



Disclosure &
Barring Service

Disclosure and Barring Service Complaint Policy

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Complaints and Escalation Process Overview

Customer Relations Manager Response

Customer Relations will triage the complaint, acknowledge receipt within 3 working days, and a manager will respond in full to the customer within 10 working days

If not satisfied with the resolution the customer can request a Stage 1 Director Review

Stage 1 - Director Review

Director will arrange to contact the customer within 3 working days to agree a complaint statement to confirm the issues the customer would like addressed. A response in full will be issued to the customer within 20 days of agreeing the complaint definition statement

If the customer remains dissatisfied they can request a Stage 2 Chief Executive Review

Stage 2 - Chief Executive Officer Review

Chief Executive will arrange to contact the customer within 3 working days to agree a complaint statement to confirm the issues the customer would like addressed. A response in full will be issued to the customer within 20 days of agreeing the complaint definition statement

If the customer remains dissatisfied they can request an independent (ICR) Review

Stage 3 - Independent Complaints Reviewer (ICR)

ICR will arrange to contact the customer within 3 working days and complete investigation and report within 12 weeks.

If the customer remains dissatisfied with the ICR review they can refer the matter to The Parliamentary and Health Service Ombudsman

Stage 4 - The Parliamentary Health Service Ombudsman (PHSO)

1. Introduction to purpose of policy

- 1.1 The Disclosure and Barring Service (DBS) provides a high quality and consistent service. We recognise, however, that there will be occasions when customers are not satisfied with the service we have provided.
- 1.2 The purpose of this policy is to set out the principles of our approach and to support the process for responding to a customer's complaint.

2. Policy aims

- 2.1 The DBS aims to address any issues a customer raises about our services speedily and informally without the need to make a formal complaint. However if a customer remains dissatisfied with actions taken, DBS will aim to:
 - make it easy and accessible to make a formal complaint via different channels;
 - deal with all complaints quickly, efficiently and with courtesy;
 - provide a simple procedure and keep the customer updated at all times;
 - provide a clear explanation and response within set time limits

3. Data Protection and Confidentiality

- 3.1 The DBS is aware of its obligations under the Data Protection Act 1988 and will handle all complaints received within the rules and regulations set out within this act.

4. Equality

- 4.1 The DBS is committed to treating everyone fairly when dealing with complaints, in line with our obligations under the Equality Act 2010 and wider aims of the DBS Equality Strategy 2014 - 2017, no person will be discriminated against or treated less favourably on the grounds of age, race, nationality, ethnicity, religious belief or non-belief, disability, gender, gender identity, sexual orientation, marital status or any other irrelevant factor.

5. Policy Statement

- 5.1 The DBS is committed to providing a professional, fair, efficient, courteous and helpful service to the public and a key aspect for achieving this is to promptly investigate and, where possible, resolve complaints about its service to the satisfaction of the customer.
- 5.2 Dealing with complaints effectively and efficiently is a core element of DBS customer service and reflects the DBS's commitment to service excellence and improvement.
- 5.3 At all stages of the complaint process the DBS will look to contact the customer, by telephone if possible, to understand the reasons for the complaint and how we can put things right. If telephone contact is made the details of the conversation will be agreed and, unless directed otherwise by the customer, confirmed in writing

6. What is covered by the scope of the policy

6.1 This policy applies to complaints submitted about the DBS. For the purposes of this policy, a complaint is defined as an expression of dissatisfaction about the service provided by the DBS and/or about the professional conduct of DBS personnel.

6.2 The types of complaints that can be considered are (not an exhaustive list):

- Poor service and/or maladministration by the DBS,
- Behaviour of DBS staff,
- Failure to follow a DBS policy or procedure,
- Processing timescales that are unreasonable,
- Wrong or misleading advice provided by the DBS,
- Failure to provide explanations or give reasons for DBS decisions,
- Discrimination or inconsistency in DBS decision making.

7. What is not covered by the policy

7.1 The DBS will always look to provide support and assist customers who have complained about the actions, decisions, or performance of third parties, including those who have specific statutory roles, related to DBS services. For example;

- **Police Statutory Checks;** DBS will liaise with the police on behalf of a customer who is experiencing issues including delay when their enhanced level DBS application is with the police to undertake statutory checks. In these cases DBS will aim to resolve the customer's issues as quickly as possible, and keep the customer informed until resolution. However the DBS cannot provide financial remedy for any complaint about police actions including the timescales taken by the police to complete a check.
- **Registered Bodies;** DBS are responsible for ensuring that Registered Bodies, and their countersignatories, are legally compliant with conditions of registration and the DBS Code of Practice. However the DBS cannot provide resolution for complaints about any actions that fall outside of the compliance obligations.
- **External organisations;** DBS cannot provide resolution for complaints about any actions or decisions of external bodies including employers, licensing authorities and referring organisations that fall outside of the remit or control of the Disclosure and Barring Service.

