



GDPR Complaints Procedure

Introduction - Purpose and Scope

This policy is specifically written to cover the procedure for handling data protection complaints in compliance with the UK GDPR and Data Protection Act 2018). For example, dissatisfaction with how personal data has been handled or a response to a previous data request.

It has been approved by the Senior Leadership Team and is available on the College's website or on request from the College. It can be made available in large print or another more accessible format, if required. If assistance is needed with making a complaint, for example because of a disability, the complainant should contact the College on 01684 892300 so that appropriate arrangements can be made.

The College's guiding principles in GDPR complaint resolution are:

- to give careful and prompt consideration to all complaints
- to seek to achieve a just and fair outcome, taking due account of all relevant evidence
- to attempt to resolve complaints through dialogue and mutual understanding, and at as early a stage as possible

Monitoring and Review of complaints Policy Procedures

The Designated Data Protection Officer will monitor the number and type of GDPR complaints received and the operation of the procedures set out in this policy – and the policy will be reviewed at least annually by the Principal to ensure it meets statutory requirements and continues to reflect best practice. The next official date of review is **December 2027**.

Contact Details for GDPR Complaints

The Designated Data Protection Officer of Abbey College is the Business Manager/Bursar, Mr Mehran Noor – who can be contacted by phone on 01684 892300 or email at: bursar@abbeycollege.co.uk

Information to Include in a GDPR Complaint

If a GDPR Complaint is being made, the following information should be provided to help the investigation:

- Full name and contact details.

Produced by:	JKS	Date:	28/11/2025	Checked by:	JKS	Date:	11/09/2026	Approved by:	MN	Date:	11/09/2026
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- A clear description of the issue or incident.
- The date or period when the issue occurred.
- Any supporting evidence.

Complaints Handling and Procedure and Timescales

This policy outlines three stages of complaint:

Stage 1: Informal Resolution

Stage 2: Formal Resolution

Stage 3: Panel Hearing

Acknowledgement

The College aims to acknowledge GDPR Complaints within 24 hours but minimally within five working days.

Where timescales are given in “working days”, this is defined as Monday - Friday during term time (the dates of which are available on the College website). Complaints received during holiday periods will be dealt with as soon as is practicable but are likely to take longer to resolve due to the unavailability of relevant staff. Under such circumstances the complainant will be notified of any extension to the time scales and the reason(s) why an extension is necessary when the complaint is acknowledged.

Investigation

The GDPR complaint will be investigated internally by the Designated Data Protection Officer, with assistance from the Principal and other executives as needed.

Response Time

The College will provide a full response within one calendar month (the legal requirement under the GDPR Complaints).

Escalation

If the GDPR complaint cannot be resolved within the initial timeframe the complainant will be informed of the delay and a new expected response date.

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Complainant's Rights to Escalate Externally

If a complainant is unhappy with your organisation's response, they have the right to lodge a complaint with the relevant supervisory authority (for example the [Information Commissioner's Office \(ICO\)](#)).

Stage 1: Informal Resolution

It is hoped that most complaints can be resolved quickly and informally.

We will acknowledge (by email or by letter) a written notification of a GDPR complaint within 24 hours of receipt where possible. Depending on the nature of the complaint, the Designated Data Protection Officer will arrange to speak with the complainant or invite them to a meeting within five working days of acknowledgement. This meeting may prompt further investigation or wider consultation but, in any event, this stage of the complaint's process should be completed within 10 working days of the complaint being acknowledged.

Should the matter not be resolved within 10 working days of acknowledgement or in the event that the parent and member of staff fail to reach a satisfactory resolution, then the parent will be advised to proceed with the complaint in accordance with Stage 2 of this procedure.

Stage 2: Formal Resolution

Formal GDPR complaints will be acknowledged, in writing, by the Designated Data Protection Officer within two days of being received. In most cases, the Designated Data Protection Officer will meet or speak to the complainant to discuss the matter. If possible, a resolution will be reached at this stage. It may be necessary, however, for the Designated Data Protection Officer to investigate. Once the Designated Data Protection Officer is satisfied that, so far as is practicable, all of the relevant facts have been established, a decision will be made and the parent will be informed of this decision in writing, no later than 15 working days after the formal complaint was acknowledged. The Designated Data Protection Officer will give reasons for the decision reached.

Written records of all meetings and interviews held in relation to the complaint will be kept. The complainant will be informed if, due to exceptional circumstances, any additional time is necessary to complete the investigation.

If the complainant is still not satisfied with the decision, he/she should proceed to Stage 3 of the GDPR complaints procedure.

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If the parent is dissatisfied with the response to the complaint, the parent can request that the complaint be referred to a Complaints Panel under Stage 3 of this procedure.

Stage 3: Panel Hearing

If the complainant wishes to proceed to Stage 3 (following a failure to reach a resolution earlier in the complaints process) they should write to the Designated Data Protection Officer, who is responsible for making the arrangements for a Panel Hearing, at the College address. In the written request for a Panel Hearing, the complainant should state the grounds for the complaint and the outcome desired. He/she should also send a list of all the documents that they believe to be in the College's possession that they consider relevant in the matter and that they wish the Panel to see. Copies of all such documents shall be supplied to all parties not later than five working days before the hearing.

The Designated Data Protection Officer will acknowledge receipt of the complaint within five working days and will schedule a meeting of the Panel within 10 working days thereafter. The Panel appointed by the Designated Data Protection Officer will consist of at least three people not directly involved in matters detailed in the GDPR complaint, one of whom shall be independent of the management and running of the College. The GDPR complainant may be accompanied by a friend or relative, but legal representation is not usually appropriate.

If possible, the Panel will resolve the GDPR complaint immediately without the need for further investigation. Where further investigation is required, the Panel will decide how it should be carried out.

After due consideration of the matters discussed at the hearing, the Panel will reach a decision. The Panel's decision, findings and any recommendations shall be confirmed in writing to the parent and, where relevant, to the person complained about within five working days of the hearing. The decision of the Panel will be final. The Panel's decision, findings and any recommendations will be available for inspection on the College premises by the Principal and the Designated Data Protection Officer.

Record Keeping and Confidentiality

A written record will be kept by the Designated Data Protection Officer of all formal GDPR complaints, including any action(s) taken by the College as a result of the GDPR complaint (regardless of whether it is upheld), and of whether they are resolved at Stage 2 or progressed to a panel hearing.

Complainants can be assured that all complaints will be treated seriously. Correspondence, statements and records will be kept confidential. Records of individual GDPR complaints will be retained at least until the College's next inspection and, thereafter, in accordance with data

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protection principles, only for as long as is considered to be reasonably necessary in the circumstances.

The Senior Leadership Team will maintain oversight of these records in order to determine the appropriate implementation of this policy and to respond to any patterns of complaints which may be apparent.

Anonymous Complaints

The College will not normally investigate anonymous GDPR complaints. However, the Designated Data Protection Officer will determine whether the complaint warrants investigation.

Managing Serial and Persistent Complaints

The College will do its utmost to be helpful to people who contact the College with a GDPR complaint, or request for information.

However, there may be occasions when, despite all stages of the GDPR complaints procedure having been followed, the complainant remains dissatisfied. If a complainant attempts to re-open the same issue, the College will inform them that the procedure has been completed and that the matter is now closed.

If the complainant contacts the College again on the same issue, the correspondence may then be viewed as serial or persistent and the College may choose not to respond. However, this will not occur until the GDPR complainant has completed the three stages of the GDPR complaints procedure. The application of a serial or persistent designation for a GDPR complaint will be against the subject of the GDPR complaint rather than the complainant themselves.

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