

Privacy notice relating to the processing of personal data by the school, when dealing with School Based Complaints

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MAE EICH DATA O BWYS

YOUR DATA MATTERS

Mae'r ddogfen hon ar gael yn Gymraeg / This document is also available in Welsh

Complaints process

Schools are required to deal with complaints in accordance with the [Complaints procedures for school governing bodies in Wales](#).

Welsh Government defines a complaint as ‘an expression of dissatisfaction in relation to the school or a member of its staff that requires a response from the school’.

There are three stages to the complaints process;

1) **Stage A** – The complaint is initially raised with the school.

- The member of staff within the school whose responsibility it is to handle complaints will begin the investigation process.
- Following the investigation whereby further details will be obtained from those necessary, feedback will be provided to the complainant regarding the outcome of the investigation.

If the complaint is not resolved at this stage, the complaint will move to Stage B.

2) **Stage B** – The complaint is escalated to the Head teacher¹.

- The Head teacher will review the complaint and the initial investigation undertaken.
- The Head teacher may contact the complainant to arrange a meeting to discuss the complaint and the outcome of the investigation.
- The Head teacher will write a letter responding to the complainant regarding the outcome of the review.

If the complaint is not resolved at this stage, the complaint will move to Stage C.

3) **Stage C** – The complaint will be escalated to the Chair of Governors.

- The complaint, initial investigation and the Head teachers’ review will be discussed by the School’s Complaints Committee.
- The complainant will be notified of the Complaints Committee’s outcome.

¹ Complaints relating to the Head teacher will be escalated to the Chair of Governors

About this privacy Notice

This privacy notice applies to the processing of personal data by primary, secondary and through schools within Rhondda Cynon Taf (RCT) that are maintained by the local authority ('Rhondda Cynon Taf County Borough Council' 'RCTCBC'). It also applies to the processing of personal data by faith schools within RCT that are voluntary funded.

Click [here](#) for a full list of schools covered by this privacy notice.

This privacy notice is provided by RCTCBC for and on behalf of schools under a data protection Service Level Agreement.

Introduction

This privacy notice is intended to provide information about how the school will use (or 'process') personal data about individuals including our current, past, and prospective pupils and their parents, carers or guardians (referred to in the notice as 'parents') for the purpose of dealing with School Based Complaints.

Whilst we have tried to make this privacy notice as clear and concise as possible, the categories of personal data we process may vary depending on the nature of the complaint and who or what the complaint relates to. Should you require further information specific to your child please do not hesitate to contact the Data Protection Lead.

When processing the personal data, we process only the minimum amount necessary in relation to the purpose.

This notice should be read in conjunction with the following documents which is available on our website or by contacting the Data Protection Lead.

- General Privacy Notice
- Complaints Policy
- [Complaints procedures for school governing bodies in Wales.](#)
- Rhondda Cynon Taf County Borough Council - Governors Support privacy notice relating to [school based complaints.](#)

The Data Controller

The school is the data controller for the personal data we process, unless otherwise stated. This includes the personal data processed by the Governing Body, head teacher, individual governors, teachers, teaching assistants and support staff etc.

The school is registered with the Information Commissioner's Office (ICO) as a controller.

How to contact us for data protection matters or concerns

The school's Data Protection Lead is the main point of contact for data protection matters. The Data Protection Lead can be contacted using our normal contact methods; by telephone, email, post and in person at the school. Click [here](#) for contact information.

The Data Protection Officer

RCTCBC provides a data protection support service to the school under a Service Level Agreement, including the provision of a Data Protection Officer (DPO).

The DPO can be contacted in relation to data protection matters. However, we encourage you to contact the school in the first instance. Should you have the need to contact the Data Protection Officer directly you can do so via email to the following email address;

- Information.management@rctcbc.gov.uk

We recommend, when contacting the DPO, that you send a copy of the correspondence to the school as the data controller.