7.2 There are specific legislative or formal channels of redress that must be followed in relation to services provided by DBS. For example:

- **Barring Decisions Appeal/Review;** If a customer is seeking to appeal, or request a review of, a Barring Decision there is a legal route that must be followed. For more information please see [Barring guidance](#) available on our website.
- **DBS certificate Dispute;** If a customer is seeking to dispute the accuracy of information in their DBS certificate there is a legal route that must be followed. For more information please see [Disputes guidance](#) available on our website.

- **Freedom of Information (FOI).** If a customer is requesting a review of a response provided following a Freedom of Information request a formal route must be followed. For more information please see [FOI guidance](#) available on our website.
 - **Data Protection Subject Access Requests (SAR) review** If a customer or third party is requesting a review of a response provided following a Subject Access Request a formal route must be followed. For more information please see [SAR guidance](#) available on our website.
- 7.3 If a customer's enquiry or complaint relates to a legal matter including a civil claim for damages then it will be directed to DBS Legal Services. For details of how to contact DBS regarding legal matters please refer to Annex C to this policy.
- 7.4 Complaints received beyond 12 months of an issue being identified will not normally be covered by this policy. This includes failure by a customer to engage reasonably with a DBS request to define their complaint or provide clarification or relevant information usually within two months of the request being issued.
- 7.5 Customers may ask the Independent Complaint Reviewer to review an internal DBS assessment which determines their complaint is deemed to be out of scope of this Policy.

8. Principles

- 8.1 Customers can expect to be treated with courtesy, respect and fairness at all times. We expect that customers will also treat our staff dealing with complaints with the same courtesy, respect and fairness when speaking on the phone or in any correspondence.
- 8.2 Customers should clearly state what the issues or concerns are that they wish DBS to address and specify what resolution they are seeking to resolve the complaint. Where possible, all DBS staff will endeavour to resolve complaints to the customer's satisfaction informally at the first point of contact.
- 8.3 Customers who remain dissatisfied with any informal resolution provided by front-line staff or their managers will be invited to formalise their complaint in writing. DBS advisors will if necessary help customers by recording details of the complaint on their behalf.
- 8.4 To provide a fair and impartial complaint handling service, the DBS complaint resolution policy provides customers with an internal escalation route. The purpose of both Stage 1 and 2 is to provide an impartial review of the earlier handling of the complaint and to assess whether the findings and remedy provided to the customer is fair, proportionate and reasonable.
- 8.5 The DBS will always endeavour to respond to complaints using the customers preferred mode of communication. Where this is not specified, the DBS will usually respond using the same mode of communication as the customer has used to raise the complaint.
- 8.6 All complaints and related information received will be dealt with confidentially and in accordance with the requirements of the Data Protection Act 1998.

9. Formal Complaint - Customer Relations Initial Stage

- 9.1 A customer will be required to provide a clear statement of complaint, an explanation of the issues they are unhappy with, and how they would like them to be resolved. Complaints should be made within 12 months of the issue occurring. If an individual wishes, they may provide consent for a third party to act on their behalf. For details of how to raise a complaint please see Annex C to this Policy.
- 9.2 The customer will be expected to respond to any reasonable request for further information or clarification from the DBS to define or support the complaint within reasonable timeframes. On receipt of the formal complaint the DBS will:
- Triage within one working day to identify if any immediate action can be implemented
 - Confirm receipt within 3 working days, a date by which the customer should expect a full response and if appropriate advise if any immediate action has been taken.
 - Allocate the case to a Customer Relations Case Manager.
- 9.3 The Customer Relations Case Manager will:
- If appropriate and possible contact the customer by telephone to discuss the complaint if confirmation, clarification or additional information regarding the complaint is required.
 - Identify from the customer all complaint issues within scope and address them in their response. The aim of the resolution, which may be agreed initially in a telephone call to the customer, is to fully address the complaint, to the customer's satisfaction.
- 9.4 The Customer Relations Case Manager will aim to provide a full response within 10 working days, commencing from the next working day following receipt of the complaint. If for any reason this cannot be met the customer will be contacted to explain the reason and advised when they are likely to receive a response.
- 9.5 If the complaint is upheld in full or part, the response may include a proposal for redress and recommendations which could help prevent the issue from reoccurring.
- 9.6 Once a response is issued, the customer will be invited to confirm that they are content with the outcome or request the Customer Relations Case Manager to review their response if an issue remains unaddressed or not clarified satisfactorily.
- 9.7 At the point the Customer Relations Case Manager issues the final response after exhausting all efforts to provide a satisfactory resolution, they will advise the customer how to escalate their complaint for Director Review if they remain dissatisfied with the resolution provided. For more information about how a complaint can be escalated please see Annex C to this Policy

