



Disclosure &  
Barring Service

# Disclosure and Barring Service Complaint Policy

**Contents**

Reference	Section	Page
Diagram	Complaint Process Overview	3
1.0	Introduction to purpose of Policy	4
2.0	Policy Aims	4
3.0	Data Protection and Confidentiality	4
4.0	Equality	5
5.0	Policy Statement	5
6.0	What is covered in the scope of the policy	5
7.0	What is not covered by the policy	6
8.0	Principles	7
9.0	DBS Stage 1: Initial Complaint Response	7
10.0	DBS Stage 2: Senior Officer Review	8
11.0	External Complaint Review Stage	9
12.0	Further Information	9
Annex A	Complaint Redress Policy	10
Annex B	Useful Contact Information	12

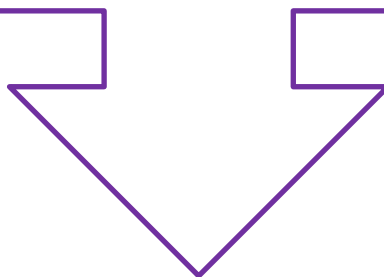
## DBS Complaints Process Overview

### Stage 1: Initial Complaint Response

DBS will aim to;

- Conclude a complaint first time, every time at the initial response stage
- Acknowledge any new complaint within 1 working day of receipt
- Investigate and provide a full response within 8 working days of receipt

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.



### Stage 2: DBS Senior Officer (SO) Review

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).

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

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.

### The Parliamentary Health Service Ombudsman (PHSO)

If the customer remains dissatisfied with the outcome by a Senior Officer (Director Level or above) they may elect to contact their Member of Parliament (MP) to request that they refer a complaint about DBS to the PHSO. 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.

## **1.0 Introduction to purpose of policy**

- 1.1 The Disclosure and Barring Service (DBS) aims to provide a first-class service to its customers when administering our services. There may be occasions when a person 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.
- 1.2 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, informally and learn from our mistakes so that we're less likely to make the same mistake again.
- 1.3 The purpose of the 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 and supports the process for responding to a complaint in line with the [Ombudsman Principles for Good Complaint Handling](#).

## **2.0 Policy aims**

- 2.1 The aim of this policy is to give anyone who receives or requests a service from the 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, Member of Parliament, Advice Agency or Solicitor, we would encourage a customer wherever possible to try to sort things out with us first.
- 2.2 The DBS aims to address any issues a customer raises about the administration of our services speedily 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

## **3.0 Data Protection and Confidentiality**

- 3.1 The DBS is committed to its obligations under GDPR (General Data Protection Regulation) and the Data Protection Act 2018 and will handle all complaints in accordance with legislation. For further information see [DBS Privacy Policies](#) .
- 3.2 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.

3.3 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. 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.

#### **4.0 Equality**

4.1 The DBS is committed to treating everyone fairly, including when dealing with complaints, and in line with the Equality Act 2010 and wider aims of the DBS Equality Strategy, so 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.

#### **5.0 Policy Statement**

5.1 The 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 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 DBS commitment to customer service excellence and continuous improvement in the delivery of our services.

5.3 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.

5.4 Complaints will normally follow the DBS Complaint Policy process stages. 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. (e.g. the complaint may be about a complex or common/generic issue.)

#### **6.0 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 administrative service provided by DBS and/or about the professional conduct of DBS personnel.

6.2 The main types of administrative complaints that can be considered are:

- 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.

This list is not exhaustive.

## 7.0 What is not covered by the policy

7.1 The DBS Complaint Policy cannot address challenges to statutory decisions made in accordance with the services the 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/Review;** If a customer is seeking to appeal, or request a review of, their name being placed on a Barring List there is a legal process that must be followed. For more information please see [Barring](#) guidance on DBS website.
- **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. For more information please see [Disputes](#) guidance on DBS 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 DBS website.
- **Data Protection Subject Access Request (SAR) Review** If a customer is seeking a review of a response provided following a Subject Access Request a formal route must be followed. For more information please see [SAR](#) guidance on DBS website.

7.2 The DBS Complaint Policy cannot address legal matters or civil claims in relation to the services the 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.

7.3 The DBS Complaint 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. The 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/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 level DBS 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/redress for complaints about actions taken by Registered Bodies that fall outside of the remit or control of the DBS.
- **External organisations;** DBS cannot remedy complaints about any actions or decisions by external bodies including employers, licensing authorities and referring organisations that fall outside of the remit or control of the DBS.

- 7.4 The DBS 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.
- 7.5 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.

## **8.0 Principles**

- 8.1 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.
- 8.2 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 customer's satisfaction informally at the first point of contact.
- 8.3 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 remedy sought on their behalf.
- 8.4 To provide a fair and impartial complaint handling service, the DBS complaint resolution 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.
- 8.5 The 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, the 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.
- 8.6 All complaints and related information received will be dealt with confidentially and in accordance with the requirements of the Data Protection Act 2018.

## **9.0 Stage 1 Initial Complaint Response**

- 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 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. For details of how to raise a complaint please see Annex B 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 investigation within reasonable timeframes, usually within one month of the request. On receipt of a formal complaint the DBS will:

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- Acknowledge receipt 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

9.3 The DBS will aim to provide a full response within 8 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 advised when they are likely to receive a response.

9.4 The DBS will:

- If appropriate, contact the customer by telephone to discuss and confirm the complaint and 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.

9.5 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. For details about the Complaint Redress Policy see Annex A.

9.6 Usually when a Stage 1 response is issued the matter is concluded with no further action required. DBS want 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.

