

# The British School of Gran Canaria

## **Ethical Channel Policy**

A means of communication for BSGC staff to share ethical concerns about the school, its daily workings or behaviour within the school.

## Policy Document

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## PURPOSE AND OBJECTIVE

The Ethical Channel's aim is to promote the compliance of internal and external regulations that are applicable to The British School of Gran Canaria.

The purpose of this Policy is to regulate the Ethical Channel of The British School of Gran Canaria (hereinafter referred to as BSGC), along with the internal Channel Management Protocol, in order to guarantee professional, confidential, impartial and maximum protection throughout the process, thereby generating a confident atmosphere for the relevant parties.

The aim of the Ethical Channel is to receive and efficiently process communications related to behaviour that violates regulations, as well internal procedures implemented within the organisation, and to guarantee that these communications will be treated objectively, independently, anonymously and confidentially, adopting the appropriate measures to guarantee the principles that regulate this channel.

## SCOPE

This policy applies to BSGC.

The compliance with and application of this Policy is mandatory for all the BSGC employees, regardless of their position in the organisation, the legal nature of their relationship and their geographical location.

Likewise, the Policy is extended to third parties, business partners, such as associates, members of the Administrative Body and Committees, advisory bodies, managers, suppliers, outsourced service providers, collaborators, consultants, advisors and, in general, to any person who intends to report or bring to our knowledge the existence of any infringement related to the BSGC.

In all cases, reports should be made when the reporter has reasonable grounds to believe that the Information he or she is reporting is true and could be considered a violation or breach of the school's protocols or policies. This communication should always be made in good faith.

## REGULATORY CONTEXT AND SCOPE OF APPLICATION

The BSGC Ethical Channel has been set as a mechanism to communicate efficiently those breaches or illegal activities committed within the organisation, following the technical and legal requirements derived from the following regulations:

- Directiva (UE) 2019/1937 del Parlamento Europeo y del Consejo, de 23 de octubre de 2019, relativa a la protección de las personas que informen sobre infracciones del Derecho de la Unión.
- Ley 2/2023, de 20 de febrero, reguladora de la protección de las personas que informen sobre infracciones normativas y de lucha contra la corrupción.



- LOPDGDD o Ley Orgánica 3/2018 de Protección de Datos Personales y Garantía de los Derechos Digitales.
- Ley Orgánica 3/2007, de 22 de marzo, para la igualdad efectiva de mujeres y hombres.
- UNE-ISO 37002: Sistemas de gestión de la denuncia de irregularidades. Directrices.

Through the Channel you can inform BSGC of any information about infringements or non-compliances in a broad sense, that are reasonable suspicions, real or potential infringements, which have occurred or which are likely to occur in relation to:

- Acts or omissions that constitute breaches of European Union law where they: fall within the scope of Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of reporting persons who report breaches of Union law; affect their financial interests; have an impact on the internal market.
- Acts or omissions constituting a criminal offence.
- Serious or very serious administrative actions or omissions.
- Infringements of labour law in the field of occupational safety and health.
- Violations of BSGC's internal regulations.

#### MEANS OF COMMUNICATING IRREGULARITIES THROUGH THE ETHICAL CHANNEL

Communications of non-compliance or illegal activities committed within the organization must be made through the Ethical Channel. The Channel allows written, verbal and face-to-face communications and is open 24-hours-a-day, 365-days-a-year.

For this purpose, BSGC has set up the following means for communication:

- BSGC has an access portal: <https://www.bs-gc.com/en/>

- QR Code:



- Postal Address: For the attention of the person-in-charge of the Ethical Channel at BSGC, Crta. Tafira a Marzagán s/n, El Sabinal

With communications submitted through the home page of the BSGC website, the informant shall be updated of the status of the communication and shall be in regular contact with the Channel Manager through a private chat.

An optional form is available for communications made through the postal address (Annex I).



## COMMUNICATION OF INCIDENTS AND IRREGULARITIES

All BSGC employees have the obligation to communicate through the Ethical Channel and to collaborate with the organization by informing of any irregular conduct that is contrary to internal regulations and/or applicable legislation.