10. Internal escalated complaint review stages

- 10.1 There are two internal review stages and complaints should be escalated within two months of the previous Stage response being issued to the customer.

10.2 Complaints will usually follow each stage of the DBS Complaint Policy. However there may be instances when it would be more appropriate to escalate a complaint to a later internal or external review stage (e.g. the DBS may decide at its sole discretion to handle particular complaints which are about a common issue at Director, Chief Executive Level or externally without the need to go through each stage).

10.3 **Stage 1: Director Review**

The Director for Operations (Disclosure) is responsible for all Stage 1 reviews. On receipt of a request for a stage 1 review, the Director for Operations (Disclosure) (or in his absence another Director) will arrange to:

- Contact the customer preferably by telephone within 3 working days to agree a complaint confirmation statement and how they would like the matter resolved.
- If required instigate a full investigation and ask the customer to confirm the factual accuracy of the chronology of events in the completed investigation report.
- Contact the customer to discuss the outcome of the Stage 1 investigation before issuing a final Stage 1 response.

10.4 The investigation and full response to the complaint at Stage 1 should be concluded within 20 working days commencing once a complaint confirmation statement is agreed with the customer. Complex complaints may take longer to investigate, and if a response cannot be issued within 20 working days, the customer should be provided with regular updates until a response can be issued.

10.5 At the point the Director issues the final response they will advise the customer how to escalate their complaint to the Chief Executive for review if they remain dissatisfied with the resolution provided. For more information about how a complaint can be escalated please refer to Annex C to this Policy

10.6 **Stage 2: Chief Executive Review**

At Stage 2, on receipt of the request into the Chief Executive's Office the Chief Executive or authorised designate will arrange to;

- Contact the customer preferably by telephone within 3 working days to agree a complaint confirmation statement and how they would like the matter resolved.
- If required instigate a full investigation and ask the customer to confirm the factual accuracy of the chronology of events in the completed investigation report.
- Contact the customer to discuss the outcome of the Stage 2 investigation before issuing a final Stage 2 response.

10.7 The investigation and full response to the complaint at Stage 2 should be concluded within 20 working days which will start once a complaint confirmation statement is agreed with the customer.

10.8 Complex complaints may take longer to investigate, and if a response cannot be issued within 20 working days, the customer should be provided with regular updates until a response can be issued.

10.9 At the point the Chief Executive issues the final response they will advise the customer how they can escalate their complaint externally to the Independent Complaints Reviewer for review if they remain dissatisfied with the resolution provided. For more information about how a complaint can be escalated please see Annex C to this Policy.

11. External Complaint Review Stages

11.1 There are two external complaint stages available to customers that remain dissatisfied following the completion of the DBS's internal complaints resolution policy.

11.2 Independent Complaints Reviewer (ICR) Review

The Independent Complaints Reviewer (ICR) aims to:

- Contact the customer within 3 working days of receipt to confirm a complaint statement and how the customer would like the matter resolved.
- Commence a full investigation and ask the customer to confirm the factual accuracy of the chronology of events in the completed investigation report.
- Contact the customer to discuss the outcome of the investigation and resolution of the matters outstanding.
- On completion of the review, report the findings to the customer and the DBS Chief Executive simultaneously.

11.3 The Parliamentary and Health Services Ombudsman (PHSO) Review

If the customer remains dissatisfied following the ICR investigation and findings, they can contact their MP and request that they refer the matter to the PHSO and ask that they investigate their complaint.

12. Further Information related to handling of complaints

12.1 At all levels of complaint handling DBS will ensure that lessons learnt and any recommendations made are followed up to help ensure that similar complaints do not reoccur.

