.

## Can I use this process to complain about an Arts Council funded project, individual or organisation?

We can only use our complaints process to respond to actions that Arts Council England takes, or fails to take. We are unable to use the complaints process to investigate the actions of third parties. Please refer to our Raising a concern information sheet for further information.

## Can I use this process to complain about Arts Council or Government policy?

If your complaint is about the policy itself, rather than the way a decision has been taken or a problem with delivery of a service, we will not consider it under our complaints procedure.

If you have any comments or complaints around our policies, you can contact our Chief Executive by emailing [chief.executive@artscouncil.org.uk](mailto:chief.executive@artscouncil.org.uk).

If you want to comment on government policy on arts and culture, you can contact the Department for Digital, Culture, Media and Sport (DCMS):

### **Department for Digital, Culture, Media & Sport**

100 Parliament Street

London

SW1A 2BQ

[enquiries@culture.gov.uk](mailto:enquiries@culture.gov.uk)

020 7211 6000

## What should I do if I suspect Fraud?

We are unable to investigate potential fraud through our complaints process, however if you believe someone is stealing from, or defrauding Arts Council England, please help us to do something about it. Please get in touch with our Counter-Fraud Manager by emailing [fraud@artscouncil.org.uk](mailto:fraud@artscouncil.org.uk).

You should also contact the police through their dedicated website, ActionFraud.

## How do I submit my complaint?

You should send your complaint or any questions to [complaints@artscouncil.org.uk](mailto:complaints@artscouncil.org.uk). If you experience or anticipate any barriers to submitting a complaint, please contact Customer Services by calling **0161 934 4317** or email [enquiries@artscouncil.org.uk](mailto:enquiries@artscouncil.org.uk)

You must submit your complaint to Arts Council England within three months of the action or event to which it relates. If you make a complaint outside of this timeframe then it may not be possible to investigate through this formal process.

## What information should I include?

To give us the best chance of resolving your complaint successfully, please tell us:

- what happened,
- when it happened,
- who dealt with you,
- what you would like us to do to put things right.

Please include all the information you feel is relevant and necessary, including any correspondence you have received. Please do not worry if you don't have all this information, we can fill in the gaps with you before we begin to investigate.

It is important to provide as much relevant information as possible before investigation. Adding material during this process will cause delays and can affect the resolution we offer.

## What happens after I have submitted my complaint?

After we have received your complaint we will contact you to acknowledge it. This will happen within ten working days.

If we can identify how and where something may have gone wrong, we are committed to making things right as soon as possible. We call this Early Resolution.

If your concerns require further consideration we will treat your complaint at;

**Stage One** – Our Complaints Manager will work with you to create the Terms of Reference for your complaint. Once you agree that we fully understand your concerns, we will investigate and respond in writing. Our response will include a copy of the investigation report to ensure transparency. We aim to respond within ten working days of confirming the terms of reference. If we are unable to do so, we will write to you to explain why and when you can expect our response.

If you believe we have failed to investigate sufficiently, not fully addressed your concerns or not provided a fair and proportionate resolution at Stage One, you can ask our Chief Executive to review your complaint at Stage Two. We will explain how to do this in our Stage One response.

**Stage Two** – Our Chief Executive will appoint an appropriate investigator to address your concerns and create the Terms of Reference for your complaint. Once you agree that they fully understand your concerns, they will investigate and provide the Chief Executive with a report. The Chief Executive will use this report to inform their opinion and write to you explaining their findings and conclusions. We aim to respond within ten working days of confirming the terms of reference. If we are unable to do so, we will write to you to explain why and when you can expect our response.

We are unable to investigate new or unrelated information at Stage Two or bypass the first stage. If you ask us to do this, we must begin the process again at Stage One. This ensures your concerns are addressed fully and in line with our procedures.

If you believe that we have failed to investigate sufficiently or not fully addressed your concerns at Stage Two, you can have your complaint independently reviewed at Stage Three.

