

ACRO

Criminal Records Office

Raising a Concern with ACRO Guidance Document



ACRO Criminal Records Office

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1. Introduction

- 1.1** The purpose of this document is to provide details of managing and handling concerns received by ACRO Criminal Records Office. The document also provides advice on various other enquiries you may have with us, for which there are different procedures.
- 1.2** A concern is any expression of dissatisfaction regarding ACRO services or products. The way we deal with your concern may vary depending on its nature and this is detailed in full in section 2 of this guidance.
- 1.3** For consistency, the term ‘customer’ has been used throughout this document, although it is accepted that in some cases, members of the public contacting us regarding a matter under this guidance may not have sought a particular service from us.
- 1.4** Concerns can generally be resolved locally by an appropriate manager within ACRO.
- 1.5** Should we be unable to resolve your concern at an early stage, it will be passed to an appropriate line manager under the steps outlined in this guidance document.
- 1.6** ACRO is a progressive organisation committed to improving service standards where required to meet the needs of our customers.
- 1.7** Concerns can provide valuable feedback to help improve our service. We record concerns we receive and collate data from them to help us understand what types of problems are most prevalent, and our ability to resolve them.
- 1.8** As well as learning from your concerns we are also interested in any ideas you may have on how we might do things better to improve our overall service. We would also like you to tell us when we do things well.

We value your feedback and use it to help us to:

- Get things right in the future if we have not done so already.
- Remain customer-focused.
- Be more open and accountable.
- Act fairly and proportionately.
- Seek continuous improvement.

- 1.9** All correspondence received will be dealt with in accordance with the requirements of the Data Protection Act 2018. We will handle your information so that it is processed and retained appropriately and legally. We can’t guarantee the security of information until it is in our possession, and can’t take responsibility for such information until we receive it.
- 1.10** There are a number of different ways to address your concern with us. Depending on the nature of your enquiry, there may be different policy or legislation which directs how we are able to resolve your concern. This is detailed in section 2, and you will be provided with advice on how your concern will be dealt with once we’ve made an initial assessment.

2. Scope of this guidance

You can contact us regarding the following. This guidance relates specifically to the circumstances in paragraph 2.1, below. Disputes, and concerns other than those in relation to ACRO products / services may be managed using guidance appropriate to the nature of the enquiry, and the associated timescales for dealing with them may differ.

2.1 Concerns with an ACRO product, or the service you have received in obtaining that product.

You may be dissatisfied with the service you have received from us when obtaining a Police Certificate, International Child Protection Certificate, or subject access disclosure. In these cases, an appropriate manager from this department will deal with your concern, under the terms set out in this document.

2.2 Disputes

A dispute occurs when your concern regards the accuracy of information held about you, either on our own systems, or as part of your record held on national systems.

Under certain UK or European Union measures, ACRO adds information to the Police National Computer.

ACRO investigates these concerns. There are several different ways a dispute may arise, so we will provide you with details regarding your case once we have assessed the appropriate way for it to be dealt with.

If we have acted reasonably, and in accordance with the procedures and measures under which we enter information, your record will not be changed.

Where disputes arise in relation to foreign convictions, it should be noted that ACRO acts under legislation allowing for foreign conviction exchange, and Home Office Policy. ACRO will consult with the convicting country, and the Home Office when investigating the dispute, but will retain responsibility for final decision. If the disputer believes that the Home Office policy is incorrect and wishes to challenge this, then their dispute will be forwarded to the relevant Home Office department for a response.

ACRO can only make decisions on cases where we have entered the information on your record. If another police force or organisation is the owner of that information, you will need to contact them to resolve the issue. We will be able to signpost you to the correct organisation. Where information is added by a constabulary it will be the decision of the respective Chief Constable as to whether the information is amended / removed or whether the original information stands.

Updates on disputes will be provided when progress has been made on your case, and therefore **will not** adhere to the timings referred to in section 4.

2.3 Record deletion from the Police National Computer (PNC)

In certain circumstances you may be dissatisfied and wish to raise a concern about the retention of your criminal record. You are able to apply for certain information to be deleted from your criminal record. Further information, and guidance on how to make an application for record deletion can be found on our website at this link

https://www.acro.police.uk/Early_Deletion_of_Biometric_Information.aspx

Please note that this process does not allow for the deletion of court convictions, but will allow for police convictions such as cautions, reprimands and warnings to be reviewed.