12.2 For details of the DBS Customer Complaints procedure that puts the approach of this policy into practice please see; <https://www.gov.uk/government/organisations/disclosure-and-barring-service/about/complaints-procedure>

Annex A – Complaint Redress Policy

1. Policy Statement

- 1.1 The outcome of an upheld complaint can be one or more of the following:
- An apology.
 - An explanation of what went wrong and why.
 - Putting things right by making any changes required.
 - Learning lessons from mistakes and making any amendments considered appropriate to policies and practices.
- 1.2 An apology is usually the most appropriate action, but additional redress may also be necessary in some circumstances. The general principle is that customers should, so far as possible, be put in the position they would have been in, had things not gone wrong. Any remedy applied needs to be proportionate and appropriate to the failure in service, and take into account what redress someone seeks when they complain.
- 1.3 The DBS Redress Policy is designed to ensure that, in cases of maladministration by the DBS, the person who is the subject of that maladministration is not disadvantaged and returned to the same position as if the maladministration had not occurred. However there must be clear evidence of maladministration by the DBS and the impact it has had.
- 1.4 We define maladministration in line with the Parliamentary Ombudsman’s principles as:
- Poor service and/or failings by DBS
 - A failure of the DBS to follow its own policies or procedures
 - Mistakes
 - Wrong or misleading advice
 - A failure to provide explanations or give reasons for decisions
 - Discrimination, inconsistency, or lack of objectivity
 - Inappropriate staff behaviour, discourtesy, disrespect or rudeness

This list is not exhaustive.

2. What is covered by the scope of the policy

- 2.1 The DBS will consider redress claims from customers for maladministration within DBS controlled functions and services.

3. What is not covered by the policy

- 3.1 Redress cannot be considered if no maladministration by the DBS is found.
- 3.2 The DBS Redress Policy is not intended to cover complaints from Registered or Umbrella Bodies as the DBS recognises its relationship with these organisations as partners not customers.

- 3.3 The DBS is not responsible for maladministration outside of its control. For example, performance failure by the Police, Postal Services, Registered / Umbrella Bodies, and / or Referring Organisations whose actions and decisions are not covered within the redress scheme.
- 3.4 The DBS relies upon other public bodies to provide information to it to fulfil its functions in issuing disclosure certificates. The legislation governing the DBS prohibits any action being brought against the DBS if that information is inaccurate.

4. Principles

- 4.1 The DBS Redress Scheme complies with the Ombudsman's Principles of Good Administration. Any financial redress awarded by the DBS if a complaint is upheld in full or in part is on an ex-gratia and without prejudice basis as the DBS has no legal obligation to do so and does not accept liability in any way by doing so. The DBS merely seeks to provide suitable redress which demonstrates the DBS's regret and to reinforce the sincerity of an apology.

5. What it means in practice

- 5.1 The DBS will consider all relevant information in relation to the provision of the Disclosure Service and/or Barring Service that the complaint refers to.
- 5.2 The DBS will conduct a full historical investigation which will involve assessing information from all available sources, and will take into account the individual circumstances of each case when assessing what redress should be awarded if the complaint is upheld. Customers will be asked to evidence and quantify the redress that they seek at the point that the complaint confirmation statement is agreed.
- 5.3 There are two ways in which the DBS awards financial redress for customers:
- Consolatory payments - awarded if the investigation reveals that the DBS has maladministered to reinforce the apology.
 - Consequential Payment - awarded for example where there is evidence of loss of earnings during a period of time the DBS delayed an application for a certificate.

An applicant can be awarded both a consolatory payment and consequential payment where this is deemed appropriate.

6. Consolatory & Consequential Awards

- 6.1 Consolatory awards are usually small nominal amounts to reinforce our apology. For loss of earnings / opportunity (consequential award), the DBS will assess the financial value of a particular loss based on the evidence presented by the customer. The customer must comply with DBS requests for information / evidence to support their claim within reasonable timeframes, which is usually considered to be 3 months.

- 6.2 For financial redress payments made to DBS customers to reinforce an apology (consolatory award), the DBS will assess the seriousness of the maladministration and the impact that it has had on the individual.
- 6.3 The DBS will investigate those claims where the customer has expressed dissatisfaction with the service and believes that he/she has suffered a loss or other injustice due to maladministration. On completion of the investigation the DBS will produce a redress report detailing the findings of the investigation which will be sent to the claimant. If a customer is dissatisfied with the result of an investigation the DBS will advise them of the routes available for them to take their complaint further.