**Stage Three** - The Independent Complaints Reviewer (ICR) is not part of our organisation, meaning their investigations and recommendations are independent. If you want the ICR to consider your complaint, you must contact them within four weeks of receiving our chief executive's reply. The ICR's office will contact you within five working days of receiving your complaint. The ICR can decide whether to investigate a complaint and will fully explain their reasons if they decide not to investigate it. There is no charge for using the ICR.

If the ICR investigates your complaint and agrees with it, they will recommend ways for us to put things right, and how to prevent a similar situation in future. The ICR will usually report within three months. We aim to make any changes the ICR recommends as quickly as possible. The ICR cannot reverse funding decisions or make comments or changes to our legal responsibilities and policies on awarding grants. They can only investigate complaints that have gone through Stages One and Two.

Our Complaints Manager will assist you in accessing the ICR service.

## What type of resolution can I expect?

If we agree with your complaint, we will uphold or partially uphold it. We will then provide a fair and proportionate resolution. Resolution is unique to the situation you have raised but typically we may apologise, re-enter an application at the point an error is identified or explain how we intend to make improvements.

We are unable to reverse decisions or provide financial compensation as a resolution through this complaints process.

## Following Arts Council England's Complaints process

### The Parliamentary and Health Service Ombudsman (PHSO)

If you are still dissatisfied with our decision or the way we have handled your complaint, you can refer your complaint to the Parliamentary and Health Service Ombudsman (PHSO).

The Ombudsman investigates complaints where someone believes there has been injustice or hardship because an organisation has not acted properly or has given a poor service and not put things right.

By law, the Ombudsman is independent of the Government and the civil service and has wide powers to investigate. The Ombudsman investigates complaints fairly and their service is free for everyone.

The Ombudsman does not normally investigate complaints if they have not been through our complaints procedures first. If you have escalated your complaint through our process and still feel a fair or proportionate resolution has not been provided, you can contact your Member of Parliament (MP) and ask them to send your complaint to the Ombudsman. MPs' contact details can be found at [www.parliament.uk](http://www.parliament.uk).

For more information you can contact their customer helpline by calling **0345 015 4033** or visiting their website [www.ombudsman.org.uk](http://www.ombudsman.org.uk).

### Judicial review

Judicial review is a type of court proceeding in which a judge reviews the lawfulness of a decision or action made by a public body. The judge cannot rule that we must change a funding decision but can ask us to reconsider our decision. For more information you can visit [www.judiciary.uk](http://www.judiciary.uk)

## Further information and useful contacts

### Freedom of information

Our publication scheme gives details of what information we routinely publish and where you can find it. You can find information about our publication scheme on our website <https://www.artscouncil.org.uk/freedom-information#section-4> or by phoning **0161 934 4317**.

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. It also sets out exemptions from that right.

All requests for information should be in writing and sent to:

Senior Officer, Freedom of Information and Data Protection  
Arts Council England  
49 Lever Street  
Manchester  
M1 1FN  
[foi@artscouncil.org.uk](mailto:foi@artscouncil.org.uk)

Do not use this complaints procedure to make a complaint about the way we dealt with an information request. If you are not happy with how we handled your request, you can ask for an internal review by sending your concerns in writing to the Chief Executive [chief.executive@artscouncil.org.uk](mailto:chief.executive@artscouncil.org.uk)

Further information on the Freedom of Information Act can be obtained from the Information Commissioner. For more information you can visit [ico.org.uk](http://ico.org.uk)

## Your personal information

If you use our complaints procedure, we will collect personal data from you to help us consider and respond to your complaint and to help us monitor the quality of our responses.

For further information on what personal data we collect, what we do with it and who we may share it with see our General Privacy Notice.

## 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 equally.

## Comments and suggestions

We welcome comments and suggestions as these can help us improve our services. Please send your comments or suggestions to our Complaints Manager by emailing [complaints@artscouncil.org.uk](mailto:complaints@artscouncil.org.uk). You can also call our Customer Services team on **0161 934 4317**.

To get this publication in Braille, large print, or in another accessible format please contact us on **0161 934 4317**.

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