



# **Making a Complaint or raising a Dispute to AccessNI**

## Contents

	<u>Page</u>
<b>Introduction</b>	<b>3</b>
<b>Making a general complaint</b>	<b>4</b>
<b>Step 1: Contact AccessNI</b>	<b>4</b>
<b>Step 2: Department of Justice</b>	<b>5</b>
<b>Step 3: Public Services Ombudsman (NIPSO)</b>	<b>7</b>
<b>Dispute</b>	<b>8</b>
<b>Judicial review</b>	<b>9</b>
<b>General matters</b>	<b>9</b>
<b>AccessNI Service standards</b>	<b>11</b>

# 1 Introduction

## **Purpose**

This policy has been developed to ensure consistency of approach in AccessNI in the handling of complaints and disputes.

## **AccessNI policy on complaints**

AccessNI is committed to providing a high level of service at all times. If you are not happy with the service you have received from AccessNI, and you wish to make a complaint or dispute, we will try to address your complaint in a professional and timely manner.

We will look at all complaints and disputes without prejudice, dealing with them as quickly as possible. If a complaint or dispute is accepted as valid, we will fully and fairly investigate the complaint or dispute and keep the person making the complaint informed of progress. When AccessNI responds to a complaint, we will offer an explanation of the circumstances where possible and, where appropriate, the remedial action we will take.

## **The scope of this policy**

This policy applies to AccessNI only. The policy is fully compliant with the Department of Justice's overarching complaints policy.

There are two main types of AccessNI complaint:

### **General complaint**, for example,

- maladministration;
- delays in receiving information or a certificate;
- incorrect information or guidance issued by the Department or
- the attitude, behaviour and/or conduct of staff.

**A Dispute.** This is where the accuracy of some or all of the information disclosed on the AccessNI check is challenged.

Where you contact AccessNI and complain that the information on a check is incorrect, this is called a **Dispute**. It is called a dispute because under legislation<sup>1</sup> an applicant can, if they believe the information contained in the check is inaccurate, apply in writing for a new certificate to be provided. Disputes will only be accepted by AccessNI if written notification is received in AccessNI within 90 days from the date the AccessNI check was issued.

These procedures deal with both types of complaint.

### **Our Commitment**

If you make a complaint AccessNI promise to:

- Record your complaint;
- Acknowledge your complaint in writing 3 working days after it is received in AccessNI;
- Deal with you in a professional and courteous manner;
- Let you know who is dealing with the complaint;
- Where the complaint is a **general complaint**, let you know the outcome within 15 working days(or the earliest opportunity), or tell you why this can't be resolved in that time;
- Where the complaint is about a **dispute**, let you know the outcome within 15 working days (or at the earliest opportunity), or tell you why this can't be resolved in that time; and
- Where AccessNI is unable to deal with your complaint within these timescales, we will tell you how long we estimate it will take us to provide you with a reply.

## Clarification

AccessNI may seek further clarification about the nature of the complaint or dispute, but at all times will endeavour to meet our commitments to anyone making a complaint.

## 2 Making a General Complaint

### Contact AccessNI (for Internal Resolution)

If you wish to make a general complaint or dispute, you should do so by contacting the AccessNI Complaints Section at:

- [ani@accessni.gsi.gov.uk](mailto:ani@accessni.gsi.gov.uk). Please put the word “Complaint” into the subject line of the e-mail; or
- Ring 0300 200 7888. If you do call the Helpline our Operations Team will ask you to put your complaint in writing, either by e-mail or letter.

You can write to AccessNI at:

Complaints Section  
AccessNI  
PO Box 1085  
Belfast  
BT5 9BD

If you do make a complaint, it is very important to give us as much information about the complaint as possible. Please tell us, if appropriate;

- Your name and personal details;
- The reference number on the certificate you are complaining about; and/or
- Your countersignatory number if you are a Registered or Umbrella Body.

Upon receipt of your complaint, we will issue an acknowledgement within **3 working days** and provide details of who is dealing with your complaint and when you should expect a substantive reply.

The way in which your complaint is dealt with and responded to will be supervised by the Head of Operations and Business Services in AccessNI.

## **The Department of Justice Complaints Process**

If after the Internal Resolution Process - you remain **dissatisfied with how AccessNI has dealt with your complaint or the outcome**, you can complain to the Department of Justice (DOJ) Complaints Officer. The DOJ's complaint process can be found on the Department's web-site [www.justice-ni.gov.uk](http://www.justice-ni.gov.uk), or by clicking on the following link:

<https://www.justice-ni.gov.uk/doj-complaints>

The various contact details for the Department's Complaints Officer can be found here. You may express your dissatisfaction in the following ways:

In writing to:           DOJ Complaints Officer  
                                  Standards Unit  
                                  Information Services Division  
                                  Block 5, Knockview Buildings  
                                  Stormont Estate  
                                  Belfast BT4 3SL

By email:               standardsunit@justice-ni.x.gsi.gov.uk

Where a complaint is made to the DoJ Complaints Officer because **you are not satisfied with the response you have received from AccessNI**, this will be dealt with as a Stage 1 Complaint by the Department's Complaints Officer within its process. This will be referred to the General Manager in AccessNI. Contact details for the General Manager will be provided. The General Manager will aim to reply within **15 working days**. If this deadline cannot be met, you will receive an explanation that will inform you when you can expect a full response.