Processing Timescales

- 6.4 In Disclosure Services cases establishing the time it took the DBS to process an application (excluding time taken by police forces to undertake their statutory checks) is part of deciding whether a consequential payment for loss of earnings may be appropriate. The DBS may consider a financial award for loss of earnings if the application is delayed because of DBS maladministration.
- 6.5 Before any consequential redress claim can be considered, the customer must provide evidence to support their claim. The onus is on the customer to provide evidence that any of the delay has led to their loss. The DBS will assist the customer as appropriate, for example if the relationship between the Registered Body or employer and customer has broken down.
- 6.6 The DBS will consider if there is any contributory failing on the customer's part which could have contributed to or caused the delay.
- 6.7 Police force failings, including delay, are out of scope of the DBS Redress policy. In cases where there is delay during the period of time that the case is with the police, the customer will be directed to the specific force. Any failings attributed to more than one Police Force will usually be considered by each individual Force. The DBS will send the redress report and any supporting evidence to the Force(s) for consideration.
- 6.8 All requests for loss of earnings must be based on evidence robust enough to satisfy an audit. All evidence must be submitted within three months of the complaint investigation being completed. This provides a reasonable period of time for a customer to have established a working pattern and provide pay slips or other evidence. Where this will not be possible (for example some businesses may need up to a year to submit accounts) the customer must tell the DBS and agree a way forward.
- 6.9 Where the customer cannot evidence their loss, e.g. agency workers on zero hours contracts, an established working pattern from before receiving the application will be used. Alternatively, an average earning for an equivalent role may be considered as a reasonable way of putting the customer back into the position that they would have been in but for any maladministration.

7. Reference Links

7.1 The DBS's Redress Scheme seeks to comply with Treasury Guidelines (TGL) and is subject to scrutiny by the National Audit Office and Internal Audit. TGL <https://www.gov.uk/government/publications/managing-public-money>

Ombudsman's Principles of Good Administration
<http://www.ombudsman.org.uk/improving-public-service/ombudsmansprinciples/principles-of-good-administration>

Annex B – Unreasonable Behaviour Policy

1. Policy Statement

- 1.1 The DBS is committed to providing excellent customer service to everyone who contacts us. Everyone is entitled to be treated respectfully, courteously and in a polite manner. Where a customer raises an issue / complaint with us, they have a right to expect to be dealt with fairly and impartially, and to receive a response which fully addresses their concerns in a timely manner.
- 1.2 When dealing with customers, we do not normally limit the form or amount of contact they have with us. However, our staff should not be expected to tolerate abusive, threatening or offensive behaviour either verbally or in writing. Similarly, our staff should not be expected to deal with someone who, because of the frequency of their contact, places a strain on time and resources, and causes undue stress for staff.
- 1.3 DBS staff will respond professionally and sympathetically to all customers. Where a customer acts persistently, determinedly and/or assertively, they usually display this behaviour legitimately in the pursuit of a resolution to their complaint. However, there may be times when there is nothing further that can reasonably be done to assist a customer or rectify a perceived problem. In such circumstances, we recognise that there are occasions when certain investigations should be drawn to a close, if there is no reasonable way of resolving the situation to everyone's satisfaction.
- 1.4 The purpose of this policy is to explain the appropriate action that the DBS will take against those customers deemed to be displaying unreasonable behaviour. Implementation of this policy will only happen in exceptional circumstances after all reasonable measures have been taken in an effort to resolve the issue.

2. What is covered by the scope of the policy

- 2.1 Unacceptable behaviour is defined as:
 - Behaviour or language that may cause staff to feel afraid, intimidated, threatened or abused, e.g. the use of language that could be described as foul, offensive, inappropriate and/or racist, threats or physical violence, derogatory remarks, rudeness, harassment, inflammatory statements and unsubstantiated allegations
 - Unreasonably persistent customers who, because of the frequency or nature of their contact, place a strain on time and resources, e.g. pursuing complaints in inappropriate ways, pursuing issues which appear to have no substance or are outside of the DBS remit, or which have already been investigated and the outcome determined.

- 2.2 In dealing with customers, we recognise that our resources, including staff time, have to be used responsibly and directed where they can provide the most value. This might mean that we cannot always respond to every complaint in the manner and to the extent that a customer would choose.
- 2.3 Ultimately there may be occasions where customers may inappropriately direct their anger at DBS staff, and whilst this behaviour is generally not acceptable, it is important for us to consider the diversity needs of each customer.