ACRO administers, but does not have control over the record deletion process. Guidance has been issued by the National Police Chiefs' Council (NPCC). Decisions are made by the respective Chief Constable of the adding police force. We are unable to deal with concerns where you disagree with this guidance or the decision of the local force.

In the event that you do not agree with the outcome of your review we administer an appeals process, however we do not have any control over the decisions made by Chief Officers.

2.4 Exercising your Rights as a Data Subject

Under the Data Protection Act 2018 you have rights as a data subject about the way your data is stored, managed and processed. These are:

1. The right to be informed
2. The right of access
3. The right to rectification
4. The right to erasure
5. The right to restrict processing
6. The right to data portability
7. The right to object
8. Rights in relation to automated decision making and profiling

Further information on these rights can be found at www.ico.org.uk

If your concern is regarding your rights under the Data Protection Act 2018, or how your data is being managed by ACRO, please contact our Information Management Team. Their contact details are:

information.management@acro.pnn.police.uk The team will consider your request and let you know the outcome within one calendar month.

2.5 Comments

As well as learning from your individual concerns we are also interested in any general ideas you may have on how we might do things better to improve our overall service. We would also like you to tell us when we do things well.

You are able to make a comment on our service using the contact details in Section 3. Please let us know if you would like an acknowledgement of your comment.

2.6 Items out of scope

Things which will not be dealt with under this guidance are:

Matters for which existing contracts or agreements already specify concern / conflict resolution procedures

This is mainly where ACRO has contracts or arrangements with other organisations which specify methods for resolving issues.

Matters where a concern has been made to another police force or agency and ACRO has been cited as having some involvement.

These cases will be managed through discussion with the police force or agency concerned.

Anonymous concerns

Concerns in relation to matters over 12 months old

Unless there is a reasonable explanation for the delay.

Complaints about the actions or policies of specific police forces

Where a complaint about a force arises from contact with ACRO we will advise you how to contact the force in question.

3. How to contact us

3.1 If you wish to contact us you can do so by email or letter.

If you wish to make a comment or raise a concern regarding an ACRO disclosure product, or a dispute about UK offence information on your PNC record the details are:

customer.services@acro.pnn.police.uk

Head of ACRO, PO Box 481, Fareham, Hampshire, PO14 9FS

+44 (0)2380 479 920

If you wish to raise a dispute about foreign offence information on your record the contact details are:

acro.international.disputes@acro.pnn.police.uk

International Disputes, UK Central Authority for the Exchange of Criminal Records
(UKCA-ECR) PO BOX 481, Fareham, PO14 9FS

If you wish to contact us about record deletion, information can be found on our website at the following link:

https://www.acro.police.uk/Early_Deletion_of_Biometric_Information.aspx

If you wish to contact us about the use of your data, and your rights under the Data Protection Act 2018, the contact details are:

Information.management@acro.pnn.police.uk

3.2 If you prefer, someone can contact us on your behalf, but you must give your permission in writing for them to do this. Where we have this permission, we will correspond directly with the third party to keep them informed of progress. We will require confirmation of the identification of the third party before this can be done.

3.3 To enable us to identify and resolve issues more quickly please provide us with the following information:

- Full details of what has caused you to raise your concern.
- How you would like us to resolve this.
- Your full name, address and postcode.
- Your customer reference number.
- Your contact details.

3.4 Please note that in order to protect your personal data we will be required to carry out sufficient checks to establish your identity before discussing your case with you.

4. Dealing with your concern

4.1 In most instances we will be able to deal with your concern very swiftly, on your initial contact with us. If we cannot resolve the issue to your satisfaction at an early stage, you can ask for your case to be progressed. It will then follow the stages below.

4.2 Stage 1

We will record and acknowledge your concern within five working days of receipt.

Your case will be assessed to determine the nature of your enquiry (as described in section 2) and passed to a supervisor of the correct department.

