



Disclosure &  
Barring Service

# **Disclosure and Barring Service: Complaint Policy**

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This policy from the Disclosure and Barring Service (DBS) aims to cover the DBS complaint process including how to raise a complaint, when you can expect a response to your complaint, our internal escalation review process, and what to do if you remain dissatisfied.

## 1. Complaint process overview

The following section details the stages of the DBS complaint process. There are three stages in total.

### Stage 1: Initial complaint response

1.1. The Disclosure and Barring Service (DBS) will aim to:

- conclude a complaint first time, every time, at the initial response stage
- acknowledge any new complaint within one working day of receipt
- investigate and provide a full response within 6 working days of receipt

1.2. When providing a response, DBS will invite the customer to provide details of any aspect that has not been addressed or explained clearly, so that every effort can be made to conclude the matter to the customer's satisfaction at this initial stage.

More information about stage 1 can be found in [section 10](#).

### Stage 2: DBS senior officer review

1.3. If the customer remains dissatisfied after efforts to satisfactorily conclude the complaint at the initial complaint response level, they may request a formal review of the outcome by a senior officer (director level or above).

1.4. DBS will aim to:

- acknowledge a request for a stage 2 review within 1 working day of receipt
- confirm complaint issues and outcome sought within 3 working days of receipt
- investigate the handling of the complaint afresh and impartially
- provide a provisional report within 7 working days of receipt

1.5. Once the customer has reviewed and replied with any comments on the provisional report, the senior officer will undertake a formal review and aim to provide a final response from DBS within 20 working days of the complaint confirmation. The senior officer's final response will conclude the matter in respect of the DBS internal complaint process.

More information about this stage can be found in [section 11](#).

### The Parliamentary Health Service Ombudsman

1.6. If the customer remains dissatisfied with the outcome by a senior officer, they may elect to contact their MP (member of Parliament) to request that they refer a complaint about DBS to the Parliamentary Health Service Ombudsman (PHSO).

1.7. As PHSO are a final stage for unresolved complaints, they will usually expect a complaint to have been considered by the DBS internal complaint process first.

More information about this stage can be found in [section 12](#).

## 2. Purpose of the DBS complaint policy

2.1. At DBS, we aim to provide a first-class service to our customers when administering our services. There may be occasions when an individual is not happy with a service, and, if this is the case, it is important that we know straightaway, so that we can try and put things right as quickly as possible at the initial stage.

2.2. When customers indicate they are not satisfied with a service, DBS staff are encouraged to be positive and adopt a 'can do' attitude. If something does go wrong, we want to respond to customers' issues quickly and informally, and learn from our mistakes so that we're less likely to make the same mistake again.

2.3. The purpose of this policy is to set out the principles of our approach to investigate complaints in an efficient and responsive way, that is sensitive to the circumstances of the individual and situation. Our approach to complaints must also support the process for responding to a complaint in line with the [Parliamentary and Health Service Ombudsman Principles of Good Complaint Handling](#).

## 3. Aims of the DBS complaint policy

3.1. The aim of this policy is to give anyone who receives or requests a service from DBS guidance on what to do if that customer wishes to raise a complaint. Although the procedure is also open to people acting on their behalf, such as a councillor, MP, advice agency, or Solicitor, we would encourage a customer, wherever possible, to try to sort things out with us first.

3.2. DBS aims to address any issues a customer raises about the administration of our services quickly and informally, without the need to make a formal complaint. However, if a customer remains dissatisfied with informal action taken, DBS will aim to provide:

- an easy and accessible process to make a complaint via different channels
- a simple, quick, efficient, and courteous complaint service
- the customer with regular updates on their complaint
- a clear explanation and response within set time limits

## 4. Data protection and confidentiality

4.1. DBS is committed to its obligations under the General Data Protection Regulation (GDPR) and the Data Protection Act 2018, and will handle all complaints in accordance with this legislation. Further information can be found in the [DBS privacy policies](#).

4.2. DBS will always respect customer confidentiality whilst looking into a complaint and personal details will not be divulged without written consent. If a complaint involves another organisation or a member of staff it may be difficult for us to investigate this without talking to that organisation or staff member. We will try to respect customer wishes, but if we cannot talk to the person(s) involved, it may not be possible to investigate and take appropriate action to resolve the matter.

4.3. DBS will deal with complaints sympathetically, but there are some things about which we will not be able to provide information. For example, it would be wrong for us to discuss personal details of someone else without their written consent, as this would be a breach of confidentiality. We can, of course, talk generically about how our services are administered.

