The Gorse Academies Trust: Complaints (Data Protection) Policy

Designated Person:	Strategic Lead Officer
Reviewed by:	Governors Policy Committee
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COMPLAINTS (DATA PROTECTION) POLICY

1. INTRODUCTION

1.1. The UK government introduced the Data (Use and Access) Act 2025 (DUAA) which amends, but does not replace, the UK General Data Protection Regulation (UK GDPR), the Data Protection Act 2018 (DPA 2018) and the Privacy and Electronic Communications Regulations (PECR).

1.2. The changes brought by the DUAA include a statutory requirement for organisations acting as Data Controllers to set up a formal data protection complaint mechanism. This mechanism enables individuals to raise any concerns about how their personal data is processed with The GORSE Academies Trust (GORSE) or any of the trust establishments directly before needing to escalate complaints to the Information Commissioner's Office (ICO) if they remain dissatisfied.

1.3. GORSE is committed to handling complaints in a fair, transparent and timely manner and to resolving concerns at the earliest opportunity.

2. DEFINITIONS

2.1. For the purpose of this policy:

- **DUAA** means the Data (Use and Access) Act 2025
- **UK GDPR** means the United Kingdom General Data Protection Regulation
- **DPA 2018** means the Data Protection Act 2018
- **PECR** means the Privacy and Electronic Communications Regulations
- **ICO** means the Information Commissioner's Office
- **SAR** means a Subject Access Request made by an individual to exercise their right of access under the UK data protection laws
- **DPO** means GORSE's appointed Data Protection Officer
- **Controller** means the organisation which determines the purposes and means of processing personal data under the data protection laws
- **Processor** means an organisation processing personal data on behalf of, and as instructed by, the Controller
- **Complainant** means the individual making the complaint
- **Data Protection Complaint** means any expression of dissatisfaction relating to the processing of personal data by GORSE
- **GORSE** means The GORSE Academies Trust including any of its trust establishments

3. PURPOSE AND SCOPE

3.1. Not every complaint that is linked to data protection constitutes a data protection complaint. For instance, where an individual complains about GORSE's services whilst also submitting a SAR, this does not count as a data protection complaint.

3.2. This policy applies to all data protection complaints which arise where an individual complains specifically about GORSE's handling of their personal data, which may include (but not be limited to):

- complaints related to the handling of a SAR

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- complaints related to the handling of other personal data rights requests (e.g. right to erasure/objection/rectification requests)
- complaints related to fairness and lawfulness of the processing
- complaints related to retention and accuracy concerns
- complaints related to data breaches or security incidents
- complaints related to direct marketing or electronic communications

3.3. GORSE will handle all data protection complaints in a fair, clear and timely way.

3.3.1 **Fairness** – We will treat each complaint on merit and make decisions based on the facts. The person reviewing the complaint will not have been directly involved in the issue being complained about.

3.3.2 **Keeping you informed** – We will keep individuals informed throughout the process. This includes acknowledging receipt of the complaint, explaining what will happen next, and providing a clear response that sets out our findings and reasons.

3.3.3 **Timeliness** – Complaints will be handled in line with the timeframes detailed within this policy and without unnecessary delay. Where we are unable to respond within our usual timeframe, we will explain why and provide an updated timeline.

3.3.4 **Making it easy to complain** – We will make it easy for individuals to raise a complaint. Complaints can be made in several ways and individuals do not need to use specific forms or legal language. We will make reasonable adjustments for those who require assistance.

3.3.5 **Accountability** – We will keep a record of complaints and how they are handled. Decisions will be documented and, where appropriate, used to improve our processes and prevent similar issues in the future.

3.3.6 **Confidentiality** – We will ensure that any personal data involved in a complaint is handled securely and only accessed by those who need it. Information will only be used for the purpose of investigating and responding to the complaint.

3.3.7 **No detriment** – Individuals will not be treated unfairly or differently because they have made a complaint.