Likewise, any BSGC business partner also has access to the Channel to communicate any irregularities of which it may become aware in order to report such conduct.

## RESPONSIBLE FOR THE MANAGEMENT OF THE SYSTEM

The Board of Governors of BSGC has appointed a member of staff to be in charge of the management of the Internal Information System (Ethical Channel) on 11<sup>th</sup> December 2023.

The Independent Authority for the Protection of the Informant (A.A.I.) shall be notified of this appointment within the following ten working days.

The person-in-charge of the management of the internal information system shall perform their duties independently and autonomously from the other bodies of the organization and shall not receive instructions of any kind in the performance of his/her duties.

They shall have at their disposal all the personal and material means necessary to be able to fulfill the functions assigned to this effect.

He/She will also carry out the following functions:

- Control of the internal information system (Ethical Channel).
- Reception of the previous report sent by the external expert.
- Keeping of the Register Book.
- Custody of all the documentation related to the communications submitted through the Internal Communication System.
- The investigative function will include:
  - o Filing or admission for processing of the communication, as appropriate.
  - o If applicable, initiating the investigation procedure.
  - o Preparation of a report of conclusions and proposed resolution.
  - o Preparation of a follow-up report on the proposed measures and on the safeguarding of the principle of non-discrimination.
  - o Monitoring of possible retaliation.
  - o Referral of the investigation report to the governing body.



## PROCESS GUARANTEES

- Informer protection

Any person who reports an incident or irregularity, in good faith, through the Ethics Channel shall have the guarantee of protection, specifically as provided for in Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of people who report breaches of Union law and, in particular, in the provisions of Law 2/2023 of 20 February, regulating the protection of persons who report breaches of regulations and the fight against corruption.

- Confidentiality and anonymity

The BSGC Ethical Channel, in all its formats, allows communications to be carried out anonymously. However, in the case of submitting a report by providing your identification, function or relationship and contact details, the staff responsible for processing the report may contact the informant to follow up, if necessary.

In the event that the informant chooses not to conceal his or her identity, BSGC guarantees that the internal communication process will be carried out in a confidential manner, preserving both the identity of those involved and the related information provided.

Likewise, it is mandatory to ensure the protection of the identity of the person under investigation during the process and, if necessary, after its resolution. Any breach of the duty of confidentiality of the persons involved in the handling of complaints will be investigated and, where appropriate, sanctioned.

- Conflict of interest management

The process of managing the communications received through the Ethics Channel is carried out by an independent, impartial and objective team.

Prior to the start of the investigative function, it is reviewed whether there is a conflict of interest with any of the members of the body responsible for the internal review. In the event of a conflict, the conflicting members will be removed, and different members appointed, thus safeguarding their independence.

- Prohibition against retaliations

The BSGC expressly prohibits acts constituting retaliation, including threats of retaliation and attempted retaliation against persons who submit a communication in accordance with this Policy. Such acts shall be considered a very serious labor violation.

The prohibition of retaliation covers any act or omission, direct or indirect, which may harm an informer as a result of his or her reporting, in good faith, of possible violations.

Communicating in good faith means doing so with at least reasonable grounds to believe that the information referred to is true at the time of communication, even if no conclusive evidence is provided.



- Presumption of innocence

During the processing of investigation, the people affected by the communication shall have the right to be presumed innocent and the right to defend themselves throughout the process.

Likewise, the confidentiality of the facts and data of the procedure shall be guaranteed.

### RESPONSIBLE USE OF THE ETHIC CHANNEL

It is the informant's obligation to make a responsible use of the Ethical Channel, so in no case should they make unfounded or bad faith communications, in which case the legal and/or disciplinary actions that may be applicable may be derived. In addition, in the presentation made to inform any other person must be respectful and keep the decorum and good manners.

Likewise, the informant must guarantee that the information provided is truthful, accurate and as complete as possible.

Under no circumstances shall the Channel be used for purposes other than those established therein.

### ETHICAL CHANNEL DATA PROTECTION POLICY

#### **Who is responsible of controlling this data?**

The data is controlled by BSGC with NIF G35027465 and address at Crta. Tafira a Marzagán s/n, El Sabinal. E-MAIL: oficina@bs-gc.net Telephone: 928 351 167.