9.7 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 how to request a Stage 2 Senior Officer Review if they wish.

## **10 Stage 2 DBS Senior Officer (SO) Review**

10.1 When DBS issues the final Stage 1 response they will advise the customer how to escalate their complaint by requesting a review by a Senior Officer (SO) if they remain dissatisfied with the response provided.

10.2 SO Reviews are carried out at Director level or above. On receipt of a request for a SO Review, DBS will aim to:

- Contact the customer within 3 working days to confirm a statement of complaint and 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 SO who may be the relevant Director of Operations, the DBS Chief Executive Officer or other relevant Senior Managers.

10.3 The SO final review decision and report into the complaint should be concluded within 20 working days commencing 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.

10.4 At the point the Review decision and report is issued the internal DBS Complaint resolution process has been exhausted. The customer will be advised how to contact the Ombudsman Services if they remain dissatisfied. For more information about how a complaint can be escalated please refer to Annex B to this Policy.

## **11.0 External Complaint Review Stage**

### **11.1 The Parliamentary and Health Services Ombudsman (PHSO)**

If the customer remains dissatisfied following the DBS Senior Officer Review investigation and findings, they will be signposted to the services of the PHSO whom they can ask to investigate the complaint.

## **12.0 Further Information related to DBS 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 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.

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 Redress for Upheld Complaints

- 1.1 The DBS aims to comply with the [Ombudsman's Principles of Good Administration](#) and [Treasury Guidelines](#) (TGL) 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
  - How things have been put right
  - Details of lessons learnt and any recommendations to help prevent a reoccurrence
  - Consideration of an award on ex-gratia and without prejudice basis

#### What it means in practice

- 1.6 The 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 and related Redress Policy cannot address legal matters or civil claims in relation to the services the DBS provides. Claims for significant financial redress outside the scope of the policy and/or litigation such as civil claims for damages/compensation will be directed to DBS Legal Services for consideration.

#### 2.0 Redress Payment Award

- 2.1 If appropriate, DBS may consider offering a redress award on 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 The 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 the 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 The DBS may consider a financial award for loss of earnings because of DBS maladministration. For example, 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 is appropriate.
- 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. The 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 The 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 tell the 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.

## **3.0 Reference Links**

- 3.1 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>

## Annex B

### Useful Contact Information

#### Contacting DBS

A DBS Adviser may be able to resolve an enquiry or complaint about a DBS service quickly and informally. Please contact us:

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

The phone lines are 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 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.

#### How to make a complaint

If you would like to discuss your complaint with a DBS adviser, please call us on 03000 200 190. Please note that calls to DBS on this number are recorded for training and security purposes.

If you are unhappy with the way that we have dealt with you, please contact Customer Service in the first instance, either by email, fax, telephone or letter and explain what has gone wrong and how you would like us to put this 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 DBS customer reference number, if available
- your phone/email contact details

You may wish to use the DBS Complaint Form which is located [here](#).

Please address your complaint to 'Customer Service' and submit it via:

Email to: [DBScomplaints@dbs.gov.uk](mailto:DBScomplaints@dbs.gov.uk)

Fax to: 0300 123 1660

Post to : DBS Customer Service  
PO Box 165  
Liverpool

Please note if you email, we cannot guarantee the security of information until it is in our possession, and we 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 Service Team under Stage 1 of the complaints policy, who will:

- acknowledge your complaint within 3 working days of receipt
- speak to you in person, if appropriate, to 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 8 working days
- endeavour to provide you with a satisfactory resolution

If we cannot meet this target, we will contact you to explain why, arrange 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. We will however always explain why this may be, and provide the best resolution possible.

### **What to do if you are dissatisfied with the response**

We aim to provide a satisfactory response following initial contact from a customer. For customers who are dissatisfied with DBS' response, there is a complaint escalation route as detailed above.

Stage 2: DBS Senior Officer (SO) Review

If you are dissatisfied with the final Stage 1 response, please request a Stage 2 SO Review and include why you remain dissatisfied and how you would like the matter to be resolved:

- by email: [DBScomplaints@dbs.gov.uk](mailto:DBScomplaints@dbs.gov.uk)
- by post: DBS Director Review Customer Relations PO Box 165 Liverpool L69 3JD

DBS will contact you within 3 working days to acknowledge your escalated complaint and advise when you should expect a response.

A SO Review can take up to 20 working days from agreeing a complaint statement to ensure a thorough investigation can take place.

### **If you remain dissatisfied**

If you remain dissatisfied, you can contact your MP and ask them to refer your complaint to the Parliamentary and Health Service Ombudsman (PHSO). The ombudsman would normally expect you to have completed the DBS internal complaint process.

The ombudsman is independent and impartial. The service is free. You can contact the ombudsman:

- by email: [phso.enquiries@ombudsman.org.uk](mailto: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**

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

If you remain dissatisfied following the final Stage 2 SO Review response, 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 application form/apply for the check, as soon as possible.

To contact DBS:

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

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

### **DBS Barring Decision: Review or Appeal**

Contact us if you want to review/appeal a barring decision.

- by email: [dbsdispatch@dbs.gov.uk](mailto:dbsdispatch@dbs.gov.uk)
- by phone: 03000 200 190
- by post: DBS Barring, PO Box 181, Darlington, DL1 9FA

### **Freedom of Information (FOI) Requests**

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

- by email: [dbsfoi@dbs.gov.uk](mailto:dbsfoi@dbs.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 fee for photocopies or postage. When you submit a request, we will let you know if you need to make a payment.

### **Subject Access Requests (SAR)**

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

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

### **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 Service, PO Box 181, Darlington, DL1 9FA.