4. MAKING A DATA PROTECTION COMPLAINT

4.1. Individuals are informed of their right to make a data protection complaint to GORSE through:

- Our privacy notice (at the point we collect their personal information)
- Our response to Subject Access Requests
- Any other relevant communications about their data protection rights

4.2. GORSE provides multiple channels for individuals to submit data protection complaints:

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- **Dedicated email address**: gdpr@tgat.org.uk
- **By post**: Strategic Lead Officer, c/o John Smeaton Academy, Smeaton Approach, Barwick Road, Leeds, LS15 8TA
- Any other available channel including usual contact details for trust establishments

4.3. Individuals can raise a complaint in any way that is convenient for them. While we provide suggested methods, there is no requirement to use a specific form or channel. We will accept and act on complaints received through any route, including where they are raised informally.

4.4. We recognise that some individuals may need additional support to make a complaint. Where this is the case, we will provide reasonable assistance and adjust where appropriate to ensure the complaints process is accessible.

4.5. Individuals do not have to use legal terms or quote the data protection legislation to make a data protection complaint. Where we are unsure if an individual is making a data protection complaint, we will seek clarification promptly, and respond within two school days.

4.6. If necessary, proof of identity and address will be requested from the data subject at the earliest opportunity. If a third party is acting on behalf of the complainant, a power of attorney or signed letter of authority from the data subject is required.

4.7. Complaints received by members of staff relating to the handling of personal data will be treated as a data protection complaint and reviewed in accordance with this policy.

4.8. Complaints received which relate to processing of personal data undertaken by GORSE as Processor must be handled in accordance with the data processing agreement between GORSE and the relevant Controller. This may involve referral of the complaint to the Controller for investigation.

5. MANIFESTLY UNFOUNDED OR EXCESSIVE COMPLAINTS

5.1. GORSE can refuse to handle any complaints that are deemed to be manifestly unfounded or excessive. Each complaint will be considered on a case-by-case basis. We will apply this approach cautiously and will not refuse a complaint simply because it is complex, inconvenient or raises serious concerns.

5.2. Examples of manifestly unfounded or excessive requests would include, but is not limited to:

- the person states that they intend to cause disruption
- the request makes unsubstantiated or false accusations against specific employees which are clearly prompted by malice
- the person is targeting an individual against whom they have a personal grudge
- the person offers to withdraw their request in return for some sort of benefit
- the person systematically or frequently sends requests as part of a campaign

5.3. The following factors will be taken into consideration when deciding if a complaint can be refused:

- The data subject frequently complains to cause disruption, or has explicitly stated that they intend to cause disruption
- The data subject has made unsubstantiated accusations against, has threatened or is inappropriately targeting, particular individuals
- The data subject continues to repeat the substance of previous complaints which have already been investigated

A complaint will not be refused solely because the individual is persistent or has made several complaints.

5.4. Where a complaint is deemed to be manifestly unfounded, excessive, abusive or vexatious, GORSE will contact the individual to explain:
- The reasons for refusing to consider the complaint
- Their right to make a complaint to the ICO
- Their right to pursue their data subject rights through a judicial remedy

6. INFORMAL RESOLUTION

6.1. Complainants should feel free to raise any concerns relating to their data with any appropriate member of staff either in person or by telephone to seek a resolution.

6.2. The trust is committed to responding as quickly as possible to any issues raised i.e. members of staff will listen to concerns and seek to reach a speedy and satisfactory resolution.

6.3. If a complaint is raised directly with the principal, it is likely the principal will forward the complaint to the most appropriate member of staff in the trust for it to be addressed through informal resolution.

6.4. Complainants will, where possible, receive a response to their concern within 4 school days**.** If it is not possible to meet this deadline, they will be informed of when a response will be made.

6.5. If, at any time, the principal or a director within the trust feels that the complaint requires an investigation and formal response it will be dealt with under the formal procedure.

6.6. If, after attempting to resolve the issue informally, a complainant remains dissatisfied with the outcome, they will be provided with information about the formal investigation procedure.

7. INVESTIGATING FORMAL COMPLAINTS

7.1. If a complaint cannot be resolved through the informal resolution, GORSE will appoint an Investigating Officer who will make enquiries into the data protection complaint, without undue delay from when the complaint is received. In most cases, a full written response will be made to the complainant within 20 school days of the written complaint being received.