If your concern is to be dealt with under section 2.1 of this document, we will consider the full details of the case and contact you with a resolution within one calendar month of your initial enquiry. **Please note for enquiries of a different nature (described in sections 2.2 – 2.5 of this document), different timescales may apply.**

In certain complex cases, where further research and information is required, a full response within one month may not be possible, and if this is the case an update will be provided with a further indication of when a response can be expected. Further updates will be provided monthly until such time that a full response can be issued.

If you are happy with our response, the case will be closed, and reviewed internally to see if there are any lessons to be learned.

4.3 Stage 2

If you are not happy with our response, you can ask for your case to be reviewed.

All requests for review must be received within one calendar month after the date we advised you of the outcome of your initial concern. We may be able to extend this time period if you have very special circumstances and you can fully explain your reasons for asking for an extension.

We will record and acknowledge requests for review within five working days of receipt.

Your concern will be passed to a manager of the relevant department, who will contact you to discuss the details of your case, and what you seek in terms of resolution.

We will consider the full details of the case and contact you with a resolution within one calendar month of the date you requested a review.

In certain complex cases, where further research and information is required, a full response within one month may not be possible, and if this is the case an update will be provided with a further indication of when a response can be expected. Further updates will be provided every month days until such time that a full response can be issued.

If you are happy with our response, the case will be closed, and reviewed internally to see if there are any lessons to be learned.

4.4 What to do if you are still not satisfied

The following courses of action are open in certain circumstances, depending on the nature of your concern/enquiry (as described in section 2 of this document). We will be able to advise you as to the most appropriate course of action to take if you are not satisfied with the outcome of your contact with us.

- **Independent Office for Police Conduct**

ACRO is hosted by Hampshire Constabulary. Under the Police Reform Act 2002, you are entitled to make a formal complaint against the police, if you have been directly

or adversely affected by the conduct or behaviour of an officer or member of police staff.

The IOPC is a public body which oversees the police complaints system and in certain cases can deal with appeals, if you are unhappy with the outcome of your concern. Please see the IOPC website for further details www.policeconduct.gov.uk
The IOPC can be contacted by:

Post:
Independent Office for Police Conduct
PO Box 473
Sale
M33 0BW

Telephone: 0300 020 0096

Email: enquiries@policeconduct.gov.uk

- **Information Commissioner's Office**

The ICO is the The UK's independent authority set up to uphold information rights in the public interest, promoting openness by public bodies and data privacy for individuals. You can raise a matter with the ICO if you feel that ACRO has been unable, or unwilling to resolve your concerns regarding your information rights (the way we are handling your personal information). Further details can be found on the ICO's website www.ico.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. Further information on judicial reviews, and whether one is appropriate for your case, can be found at: www.judiciary.uk

In the case of international disputes, if the disputer believes that the Home Office policy is incorrect and wishes to challenge this, then their dispute will be forwarded to the relevant Home Office department.

5 Resolutions

5.1 Consideration of resolutions

The way a concern is resolved needs to be proportionate and appropriate to the case taking into account the resolution required by the customer as a satisfactory outcome.

When we get things wrong we will act to:

- Explain what went wrong and why.
- Accept responsibility and apologise where appropriate.
- Put things right by making any changes.

- Learn lessons from mistakes and change policies and practices where proportionate and sensible to do so.
- Agree an action plan with you which details the steps taken to resolve your concern.

The following is a list of some possible resolutions, but other action may be necessary in some circumstances:

- A full apology, explaining what happened and/or what went wrong.
- Remedial action, which may include reviewing or changing a decision on the service given to an individual customer.
- Provide the service that should have been expected in the first instance, as soon as is reasonably practicable.
- Training, supervision or guidance to staff (or a combination of all three).
- Refund of any fees paid where the service has fallen below expectations and ACRO is at fault.

5.2 Compensation

Claims for compensation are dealt with separately. In all cases we will need to determine the outcome of your initial concern, and will advise you of this in line with section 4 of this document. If after this, you still wish to claim compensation, you will need to advise us of this either in writing using our contact details in section 3.

Financial compensation is a final option, and will only apply in cases where the loss or suffering is considered to warrant such a payment. We only consider compensation for financial loss which has occurred as a direct consequence of an error made by ACRO. Should you wish to claim compensation after the outcome of your concern, please provide us with details of the reasons for your claim, the amount you seek, and any supporting documentation to evidence that loss is as a *direct result* of ACRO action.

