



**Barham Primary School**

*Embedding Excellence*

# **Data Protection Complaints Policy**

June 2026

# Data Protection Complaints Policy

## Barham Primary School

*Embedding Excellence*



### What we want for our children

We want all of our children to leave us equipped for life in the 21<sup>st</sup> Century- able to operate successfully in the changing world of work and take advantage of all opportunities available to them. Through understanding our global community and appreciating our children's needs, we integrate specific learning experiences into our curriculum so that every child can achieve well at Barham, transition well into their next phase of education and lead happy and fulfilled lives.

### Our vision

We are safe, happy and kind learners  
 We are ambitious and strive to reach the highest goals  
 We are curious and use connections to make sense of the world  
 We are change makers



Our vision and our values underpin all our policies; the education we deliver and are core to all our work. Article 3 of the United Nations Convention on the Rights of the Child states that: **The best interests of the child must be a top priority in all decisions that affect children. This policy has been created with this in mind to keep the children at Barham safe, happy, kind with a love for learning.**

Statutory Policy		
Last review	Reviewed	Next Review
June 2026	Annually	June 2027

## **Data protection complaints procedure**

### Legislation and guidance

This procedure meets the requirements of the Data (Use and Access) Act 2025 for organisations to have a published data protection complaints procedure in place by 19 June 2026. It reflects the requirements of the UK GDPR, the Data Protection Act 2018 and the Equality Act 2010.

It is based on guidance published by the Information Commissioner's Office (ICO) in February 2026 and adapts the Department for Education (DfE) 'Best practice guidance for academies complaints procedures'.

### Who can make a data protection complaint?

Any person, including young people, parents, employees and members of the public, may make a data protection complaint to Barham Primary School if they believe we have infringed data protection legislation because of the way we've handled their personal information (or the personal information of someone they're acting on behalf of).

### The difference between a concern and a complaint

A concern may be defined as *'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'*.

A complaint may be defined as *'an expression of dissatisfaction however made, about actions taken or a lack of action'*.

It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. Many data protection issues can be resolved informally, without the need to use the formal complaints procedure. Barham Primary School takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

We understand however, that there are occasions when people would like to raise data protection concerns formally. In this case, Barham Primary School will attempt to resolve the issue internally, through the stages of this data protection complaints procedure.

### How to raise a concern or make a complaint

A data protection concern or complaint can be made in person, in writing (including by email) or by telephone. They may also be made by a third party acting on behalf of a complainant, as long as they have appropriate consent to do so (see 'Data protection complaints made on behalf of someone else' below).

Data protection concerns should be raised with a member of school staff or the Headteacher. The member of staff may consult with our Data Protection Officer (DPO)

for advice on resolving the complaint. If the issue remains unresolved, the next step is to make a formal data protection complaint.

Complainants should contact our DPO:

Matthew Lantos [dpo.lantos@bsp.london](mailto:dpo.lantos@bsp.london).

If a formal data protection complaint is raised with a member of school staff or the Headteacher, it will be forwarded promptly to our DPO.

For ease of use, a template data protection complaint form is included at the end of this procedure. An online version of the form is available at <https://www.barhamprimary.co.uk/page/?title=Policies&pid=15>. If you require help in completing the form, please contact the school office.

In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure. For instance, providing information in alternative formats and assisting complainants in raising a formal data protection complaint.

Data protection complaints made on behalf of someone else

A third party can make a data protection complaint on behalf of someone else as long as they can provide proof that:

- they have been specifically authorised to make the data protection complaint (e.g. a signed letter giving them authority to do so), or
- they have legal authority to make the data protection complaint (e.g. power of attorney).

Data protection complaints made by, or on behalf of, children

Children have the same rights as adults over their personal information. However, they may be less aware of the risks, consequences and safeguards.

If we receive data protection complaints from children, we will ensure that we respond in plain, clear language that they can understand.

If we receive a data protection complaint on behalf of a child, for example from a parent, another adult, or a representative such as a child advocacy service, charity or solicitor, we are obliged to assess the capacity of the child to understand and exercise their own data protection rights.

If we assess that the child has the capacity to understand and exercise these rights, we will seek confirmation that the third party has been specifically authorised to make the data protection complaint on behalf of the child.

## Anonymous data protection complaints

We will not normally investigate anonymous data protection complaints. However, the DPO and the headteacher will determine whether an anonymous complaint warrants an investigation.

## Time scales

You must raise the data protection complaint within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. We will consider data protection complaints made outside of this time frame only if exceptional circumstances apply.

## Data protection complaints received outside of term time

We will consider data protection complaints made outside of term time to have been received on the first school day after the holiday period.

## Scope of this Complaints Procedure

This procedure covers all complaints about the way in which Barham Primary School has handled personal information. For example, a complainant may be unhappy about:

- the response to their subject access request (SAR), or other rights request;
- the impact of a data breach, regardless of whether it's reportable to the Information Commissioner's Office (ICO); or
- the way we've used their personal information (e.g. where we've stored it, how long we've kept it, or its accuracy).

If other bodies are investigating aspects of another complaint linked to the data protection complaint, for example the police, local authority (LA) safeguarding teams or Tribunals, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations.

If a complainant commences legal action against Barham Primary School in relation to their data protection complaint, we will consider whether to suspend the data protection complaints procedure in relation to their complaint until those legal proceedings have concluded.

## Resolving data protection complaints

At each stage in the procedure, Barham Primary School wants to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may offer one or more of the following:

- an explanation
- an acknowledgement that personal information could have been handled differently or better
- an assurance that we will try to ensure the circumstances complained of will not recur
- an explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made
- an undertaking to review data protection policies in light of the complaint
- an apology.