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7.2. As complaints vary in complexity, scale and harm, the 20 school days response cannot be guaranteed in all cases. The focus of the investigation should be on the specific circumstances of the complaint and GORSE making reasonable and proportionate enquiries based on this. Where we are unable to respond within our usual timeframe, we will explain why and provide an updated timeline within 30 calendar days.

7.3. The process of investigating complaints is the responsibility of the Investigating Officer and may involve:

- Fact finding and gathering relevant information
- Asking the complainant for more information if necessary
- Seeking clarification on what outcome the complainant is seeking
- Speaking to relevant staff members
- Comparing the complaint information with information held by GORSE
- Checking if organisational standards and policies were upheld

7.4. The principal of the trust establishment to which the complaint relates will appoint the Investigating Officer to deal with the complaint raised. Where the complaint relates to the trust, the Chief Executive Officer or Deputy Chief Executive Officer will appoint the Investigating Officer.

8. OUTCOME OF INVESTIGATIONS

8.1. A full written response will be made to the complainant and principal within 20 school days (wherever possible) of the written complaint being received. Outcomes to a complaint may include:

- An explanation of steps taken to investigate and resolve the complaint
- Actions taken because of the investigation
- Where GORSE concludes we have complied with data protection law, this should be explained to the complainant in detail
- Where GORSE does not uphold a complaint, we will explain why we have reached this conclusion, what evidence we have considered, and the reasons for this
- Sufficient information to help the complainant understand how we reached our conclusion

8.2. The outcome of the investigation may conclude:

- A finding that the complaint requires no further action
- A finding that there is insufficient evidence to reach a conclusion such that the complaint cannot be upheld
- An acknowledgement that the situation could have been handled differently or better (this is not the same as an admission of negligence)
- An apology
- An explanation of the steps that have been taken to ensure it will not happen again
- An undertaking to review the trust establishments or trust's procedures in light of the complaint

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9. REVIEW OF DECISIONS

9.1. If an individual is not satisfied with the outcome of their complaint, they may request an internal review. A request for an internal review must be made within 5 school days of receiving the outcome report. The review will be carried out by someone not involved in the original complaint and will be completed without undue delay.

9.2. If, after the outcome of the internal review, the complainant is not satisfied with the outcome, the complainant has the right to escalate the issue to the ICO: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF
Telephone: 0303 123 1113
Website: https://ico.org.uk/make-a-complaint/

9.3. Following the resolution of each complaint, GORSE shall review what happened and consider if there are any lessons learned, or improvements needed to prevent future complaints. This information will be recorded to help identify trends and areas for improvement. The information will be used when conducting periodic reviews of complaint trends and when reporting to senior management/board on patterns, lessons learned, and recommended improvements.

10. RECORD KEEPING

10.1 A record will be kept of all formal complaints detailing whether they were resolved following a formal procedure or proceeded to an internal review. A written record will also be kept in relation to action taken by the trust establishment because of those complaints regardless of whether they were upheld. Any documentation relating to the complaint should be archived securely in line with the trust's retention policy.

10.2 Your personal data (including special category data) may be disclosed to GORSE staff and to regulators only for the purpose of dealing with your complaint and for implementing any associated actions. Personal Data will not be shared with any other third parties unless GORSE has your express consent, has a statutory obligation to do so, or is otherwise permitted to do so under the data protection legislation.

10.3 All documentation and information retained in relation to a complaint will be treated in confidence unless there is a specific reason which would require disclosure, such as relating to a safeguarding or criminal matter.

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APPENDIX A: TEMPLATE COMPLAINT FORM

Complainant name:

Connection to GORSE (such as parent/carer of a child at a trust establishment; member of staff; etc.):

Address:

Contact email or telephone:

Full details of the complaint:

What actions have been taken to resolve the complaint:

What actions you believe will resolve the complaint:

I believe that all the facts stated in this document are true

Signature of complainant:

Date:

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