Where it is decided, following investigation, that a customer has suffered an injustice or hardship resulting in direct or indirect financial loss due to maladministration, we will determine whether compensation is an appropriate remedy by looking at all the evidence, including how much the customer can demonstrate they have lost, or what extra costs they have incurred as a result. The reason for our decision will be recorded by the manager resolving the concern.

ACRO is only authorised to consider claims for compensation up to £500 in addition to any refunds. Any claims over this amount are considered by the Office of the Force Solicitor in Hampshire Constabulary. Further details of how to progress should you wish to make a request can be found on the Hampshire Constabulary website 'contact us' page.
www.hampshire.police.uk.

6 Persistent concerns

From time to time we may receive concerns which can be deemed manifestly unfounded and excessive. While the benefits of a transparent and accessible system are obvious and unquestionably right to ensure public confidence in the police service, there are a very small number of customers whose expectations may never realistically be met.

Continuing to try and address those expectations often leads to a disproportionate amount of time and resources being used, sometimes at the expense of the majority of service users.

Once a request has been deemed manifestly unfounded or excessive restrictions may be placed on the individual with regards to this process. This includes methods of reporting and the volume of material that will be initially assessed.

For a concern to be considered manifestly unfounded or excessive, we will consider a number of factors, and the unique circumstances of each case. Unreasonable contact, persistence, demands, arguments or behaviour may include the following:

- Persisting although the concern has been comprehensively addressed.
- Reframing the concern.
- Demanding a review of the concern (outside of the appropriate appeal process).
- Raising a concern against the decision maker purely because of their decision.
- Insisting on unattainable outcomes.
- Wanting revenge or retribution.
- Making demands about the way a concern should be handled.
- Providing an extraordinary degree of relevant detail.
- Creating complexity where there is none.
- Advancing irrational beliefs (i.e. seeing links where none exist).
- Advancing and sticking to what is clearly a conspiracy theory unsupported by evidence.
- Insisting that a particular solution is the correct one.
- Insisting on the importance of an issue that is unimportant in the context.
- Attempting to continue with a previously investigated concern by advancing minor issues which are not central to the original issue.

Each concern will be considered on its own merit, and receipt of a new concern from a source who has previously sent a persistent or unreasonable concern will not automatically be deemed the same.

The Head of ACRO will make a decision on whether cases are deemed to be manifestly unfounded or excessive, and the action taken to address this.

7 Unreasonable and abusive behaviour

When you raise a concern, you can expect ACRO to listen to you, act in a fair and balanced way, and seek to put things right. You can expect to be treated with courtesy, respect and fairness in any contact you have with ACRO staff.

Our staff have the right to expect the same level of courtesy. We do understand that people may act out of character in times of distress or due to frustration, and reasonable allowances will be made because of this. Demonstrations of persistence, determination or frustration will not in themselves be classed as unreasonable behaviour.

Our staff have the right to undertake their work free from abuse, threats and harassment, or persistent / repetitive concerns. Abusive, aggressive or threatening behaviour or language is considered unreasonable and ACRO reserves the right to terminate phone calls, or further contact should our staff be subject to this behaviour.

In such instances, the customer will first be told that we consider their language offensive or their behaviour unacceptable, and will be asked to stop using such language or behaviour. Should the behaviour continue, staff are authorised to terminate phone calls. They will make a note on our systems, and will pass details of the case to an appropriate manager, who will decide how contact with the customer should progress.

Where the customer continues to behave unreasonably, the procedure highlighted in Section 7 (Persistent concerns) may be followed. Unreasonable behaviour includes (but is not limited to) the following examples:

- Rudeness and aggression, making threats or harassing others.
- Sending rude, confrontational or threatening emails / letters.
- Manipulative, overly ingratiating, veiled or implied threats.
- Refusal to accept the decision.
- Reframing the concern in an attempt to have it taken up again.
- Raising a range of minor or technical issues.
- Expecting a review of the decision because you disagree with the outcome.

Appendix A: Raising a Concern