Our data protection officer can be contacted through dpo@bs-gc.net if there are doubts, queries or complaints about the processing of your personal data.

#### **Why is this done?**

The personal data collected through the channel will be processed for the sole purpose of processing the communications or information received, sending the informer the relevant communications on the status of processing or the results, unless he/she has objected; and, if appropriate, to carry out all those actions aimed at verifying the authenticity of the facts reported to determine their filing, the adoption of the relevant measures or their transfer to the competent authorities in each case.

#### **Which categories of data are concerned?**

Name and surname, address, e-mail or safe place for the purpose of communications provided by the informant in the event that he/she has not decided to make the communication anonymously. Identity and contact details of the people to whom the information received relates, as well as the information concerning the facts disclosed in order to determine whether they constitute an infringement. The information must have been obtained in an employment or professional context.



Identity and contact details of legal representatives or support and related to informer individuals when necessary for the purpose of introducing protection measures.

Is there an obligation to provide data and what are the consequences of not doing so?

Communications may be made anonymously and will be processed in the same way.

Likewise, if you have provided your contact details you can refuse to receive communications related to the processing of the process.

### **From which groups is data processed?**

The following may be informants:

- a) individuals who have the status of public employees
- b) self-employees;
- c) shareholders, participants and administration, management or members of the supervisory body of the company, including non-executive members.
- d) any person working for, or under the supervision and direction of contractors, subcontractors and suppliers;
- e) people with a terminated employment or statutory relationship, volunteers, trainees, trainees in training, whether paid or unpaid, as well as those whose employment relationship has not yet commenced, where information on breaches has been obtained during the recruitment process or pre-contractual negotiation.

In addition, and whenever necessary, data will be processed for the purpose of establishing measures for the protection of:

- a) individuals, within the BSGC framework, that assist the informer during the process;
- b) individuals that are related with the informer and may suffer reprisals, such as co-workers or relatives of the informant.

### **Why is such data processing necessary?**

BSGC is obliged to have an internal reporting system in accordance with Article 13 of Law 2/2023 of 20 February, regulating the protection of persons who report regulatory infringements and the fight against corruption.

### **To whom may your data be disclosed?**

Under no circumstances will the identity of the informant be communicated to the subjects concerned, nor will they be given access to the communication.

In case it is necessary or required, the data will be communicated to those third parties to whom BSGC is legally obliged to provide them, such as competent authorities, Judges and Courts.



BSGC is obliged to forward the information to the Public Prosecutor's Office immediately when the facts could be indicative of a crime, or to the European Public Prosecutor's Office in the event that the facts affect the financial interests of the European Union.

The Independent Authority for the Protection of informers, IAI or the competent body at regional level, as appropriate, may request documentation, data or any information related to the proceedings underway, including personal data.

The identity of the informant may only be communicated to the judicial authority, the Public Prosecutor's Office or the competent administrative authority within the framework of a criminal, disciplinary or sanctioning investigation. The informant shall be informed of this before his identity is revealed, unless such information could jeopardise the investigation or judicial proceedings.

### **For how long will your data be retained?**

The following will be deleted immediately:

- All personal data that may have been communicated and that refer to conduct that does not fall within the scope of application of the law. If the information received contains personal data included in the special categories of data, it shall be deleted immediately, without being recorded and processed.
- Information provided or part of it in the event that it is proven to be untruthful, from the moment that this circumstance comes to light, unless such untruthfulness could constitute a criminal offence, in which case the information shall be kept for the necessary time during the legal procedures.

The data processed are retained in the information system only for the time necessary to decide whether or not to initiate an investigation with the facts reported. This period may not exceed three months from the receipt of the information, unless, due to its particular complexity, the period has been extended by a further three months.

Communications that have not been acted upon are kept in anonymised form.

In the event that it is agreed to initiate the relevant investigation, the data will be processed for the duration of the investigation.

A register of information is kept at the disposal of the competent judicial authorities in accordance with the requirements and limits set out in Law 2/2023. In no case will data be kept for a period of more than ten years.