4.4. Due to their nature, we do not acknowledge anonymous complaints. Any anonymous complaint will be referred to a senior manager who will review the complaint and assess the most appropriate way to deal with the matter.

## **5. Equality**

5.1. DBS is committed to treating everyone fairly, including when dealing with complaints, and in line with the Equality Act 2010 and wider equality, diversity, and inclusion aims of DBS. This is to ensure that 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.

## **6. Policy statement**

6.1. DBS aims to provide a professional, fair, efficient, courteous, and helpful service to the public and a key aspect for achieving this is to promptly investigate and, wherever possible, resolve complaints about its services to the satisfaction of the customer.

6.2. Dealing with complaints effectively and efficiently is a core element of DBS customer service and reflects DBS' commitment to customer service excellence, and continuous improvement in the delivery of our services.

6.3. At all stages, DBS will look to contact the customer, directly by telephone if appropriate, to understand the complaint and how we can look to put things right quickly and informally.

6.4. Complaints will normally follow the DBS complaint policy process stages, as detailed in section 1. However, there may be instances when DBS decides at its sole discretion to direct a complaint to stage 2, senior officer review without the need to go through the initial handling stage (for example, the complaint may be about a complex or common/generic issue).

## **7. What is covered by the scope of the policy**

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

7.2. The main types of administrative complaints that can be considered are listed below, however this list is not exhaustive.

- Poor service and/or maladministration by DBS
- Behaviour of DBS staff
- Failure to follow a DBS policy or procedure

- Processing timescales that are unreasonable
- Wrong or misleading advice provided by DBS
- Failure to provide explanations or give reasons for DBS decisions
- Discrimination or inconsistency in DBS decision-making

## 8. What is not covered by the scope of the policy

8.1. This policy cannot address challenges to statutory decisions made in accordance with the services that DBS provides. There are specific legislative/formal channels that must be followed to challenge a statutory decision and if a customer's enquiry or complaint relates to such a challenge, it will be redirected to the appropriate route. For example:

- Barring decision appeal or review - if a customer is seeking to appeal, or request a review of, their name being placed on one or both Barred Lists, there is a legal process that must be followed; more information can be found in the [DBS barring guidance](#)
- DBS certificate dispute - if a customer is seeking to dispute the accuracy of information on their DBS certificate there is a legal process that must be followed; more information can be found in the [DBS disputes guidance](#)
- 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; more information can be found on the [DBS GOV.UK home page](#), in the 'contact DBS' section
- Subject access request review - if a customer is seeking a review of a response provided following a subject access request, a formal route must be followed; more information can be found in the [DBS subject access request guidance](#)

8.2. This complaint policy cannot address legal matters or civil claims in relation to the services that DBS provides. If a complaint appears to relate to litigation such as a civil claim for damages/compensation, then the case will be directed to DBS legal services.

8.3. This policy cannot address complaints about the actions, decisions, or performance of any third parties, including those who have specific statutory roles, related to DBS services. DBS will always look to provide support, and assist customers who have made such complaints, related to a DBS service. For example:

- Police statutory checks - DBS cannot provide resolution or redress for any complaint about the police, or their actions, including timescales taken by the police to complete their checks or consider a dispute; DBS will communicate with the police on behalf of a customer experiencing issues such as delay when their Enhanced or Enhanced with Barred Lists DBS check application is with the police to undertake statutory checks or consider a dispute
- Registered Bodies - DBS will look to ensure that Registered Bodies are compliant with the DBS code of practice and conditions of registration; however, DBS cannot provide resolution or redress for complaints about actions taken by Registered Bodies that fall outside of the remit or control of DBS
- External organisations - DBS cannot remedy complaints about any actions or decisions by external bodies including employers, licensing authorities, or referring organisations that fall outside of the remit or control of DBS

8.4. This complaint policy seeks to address issues raised quickly and informally, and will not consider complaints received beyond 12 months of an issue being identified. DBS also

requires a customer to respond to any reasonable DBS request in relation to a complaint within one month of the request being issued, unless specified and agreed.

8.5. If it is determined that a complaint is, or elements of it are, out of scope of the DBS complaint policy, customers may request that the matter be referred for a senior officer review. The senior officer will determine if the initial assessment that a complaint is, or elements of it are, deemed to be out of scope of the complaint policy is correct.

## **9. Principles**

9.1. Customers can always expect to be treated with courtesy, respect, and fairness. DBS expects customers to afford its staff the same courtesy, respect, and fairness when communicating, whether on the phone or in written correspondence.