The categories of personal data we process

We process the following categories of personal data to undertake our statutory functions of dealing with school based complaints;

a) Personal data relating to the complainant

When making a complaint to the school, we will ask the complainant to provide us with as much detail as possible so that we can look into the complaint.

We will ask the complainant to provide the following information about themselves, or the person they are complaining on behalf of:

- Name
- Address
- Telephone number
- Email address
- Relationship to the person they are complaining on behalf of (if applicable).
- Information relating to the complaint.

b) Personal data relating to the person to whom the complaint is about

Complaints can relate to a variety of people including;

- Pupil(s)
- Parent(s) / Carer(s)
- Member(s) of staff
- Member(s) of the Governing Body

We will ask the complainant to provide as much information as possible relating to the person the complaint is about. This information is important to the investigation as we need to be sure that we are investigating a complaint about the right person. Information may include but is not limited to;

- Name of the person the complaint relates to
- Description of the person the complaint relates to (if the name is not known).

- Job title of the person the complaint relates to (i.e. if the complaint is about a staff member or Governor)
- Class or year group if the complaint relates to a pupil
- Information relating to the complaint

c) Personal data relating to witness

There may be occasions where there is a witness to an incident for which a complaint has been made. A witness could be a member of staff, a pupil, a member of the public or a member of the Governing Body.

As part of an investigation, we may need to contact the witness to obtain information from them.

We are likely to process the following information relating to a witness;

- The name of the witness
- Contact details of the witness, i.e. address, telephone number and / or email address
- Who they are – e.g. employee, pupil, parent etc.
- Details of the incident.

Why we process the personal data;

We process the personal data to deal with a complaint made to the school. This may include but is not limited to the following activities;

- Recording and acknowledging the complaint.
- Investigating the complaint.
- Interviewing, meeting with and gathering information from those involved in the complaint e.g. the person to whom the complaint relates, witness etc.
- Managing the complaint throughout the complaint stages – this may involve referring the complaint to the Governing Body or an Independent Complaints Panel.
- Keeping in touch with those involved in the complaint throughout the complaint process/stages e.g. the complainant, person to whom the complaint relates.
- Recording the outcome of the complaint.

- Seeking advice from the Local Authority (RCTCBC) business support services e.g. Governors Support, Legal Services, Information Management, Human Resources etc. depending on the nature and severity of the complaint.

Our lawful basis for processing the personal data;

Under the General Data Protection Regulation (GDPR), our lawful basis for processing the personal data to deal with the complaint is;

- **Public Task** - Article 6 (e) – processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller.
- **Substantial public interest** - Article 9 (2) (g) - processing is necessary for reasons of substantial public interest, on the basis of Union or Member State law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject.

The legislation that supports this is;

- [Complaints procedures for school governing bodies in Wales.](#)
- The Education Act 2002
- The Government of Maintained Schools (Wales) Regulations 2005
- The Government of Maintained Schools (Wales) Regulations 2015.

Who and where we get the personal data from

We may receive the personal data from the following categories of individuals or organisations;

- The complainant
- The person to whom the complaint relates
- Witnesses and those involved in the complaint
- School staff
- Board of Governors
- Independent Complaints Panel

- Local Authority support services such as Governors Support, Legal Services, Information Management and Human Resources etc. depending on nature and severity of complaint.

Who we share personal data with

We may share personal data with the following key individuals and organisations in order to deal with the complaint.

When sharing the personal data, we only share the minimum amount necessary in relation to the purpose. The information shared and who it is shared with will depend on the nature and severity of the complaint and the relevant stage of the complaint.