3. Principles

- 3.1 We expect our staff to be treated with courtesy and respect. We recognise that customers can at times feel under pressure, distressed or feel that they have to be determined to pursue their concerns. They can also feel angry about their situation. The DBS will distinguish between distress, frustration, forcefulness and determination, and any of these developing into unreasonable behaviours.
- 3.2 It is difficult to provide a strict definition of what constitutes unreasonable behaviour. This will depend largely on the individual circumstances of each case, including both the type and level of contact. This type of behaviour can be exhibited in many different manners, including in person, on the telephone, in written or email correspondence.
- 3.3 Factors which should be taken into account are the frequency of contact, the content of the contact, the actions taken by the DBS to resolve the customer's complaint, and the level of disruption caused.
- 3.4 Examples of unreasonable behaviour:
- Making unnecessarily excessive demands on the time and resources of staff whilst an issue / complaint is being investigated, which could include excessive telephone contact, or sending emails to numerous members of staff or numerous emails to one staff member, writing lengthy, complex letters every few days and expecting immediate and comprehensive responses
 - Submitting repeated issues / complaints, after the complaints process has been exhausted, with additions and/or variations to the original complaint, which the customer insists makes the complaint worthy of being put through the full complaints process again. Such behaviour will not result in the acceptance of a new complaint
 - Refusing to accept an outcome of a complaint once the DBS has concluded its investigation – repeatedly arguing the point and complaining about the decision and not accepting the further escalation routes open to the customer to resolve the complaint (e.g. ICR, PHSO) in accordance with the DBS Complaints Policy
 - Insisting that the complaint should be dealt with in ways which are incompatible with standard procedure and/or good practice
 - Refusing to accept documented evidence as factual

4. What it means in practice

- 4.1 DBS operates a zero tolerance approach to unreasonable behaviour and will protect its staff from such behaviour. If a customer behaves in an unreasonable way, the DBS will follow this policy to manage such behaviour and to control or limit the contact which customers have with our staff. In some circumstances we may have to consider placing restrictions on how and whether a customer may contact us.

- 4.2 If unreasonable behaviour occurs during a telephone conversation, DBS staff will advise the caller that telephone conversations are recorded and explain to the caller why their behaviour is unacceptable. The caller will be given the opportunity to stop the unacceptable behaviour. If the unacceptable behaviour continues, DBS staff will inform the caller that they are ending the telephone call and will record the reason for the termination on the appropriate DBS IT system.
- 4.3 If unreasonable behaviour is displayed in written correspondence, the DBS will respond in writing to the customer addressing the query and/or complaint in full, whilst also stating that the correspondence received is unacceptable and ask the customer to refrain from this behaviour in future correspondence. A note will be made on the DBS IT system of the unreasonable behaviour and that the customer has been asked to refrain from displaying this behaviour in future correspondence.
- 4.4 Following unreasonable behaviour (which may be either repeated behaviour or a one-off instance, and considered on a case to case basis) DBS Customer Service Managers will contact the customer either by phone, in writing or by email to explain why this behaviour is causing concern, and ask them to change this behaviour. The warning will contain
- details of when the incident occurred
 - the reasons why the behaviour is considered to be unreasonably persistent/unacceptable
 - an explanation of the effect this behaviour is having on the DBS and its staff
 - what could happen should the behaviour continue.
 - A copy of this policy may also be sent.
- 4.5 If the disruptive behaviour continues, the Head of Customer Relations may issue a reminder letter to the customer advising them that if they continue to act unreasonably their future contact with the DBS will be restricted.
- 4.6 Where the behaviour is particularly serious, DBS may decide at its sole discretion that this policy and any sanctions herein should be applied without prior warning. In that event, a DBS Director or the Chief Executive will write directly to the customer explaining the reasons for this.
- 4.7 The decision to restrict access to the DBS will be taken at Director Level or above and will normally follow a prior warning to the customer. Any decision taken will be recorded.
- 4.8 There is a range of ways that the DBS will restrict access, and the action applied will depend on the nature of the behaviour. These include but are not limited to:
- restricting contact to one method (e.g. letters only), or named member(s) of staff, or particular times of day,
 - accepting contact through a third party only,
 - only acknowledging further correspondence where new and pertinent information is presented which has not been previously considered,
 - refusing to accept further telephone calls,
 - restricting the issues we will correspond on,
 - requesting the customer to enter into an agreement about their future conduct,
 - terminating all contact with the DBS.

Any action taken will be reasonable, proportionate and balance the interests of the customer with the duty to protect the health, safety and well-being of our staff.