9.2. DBS expects customers to clearly state what issues they have, and specify what they are seeking to resolve the matter. DBS will aim to resolve complaints to the customers' satisfaction informally at the first point of contact.

9.3. If a customer is not happy with an informal resolution provided by front-line staff or their managers, they will be invited to formalise their complaint in writing. DBS will, if necessary, assist customers to record details of the complaint and the remedy sought on their behalf.

9.4. To provide a fair and impartial complaint-handling service, the DBS complaint policy provides customers with an escalation route to request a review of the response to their complaint if it has not been resolved to their satisfaction. Where a review is requested, customers must provide a clear statement of the complaint, an explanation of the issues they remain dissatisfied with, and how they would like them to be resolved.

9.5. DBS will always endeavour to communicate with the customer and provide the final response to complaints using the customer's preferred mode of contact. Where this is not specified, DBS will usually respond using the same mode of communication as the customer has used to raise the complaint and may also contact by telephone if appropriate.

9.6. All complaints and related information received will be dealt with confidentially and in accordance with the requirements of GDPR and the Data Protection Act 2018.

## **10. Stage 1: Initial complaint response**

10.1. When making a complaint, the 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 their complaint to be resolved. Complaints should be made within 12 months of the issue occurring. An individual may, if they wish, provide consent for a third party or advocate to act on their behalf. More information around how to raise a complaint can be found in our [complaint guidance](#).

10.2. The customer will also be expected to respond to any reasonable request for further information or clarification from DBS, to define or support the complaint investigation within reasonable timeframes. This is usually within one month of the request.

10.3. On receipt of a formal complaint, DBS will:

- acknowledge receipt of the complaint and triage within one working day
- identify if any immediate action can be implemented
- advise if any immediate action has been taken if appropriate and a date by which the customer should expect a full response
- allocate the case for investigation and response

10.4. DBS will aim to provide a full response within 6 working days, starting 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 will be advised as to when they are likely to receive a response.

10.5. DBS will:

- if appropriate, contact the customer by telephone to discuss and confirm the complaint, and discuss how the customer would like to see the matter put right
- investigate all complaint issues raised 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

10.6. If the complaint includes a claim for a redress award in relation to a consequential loss or other injustice due to maladministration, DBS will instigate a full investigation and ask the customer to confirm the factual accuracy of the chronology of events in a provisional investigation report and invite comment. If appropriate DBS may seek corroborative evidence before issuing a finding report and response to the redress claim. More information about the complaint redress policy can be found in [Annex A of this policy](#).

10.7. Usually, when a stage 1 response is issued, the matter is concluded with no further action required. DBS wants to ensure that the customer is content with the response and will ask for details if an issue remains unaddressed, or is not explained satisfactorily.

10.8. If the customer provides details of an outstanding issue, DBS will exhaust all efforts to provide a satisfactory resolution before issuing a final stage 1 response. At this point, the customer will be advised of how to request a stage 2 senior officer review if they wish.

## **11. Stage 2: Senior officer review**

11.1. When DBS issues the final stage 1 response, they will advise the customer of how to escalate their complaint by requesting a review by a senior officer if they remain dissatisfied with the response provided.

11.2. Senior officer reviews are carried out at director level or above. Upon receipt of a request for a senior officer review, DBS will aim to:

- contact the customer within 3 working days to confirm a statement of complaint and to confirm how the customer would like the matter resolved
- instigate a fresh investigation asking the customer to confirm the factual accuracy of the chronology of events in a provisional investigation report, and invite comment
- arrange to contact the customer to discuss the outcome of the provisional report, and any further comments received

- present a draft final report with findings, conclusions, and any recommendations to the nominated senior officer (who may be the relevant director of operations, the DBS CEO, or another relevant senior manager)

11.3. The senior officer final review decision and report into the complaint should be concluded within 20 working days, commencing from when the statement of complaint is agreed with the customer. Complex complaints may take longer to review, and if a response cannot be issued within 20 working days, the customer will be provided with regular updates until the review decision and report can be issued.

11.4. When the review decision and report is issued, the internal DBS complaint process has been exhausted. The customer will be advised of how to contact the ombudsman services if they remain dissatisfied. More information around how a complaint can be escalated can be found within our [complaint guidance](#).

## **12. External complaint review stage**

### **The Parliamentary and Health Services Ombudsman**

12.1. If the customer remains dissatisfied following the DBS senior officer review investigation and findings, they will be signposted to the services of the Parliamentary and Health Services Ombudsman (PHSO) and can ask them to investigate the complaint.