Who	Purpose
Complainant	Statutory purpose – to deal with a school based complaint
The person who the complaint is about.	Statutory purpose – to deal with a school based complaint
Witnesses and others involved	Statutory purpose – to deal with a school based complaint
Relevant members of school staff	Statutory purpose – to deal with a school based complaint
Governing Body	Statutory purpose – to deal with a school based complaint
Independent Complainant Panel	Statutory purpose – to deal with a school based complaint
Governors Support / appointed Clerk to the Governing Body.	Statutory purpose – to deal with a school based complaint
Local Authority business support services	Such as Legal Services, Human Resources, Information Management Statutory purpose – to deal with a school based complaint – to seek relevant advice and support depending on the nature and severity of the complaint.
Police	Statutory purpose – to deal with a school based complaint In exceptional circumstances - where the complaint relates to an incident of a criminal nature – the matter may necessitate the involvement of the Police.

Data Processors

A data processor is a company or organisation that processes personal data on behalf of a controller. The school uses data processors that provide services to us. The category of data processors that the school uses in relation to the processing of complaints data is;

- General IT system suppliers / service providers

Our data processors act only upon our instruction. They cannot do anything with the personal data unless we instruct them to do so. They will not share the personal data with any organisation apart from us or use it for their own purposes. They will hold it securely and retain it for the period we instruct.

Should you have a specific query relating to our data processors, please contact the Data Protection Lead.

How long we retain the personal data;

We retain the personal data contained within complaints records in line with the recommendations contained within Welsh Governments' Complaints procedure for schools and governing bodies in Wales;

Record	Statutory Provision	Retention Period
Complaints record	Recommendations contained within Welsh Governments' Complaints procedure for schools and governing bodies in Wales.	7 years

In keeping with the General Data Protection Regulation storage limitation principle, records are periodically reviewed. Not all personal data is retained. Only personal data that is relevant to the record is retained for the entire retention period (e.g. complaint, outcome etc.). Information that has no long term or evidential value is routinely destroyed in the normal course of business.

Your data protection rights

Under data protection law, you have rights we need to make you aware of. The rights available to you depend on our reason for processing your personal data.

Your right of access

You have the right to ask us for copies of your personal data. This right always applies. There are some exemptions, which means you may not always receive all the data we process. [You can read more about this right on the ICO's website.](#)

Your right to get your data corrected

You have the right to ask us to rectify personal data you think is inaccurate. You also have the right to ask us to complete data you think is incomplete. This right always applies. [You can read more about this right on the ICO's website.](#)

Your right to get your data deleted

You have the right to ask us to erase your personal data in certain circumstances. [You can read more about this right on the ICO's website.](#)

Your right to limit how organisations use your data

You have the right to ask us to restrict the processing of your personal data in certain circumstances. [You can read more about this right on the ICO's website.](#)

Your right to object to the use of your data

You have the right to object to us processing your personal data in certain circumstances. [You can read more about this right on the ICO's website.](#)

Your right to data portability

This only applies to personal data you have given us. You have the right to ask that we transfer the personal data you gave us from one organisation to another or give it to you. This right only applies if we are processing the personal data based on your consent or under, or in talks about entering a contract and the processing is automated. [You can read more about this right on the ICO's website.](#)

You are not required to pay any charge for exercising your rights. We have one month to respond to your request from the date your request is validated. We may extend this period by a further two months if the request is complex or we receive a number of requests from you.

Please contact the schools Data Protection lead if you wish to make a request.

Your right to make a data protection complaint to the school

You have the right to complain to the school if you believe we have not handled your personal data responsibly and in line with good practice.

If you have a concern, we encourage you to contact the Data Protection Lead in the first instance. Most concerns can be resolved relatively quickly through a simple phone call or email to the school. Should you wish to make a formal complaint you can do so via our complaints policy.

Your right to make a data protection complaint to the ICO

You can also complain to the ICO if you are unhappy with how we have used your data, but we encourage you to contact us first.

The ICO's contact information is:

- Address: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF
- Helpline number: 0303 123 1113
- Website: <https://www.ico.org.uk>

Version Control

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1.0	09.08.2022	21.02.2023	Document creation. Final document.
1.1	21.02.2023		Amended to included availability of Welsh version