## Withdrawal of a data protection complaint

If a complainant wants to withdraw their data protection complaint, we will ask them to confirm this in writing.

## Stage 1 - Data protection concerns

It is to be hoped that most data protection concerns can be expressed and resolved on an informal basis.

Concerns should be raised with a member of school staff or the Headteacher. This may be done in person, in writing (including by email), or by telephone.

At the conclusion of their investigation, the relevant person will provide an informal written response within **10 school days** of the date of receipt of the concern.

If the issue remains unresolved, the next step is to make a formal complaint.

## Stage 2 - Formal data protection complaints

Formal data protection complaints must be made to the DPO:

Matthew Lantos: [dpo.lantos@bsp.london](mailto:dpo.lantos@bsp.london)

directly by email or via the school office. This may be done in person, in writing (preferably on the Complaint Form), or by telephone.

Depending on the relationship between the complainant and Barham Primary School, the DPO may ask for confirmation of identity.

If the complaint is made by a third party on behalf of someone else, the DPO will ensure they have been specifically authorised to do so

The DPO will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within **five school days** (or 28 days if the data protection complaint is made near the end of the summer term or during the school summer holidays).

Within this response, the DPO will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see.

During the investigation, the DPO will:

- if necessary, interview those involved in the matter
- keep a written record of any meetings/interviews in relation to their investigation.

At the conclusion of their investigation, the DPO will provide a formal written response without undue delay and within **20 school days** of the date of receipt of the complaint.

If the DPO is unable to meet this deadline, they will provide the complainant with an update and revised response date.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it

will include details of the actions Barham Primary School will take to resolve the complaint.

The DPO will advise the complainant of their right to complain to the Information Commissioner's Office (ICO) should they remain dissatisfied with the outcome of the complaints process.

## Next Steps

If the complainant remains dissatisfied at the end of the data protection complaints procedure they can complain to the Information Commissioner, who oversees compliance with data protection law.

Complainants can contact the ICO in writing at: Customer Contact, Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

## Data Protection Complaint Form

Please complete and return to our DPO, Matthew Lantos: [dpo.lantos@bsp.london](mailto:dpo.lantos@bsp.london). who will acknowledge receipt and explain what action will be taken.

<b>Your name:</b>
<b>Child's name (if relevant):</b>
<b>Your relationship to the child (if relevant):</b>
<b>Address:</b>  <b>Postcode:</b>  <b>Email address:</b>  <b>Day time telephone number:</b> <b>Evening telephone number:</b>

**Please give details of your data protection complaint, including whether you have previously raised it as a concern with a member of Barham Primary staff.**

**What actions do you feel might resolve the problem at this stage?**

**Are you attaching any paperwork? If so, please give details.**

**Signature:**

**Date:**

**OFFICIAL USE ONLY**

**Date acknowledgement sent:**

**By who:**

**Date:**

## Roles and Responsibilities

### Complainant

The complainant will receive a more effective response to the complaint if they:

- explain the data protection complaint in full as early as possible
- co-operate with the DPO in seeking a solution to the complaint
- respond promptly to requests for information or in agreeing the details of the complaint
- ask for assistance as needed
- treat all those involved in the complaint with respect
- refrain from publicising the details of their data protection complaint on social media and respect confidentiality.

### Data Protection Officer (DPO)

The DPO will:

- confirm the identity of the person making the data protection complaint
- ensure any third party submitting a data protection complaint on behalf of someone else has been specifically authorised to do so

The DPO's role is to establish the facts relevant to the complaint by:

- providing a comprehensive, open, transparent and fair consideration of the complaint through:
  - prompt and clear correspondence with the complainant to establish what has happened
  - interviewing staff and other people relevant to the complaint
  - consideration of records and other relevant information
  - analysing information
- liaising with the complainant to clarify what the complainant feels would put things right.

The DPO should:

- approach the complaint with an open mind and be prepared to persist in their questioning
- ensure that any papers produced during the investigation are kept securely
- be mindful of the timescales to respond
- ensure that they respond to complaints from children in plain, clear language that they can understand

- prepare a comprehensive response to the complainant that sets out the facts, identifies solutions and recommends courses of action to resolve problems
- advise the complainant of their right to complain to the Information Commissioner's Office (ICO) should they remain dissatisfied with the outcome of the complaints process

## **Serial and unreasonable complaints**

Barham Primary School is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. We will not normally limit the contact complainants have with our school. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

Barham Primary School defines unreasonable behaviour as that which hinders our consideration of complaints because of the frequency or nature of the complainant's contact with the school, such as, if the complainant:

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance
- refuses to co-operate with the complaints investigation process
- refuses to accept that certain issues are not within the scope of the complaints procedure
- insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice
- introduces trivial or irrelevant information which they expect to be taken into account and commented on
- raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales
- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced
- changes the basis of the complaint as the investigation proceeds
- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed)
- refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed
- seeks an unrealistic outcome
- makes excessive demands on school time by frequent, lengthy and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with
- uses threats to intimidate
- uses abusive, offensive or discriminatory language or violence
- knowingly provides falsified information
- publishes unacceptable information on social media or other public forums.

Complainants should try to limit their communication with the school that relates to their complaint, while the complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text), as it could delay the outcome being reached.

Whenever possible, the headteacher or DPO will discuss any concerns with the complainant informally before applying an '*unreasonable*' marking.

If the behaviour continues, the headteacher or DPO will write to the complainant explaining that their behaviour is unreasonable and ask them to change it.

For complainants who excessively contact Barham Primary School causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will be reviewed after six months.

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from Barham Primary School.