### **What are their rights?**

They have the following rights, the exercise of which may be requested by contacting BSGC at the BSGC email address, providing a copy of your identity document.



Right	Content
Access	To consult your data and obtain confirmation as to whether or not it is being processed.
Correction	To modify those that are incomplete or inaccurate.
Deleting	To request their deletion when they are no longer necessary, when provided for by law, when you withdraw your consent or object to the processing, among other reasons
Opposition	To request that they not be processed for reasons based on their personal circumstances, in which case, once these reasons have been analysed, they will no longer be processed. In the case of the person to whom the communication refers, it is presumed that there are compelling reasons that legitimise the processing of their personal data.
Treatment limitation	To have the processing blocked while other rights are being considered, when you object to their erasure, or want them to be kept, even if the data controller does not need to process them, for the exercise or defence of your claims.
To be free from automated individual decisions	Not to be subject to a decision based solely on the processing of your data, including profiling, which produces legal effects concerning you or similarly significantly affects you.

You may also file a complaint with the Spanish Data Protection Agency (AEPD - c/ Jorge Juan, 6 - 28001 Madrid - <http://www.aepd.es>) if you consider that the processing of your data does not comply with the law.

There is a possibility of resorting to the external channels of information before the competent authorities and, where appropriate, before the institutions, bodies or agencies of the European Union referred to in article 7 of Law 2/2023.

The affected person has the right to be informed of the actions or omissions attributed to him/her and to be heard at any time.

Whoever makes a communication or makes a public disclosure has the right not to have his or her identity, if communicated, disclosed to third parties.

### **Confidentiality**

The system is designed to guarantee the confidentiality of the identity of the informant and of any third party mentioned in the communication, as well as of the actions carried out in the management and processing of the same, preventing access by unauthorised personnel.

Likewise, confidentiality is guaranteed when the communication is sent through another channel or to members of staff not responsible for its processing, who will immediately forward the



communication to the person responsible for the system, as designated by BSGC. Our staff has received training in this respect.

### **Proportionality and minimisation of data**

Personal data is not collected if it is manifestly not relevant to the processing of specific information or, if it is collected by accident, it is deleted without undue delay.

No data is collected that would allow the identification of the informant if he/she had chosen to make the communication anonymously.

### **Restricting Access to data**

Internally, data may be accessed by the system administrator and the data protection officer. Access may be granted to human resources and legal officers only for disciplinary or legal action to be taken, respectively, in relation to the facts.

Access to such data may also be granted to third party professionals used by the BSGC to carry out all or part of the work of investigation and investigation of the complaints submitted, who shall act at all times subject to a duty of secrecy, reserve and confidentiality.

Other persons may participate in the processing when it is necessary for the adoption of corrective measures in the entity or the processing of the sanctioning or criminal proceedings that, where appropriate, may be necessary.

### **INDEPENDENT INFORMER PROTECTION AUTHORITY**

Any physical individual may report to the Independent Informer Protection Authority, (hereinafter "I.I.P.A."), the commission of any act or omission included in this Policy either directly or upon prior communication or through the BSGC Ethical Channel.

### **ADVERTISING AND IMPLEMENTATION**

Without prejudice to the obligation of employees to know and act in accordance with the provisions of BSGC's internal regulations, the dissemination of this Policy shall be promoted, as well as the use of the Ethical Channel.

This Policy shall enter into force on the day of its approval by the Board of Governors.

Approved by the Board of Governors on 11<sup>th</sup> December 2023.



# Appendix

## Appendix 1

COMMUNICATION FORM	
<b>INFORMANT'S DETAILS</b>	Full name <i>(optional)</i>
	E-mail address <i>(optional)</i>
<b>DATE OF COMMUNICATION</b>	
<b>DATE WHEN EVENTS OCCURRED</b>	
<b>DESCRIPTION OF EVENTS</b>	<i>Describe what the facts consist of, place where they have been committed, people involved, areas of the entity affected, the means used to carry out the conduct and all relevant data that you consider relevant.</i>



**EVIDENCE**

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