## **13. Further information**

13.1. At all levels of complaint handling, DBS will ensure that lessons learnt, and any recommendations made, are followed up to help ensure that similar causes for complaint do not reoccur. Anyone involved in a complaint will also be provided with feedback as appropriate, to help improve customer satisfaction. These actions will feed into the reporting of complaint trends to the DBS Quality and Standards Committee.

## **Annex A: Complaints redress policy**

### **1. Redress for upheld complaints**

1.1. The Disclosure and Barring Service (DBS) aims to comply with the [Ombudsman's Principles of Good Administration](#) and [HM Treasury's Managing Public Money guidelines](#), and provides its complaint process as a voluntary option to help customers to obtain a quick, informal, and proportionate resolution.

1.2. DBS has no legal obligation to provide redress, and does not accept liability in any way by doing so. Any offer made will be on ex-gratia and without prejudice basis, and is subject to scrutiny by the National Audit Office and internal audit.

1.3. If a complaint is upheld in full or part, DBS will look to offer an apology, which is usually the most appropriate redress to resolve and conclude a complaint. Exceptionally, DBS may consider an offer of additional redress to demonstrate regret and the sincerity of an apology along with any consequential impact of the established service failure.

1.4. 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. After considering any resolution sought by a customer, any offer of redress needs to be fair, proportionate, and appropriate, in relation to the established service failure.

1.5. An offer of redress can amount to one or more of the following resolutions:

- An apology which is usually the most appropriate action to resolve a complaint
- An explanation of what went wrong and why
- An explanation of how things have been put right
- Details of lessons learnt and any recommendations to help prevent a reoccurrence
- Consideration of an award on an ex-gratia and without prejudice basis

#### **What this means in practice**

1.6. DBS will investigate to assess all relevant information provided to support the complaint and any related request for redress. If a complaint is upheld, in full or in part, an apology will be offered, and DBS will consider the individual circumstances of each case in assessing if any offer of a redress payment award is appropriate.

1.7. The DBS complaint policy, and related redress policy, cannot address legal matters or civil claims in relation to the services that DBS provides. Claims for significant financial redress outside of the scope of the policy and/or litigation such as civil claims for damages/compensation, will be directed to DBS legal services for consideration.

### **2. Redress payment award**

2.1. If appropriate, DBS may consider offering a redress award on an ex-gratia and without prejudice basis. A customer can be considered for an offer of a consolatory redress award and/or a consequential redress award if it is deemed appropriate.

## **Consolatory redress award**

2.2. DBS will assess the degree of maladministration and the impact that it has had on the individual. Typically, any offer will be for a nominal amount to help demonstrate and reinforce the sincerity of DBS' apology.

## **Consequential redress award**

2.3. If an offer of a consequential redress award is being considered, the customer will be asked to provide robust, satisfactory evidence and quantify the redress that they seek. This evidence can be considered from the point that the statement of complaint confirmation is agreed.

2.4. DBS may consider a financial award for loss of earnings because of DBS maladministration. This could include, for example, establishing the time it took DBS to process an application (excluding time taken by police forces to undertake their statutory checks).

2.5. Before any consequential redress claim can be considered, the customer must provide corroborative evidence to support their claim. The onus is on the customer to provide evidence that DBS maladministration has led to their loss. DBS will assist the customer as appropriate, for example if the relationship between the Registered Body or employer and customer has broken down.

2.6. DBS will consider if there is any contributory failing on the customer's part which could have contributed to or caused the delay.

2.7. Police force failings, including delay, are out of scope of the DBS complaint and redress policies. In cases where there is delay while 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 involved.

2.8. Any request for loss of earnings must be supported by robust and satisfactory evidence that would satisfy any subsequent audit. Unless specified and agreed, all evidence must be submitted within three months of the complaint investigation being completed. This provides a reasonable period 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 inform DBS and agree a way forward.

2.9. Where the customer cannot evidence their loss, an established working pattern from before receiving the application may 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.

## **Annex B: Useful contact information**

### **1. Contacting the Disclosure and Barring Service**

A DBS adviser may be able to resolve an enquiry or complaint about a DBS service quickly and informally. Please contact us in one of the following ways:

- Telephone: 03000 200 190 (English)
- Telephone: 03000 200 191 (Welsh)
- Telephone: +44151 676 9390 (International)
- Minicom: 03000 200 192
- Email: [customerservices@dbs.gov.uk](mailto:customerservices@dbs.gov.uk)
- Post: DBS Customer Services, PO Box 3961, Royal Wootton Bassett, SN4 4HF

Telephone lines are open 9am to 5pm, Monday to Friday.

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 reference numbers.

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