If, after consultation with the Department's Standards Unit, the General Manager of AccessNI believes that he/she cannot deal with the complaint, this will be escalated as a "Senior Civil Service (SCS) Review" by the Department within its process and forwarded to the Deputy Director, Information Services Division for consideration. If this happens you will be kept informed.

If you contact the Department to complain **before, or instead of, contacting AccessNI** the complaint will normally be referred to AccessNI and dealt with in accordance with Internal Resolution process section of the AccessNI complaints policy. In exceptional circumstances, and dependent on the nature of the complaint, this may be dealt with by the General Manager of AccessNI or another senior official in the DOJ.

Completion of DOJ Complaints Process exhausts the Department's internal complaints procedure.

## **Northern Ireland Public Services Ombudsman (NIPSO)**

If you remain dissatisfied with the Department's final response to your complaint, you can refer your case to the Northern Ireland Public Services Ombudsman, in any of the following ways;

### In Writing:

NIPSO

Freepost

Progressive House

33 Wellington Place

Belfast BT1 6HN

By telephone: 028 9023 3821 (or Free phone 0800 343424)

Text Phone: 028 9089 7789

In person at the above address:

The Northern Ireland Public Services Ombudsman provides a free and independent service. It is expected that you will have exhausted the full extent of the Department's complaints procedure before your case would be considered. Further details can be found on the relevant website: <https://nipso.org.uk/nipso>

### 3 Dispute

Where you contact AccessNI and complain that the information on a check is incorrect, this is called a **Dispute**. It is called a dispute because under legislation<sup>1</sup> an applicant can, if they believe the information contained in the check is inaccurate, apply in writing for a new certificate to be provided. Disputes will only be accepted by AccessNI if written notification is received in AccessNI within 90 days from the date the AccessNI check was issued.

To raise a dispute go to the following link and complete the on-line form (green button)

<https://www.nidirect.gov.uk/services/accessni-certificate-dispute-form>

You will be guided through the process as you complete the form. Using the form will help AccessNI to understand the specific nature of your dispute and who it should be referred to for resolution. AccessNI aims to resolve your dispute within 15 working days. This may take longer in certain circumstances.

Sometimes the resolution of a disputed matter can be difficult. In such circumstances AccessNI can, under the current legislative framework, ask an applicant to attend a police station to have **fingerprints taken** and checked against records of convictions.

Where AccessNI requires fingerprints we will:

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<sup>1</sup> Section 117 of Part V of the Police Act 1997



- Liaise with police to ensure this happens at a time and police station convenient to you; and
- Request police to destroy these once they are no longer required.

In accordance with legislative provisions, fingerprints provided for this purpose may be subject to a speculative search.

If the applicant fails to provide fingerprints at the agreed time and location AccessNI will consider the dispute closed. We will advise you of this. Only in exceptional circumstances will a dispute be re-activated (provided it is within the 90 day timeframe). If the applicant is unhappy with this they should raise the matter as a complaint with the Department of Justice

## 4 Judicial Review

If, after a substantive review is resolved, you remain dissatisfied with the outcome, you may wish to seek further legal advice. That may result in the matter becoming the subject of a Judicial Review by a court.

## 5 General matters

### **Vexatious complaints**

Fair consideration will be given to all complaints. Where AccessNI however, considers that a complaint is vexatious, it will refuse to deal with that complaint and inform the complainant accordingly.

A complaint will be considered vexatious where;

- It is without basis or repeated; or
- It would tend to or is being made with an intention to cause worry, upset, annoyance or embarrassment.

AccessNI will only refuse to deal with a complaint where it is the complaint itself that falls within the definition above. It is not an assessment of the complainant.

AccessNI will also refuse to deal with complaints where the complainant displays unreasonable behaviour and it is necessary to do so to protect staff. This includes circumstances where a person is unreasonably persistent and due to the nature and frequency of their contact with AccessNI hinders the consideration of their or other people's complaints.

### **Vulnerable Complainants**

Where a person making a complaint;

- Has learning difficulties;
- Has or is perceived to have mental health issues;
- Is under 16;
- Does not speak English; or
- Cannot speak or hear

AccessNI will take reasonable steps to ensure that the individual's complaint is fully understood and that communication with the complainant is in a way that he or she understands.

# OUR SERVICE STANDARDS



ACCESS NORTHERN  
IRELAND

AREA OF WORK	TARGET
<b>DISCLOSURES</b>	
<b>Performance – Enhanced Disclosures</b>	To issue <b>70%</b> of all enhanced checks made on line within <b>10 days</b> . To issue <b>95%</b> of all enhanced checks made on line within <b>21 days</b> . To issue <b>98%</b> of all enhanced checks made on line within <b>28 days</b> .
<b>Performance – Standard Disclosures</b>	To issue <b>99%</b> of all standard checks made on-line within <b>7 days</b> .
<b>Performance – Basic Disclosures</b>	To issue <b>99%</b> of all basic checks made on-line and countersigned by Responsible bodies, within <b>7 days</b> . To issue <b>95%</b> of all checks made on-line directly by citizens within <b>14 days</b> .
<b>Disclosure Accuracy</b>	To allow for <b>1</b> substantive error in every <b>11,000</b> disclosures processed.
<b>CUSTOMER HANDLING</b>	
<b>Complaints (Dispute or General Complaint)</b>	To respond to <b>100%</b> of initial complaint notification within <b>3 working days</b> .
	To advise of the outcome of the complaint within <b>15 working days</b> .