- 4.9 When the DBS applies this policy to a customer, we will write to them setting out:
- The reasons why we believe their behaviour to be unreasonably persistent/unacceptable
 - What action we have decided to take in response to this behaviour
 - How and when any decision to restrict access to us will be reviewed and to what subject matter this will apply
- 4.10 Three months after the decision to apply the policy is taken, the Head of Customer Services will carry out a review and make a recommendation to the relevant Director as to whether the restriction should be extended, amended or removed, and to what subject matter it will apply, e.g. not to re-open the original complaint reason if DBS has exhausted its internal complaint resolution procedure for this case.
- 4.11 Where a customer continues to behave in such a way which is unreasonably persistent and/or unacceptable, we may decide to continue to restrict access to the DBS for the purpose of pursuing a previous complaint.
- 4.12 Where a customer has changed their behaviour to the extent that the DBS does not believe that the policy should still apply, we will amend or remove the contact restrictions.
- 4.13 Once this review of contact has been completed, a Director will write to the customer and advise them of what decision has been reached, and why.
- 4.14 A customer can appeal a decision to implement this policy by asking the DBS's Chief Executive to review the original decision to implement contact restrictions. In some cases, relations between the DBS and the customer who is being unreasonable may break down completely while complaints are still under investigation and there is little prospect of achieving a satisfactory outcome. In such circumstances, there may be little purpose in following some or all the stages of the DBS complaints procedure. Where this occurs, early consideration of referring the matter to the Independent Complaints Reviewer or the Parliamentary and Health Service Ombudsman should be made, as they may be prepared to consider a complaint before the complaints procedure has run its course within DBS.
- 4.15 Where the behaviour is so extreme or it threatens the immediate safety and welfare of staff, DBS will consider other options, for example reporting the matter to the Police or taking legal action. In such cases, the DBS may not give the customer prior warning of that action.
- 4.16 New complaints from those who have been dealt with previously under this policy will be treated on their own merits.

Annex C

Useful Information for contacting DBS

If you have an enquiry or would like to discuss a complaint about a DBS service with a DBS agent, they may be able to resolve the matter swiftly and informally. Please call or contact us;

- by phone: 03000 200 190
- Minicom 03000 200 192
- Welsh 03000 200 191 International +44151 676 9390
- by email: customerservices@dbs.gsi.gov.uk
- by post: DBS Customer Services PO Box 3961 Royal Wootton Bassett SN4 4HF

The phone line is open 8am to 6pm on weekdays and 10am to 5pm on Saturday. You may be asked some security questions to verify your identity. All calls to this number are recorded for training and security purposes.

If emailing us, please include your full name, address, telephone number and, if relevant, any DBS references numbers in your correspondence. We cannot guarantee the security of information until it is in our possession, and will not take responsibility for such information until we receive it.

How to make a complaint

If you would like to discuss your complaint with a DBS agent, who may be able to resolve the matter swiftly and informally you can call us on:

- 03000 200 190 for disclosure complaints*
- 01325 953 795 for barring complaints

*please note all calls to the DBS on this number are recorded for training and security purposes

If you are unhappy with the way in which we have dealt with you, please contact Customer Relations in the first instance either by email, fax, telephone or letter setting out what has gone wrong and what you would like us to do to put it right. To help us investigate your complaint please provide:

- full details of what has caused you to make a complaint
- how you would like us to resolve your complaint
- your full name, address and postcode
- your customer reference number if available
- your phone/email contact details

You may wish to use the [Complaint Form](#) provided. Please address your complaint to Customer Relations:

- by email: DBScomplaints@dbs.gsi.gov.uk
- by fax: 0300 123 1660
- by post: DBS Customer Relations PO Box 165 Liverpool L69 3JD

If you email we cannot guarantee the security of information until it is in our possession, and will not take responsibility for such information until we receive it.

When can you expect a response to your complaint

Your complaint will be handled by our dedicated Customer Relations Managers who will:

- acknowledge your complaint within 3 working days of receipt
- speak to you in person if appropriate to help clarify any details
- deal with you in a polite, courteous manner and act confidentially
- investigate your complaint thoroughly and put any mistakes right quickly
- aim to issue a full response in 10 working days.
- endeavour to provide you with a satisfactory resolution

In the event that we cannot meet this target, we contact you to explain why, and arrange to agree a timescale with you, and keep you informed of progress. Please be aware that some issues may be outside of DBS control and as a result we may not always be able to resolve your complaint to your complete satisfaction. However we will always explain why this may be the case and provide the best resolution possible.

What to do if you are not satisfied with the response

We will always aim to provide a satisfactory response following the initial contact from a customer. For customers who are not satisfied with the response the DBS has given there is a complaint resolution escalation route to follow.

Stage 1 - Director Review

If you are not satisfied with the Customer Relations Manager's final response, please request a Stage 1 Director Review of your complaint and submit full details in writing about why you are not satisfied with the response and how you would like the matter to be resolved;

- by email: DBScomplaints@dbs.gsi.gov.uk
- by fax: 0300 123 1660
- by post: DBS Director Review, Customer Relations, PO Box 165 Liverpool L69 3JD

The Director will arrange to contact you within 3 working days to acknowledge your escalated complaint and advise you of when you should expect a response. A Director's review can take up to 20 working days from agreeing a complaint confirmation statement so that a thorough investigation can take place

Stage 2 - Chief Executive Review

If you are not satisfied with the Director's final response, please request a Chief Executive Stage 2 Review and submit full details in writing about why you are not satisfied with earlier responses and how you would like the matter to be resolved:

- by email: DBScomplaints@dbs.gsi.gov.uk
- by fax: 0300 123 1660
- by post; DBS CEO Review, Customer Relations, PO Box 165, Liverpool, L69 3JD

The Chief Executives Office will arrange to contact you within 3 working days to acknowledge your escalated complaint and advise you of when you should expect a response. A Chief Executive review can take up to 20 working days from agreeing a complaint confirmation statement so that a thorough investigation can take place.

If you remain dissatisfied

If you have completed our internal complaints escalation process and you are not satisfied with the final response from the DBS Chief Executive, you can ask for your complaint to be investigated by the **Independent Complaint Reviewer (ICR)**.

The ICR will normally only investigate a complaint if the DBS has been given every opportunity to resolve the matter via its internal escalation process and you have received a final response from the DBS Chief Executive.

The ICR is independent and impartial, the service is free, and you can contact the ICR office:

- by email: icr@dbs.gsi.gov.uk
- by post: Independent Complaint Reviewer, PO Box 165, Liverpool; L69 3JD

We cannot guarantee the security of information until it is in our possession, and will not take responsibility for such information until we receive it.

Parliamentary and Health Service Ombudsman (PHSO)

If you remain unhappy you can contact your Member of Parliament and ask them to refer your complaint to the [Parliamentary and Health Service Ombudsman](#). The ombudsman would normally expect you to have had your complaint reviewed by the ICM. The ombudsman is independent and impartial, and the service is free, and you can contact the ombudsman:

- by email: phso.enquiries@ombudsman.org.uk
- by phone: 0345 015 4033
- by post: Parliamentary and Health Service Ombudsman, Millbank Tower, Millbank, London, SW1P 4QP

Complaints about the DBS Welsh Language Service

If you are unhappy with the Welsh service you have received, you should in the first instance make a complaint to the DBS following the above stages.

However, if you remain dissatisfied with the final response from the DBS Chief Executive you can take your complaint to the [Welsh Language Commissioner](#) and they will investigate on your behalf.

DBS Certificate; Dispute

Contact us if you think your DBS certificate is wrong. This can include incorrect personal details, incorrect conviction information or other discrepancies. If you receive a DBS certificate with a conviction that doesn't relate to you, you should also inform the person who requested that you complete the form as soon as possible.

- by email: customerservices@dbs.gsi.gov.uk
- by post: DBS Customer Services (Disputes) PO Box 165 Liverpool L69 3JD
- by phone: 03000 200 190

The phone line for certificate disputes is open 9am to 5pm, Monday to Friday only.

DBS Barring Decision; Review or appeal

- Email dbsdispatch@dbs.gsi.gov.uk
- by post: DBS Barring PO Box 181 Darlington DL1 9FA
- Telephone: 01325 953 795

Queries relating to criminal record check issues cannot be answered through this contact. Callers will be referred to the disclosure helpline number 03000 200 190.

Freedom of Information (FOI) requests

If you wish to submit a new request under the Freedom of Information Act or request of a review to a response provided please contact the DBS;

- By email dbsfoi@dbs.gsi.gov.uk
- by post: DBS Freedom of Information Officer, PO Box 165 Liverpool L69 3JD

Most requests are free of charge but you may need to pay a small amount for photocopies or postage. When you submit a request we'll let you know if you have to make a payment.

Subject Access Requests (SAR)

If you have any enquiries about subject access or request a review to a response provided, please contact us:

- by post: DBS Subject Access, Policy Department PO Box 165 Liverpool L69 3JD
 - Tel: 0151 676 1154
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DBS Legal Services

If you wish to enquire about any legal matter or for example intend to submit a civil claim for damages to DBS, you should address your correspondence in writing to;

Head of Legal Services

Disclosure and Barring Services
PO Box 181
Darlington
DL1 9FA