

BASKETBALL MANAWATŪ WHISTLE-BLOWERS POLICY

POLICY STATEMENT

This policy describes Basketball Manawatū’s commitment to encouraging an open, honest, and transparent culture in conducting all its activities with integrity, in a legal and ethical manner

PURPOSE OF THIS POLICY

Basketball Manawatū (BM) is committed to conducting its activities with integrity and in a legal and ethical manner. We promote an open, honest, and transparent culture. We are committed to maintaining an environment in which individuals can raise concerns regarding actual or suspected serious wrongdoing.

To encourage reporting of serious wrongdoing, requires a process whereby Basketball Manawatū personnel can report concerns freely and without retaliation or intimidation.

The purpose of this Policy is to facilitate the disclosure and investigation of serious wrongdoing in or by Basketball Manawatū to meet its obligations under the Protected Disclosures Act 2000 to protect employees who disclose serious wrongdoing.

If you are aware of any possible serious wrongdoing within Basketball Manawatū, you have a responsibility to disclose that information at the earliest opportunity for further investigation. One way to do that, if the wrongdoing is serious, is to make a protected disclosure (commonly referred to as a “Whistle-blower complaint”) using the process set out in this whistle-blower Policy.

SCOPE OF THIS POLICY

This Policy applies to all Basketball Manawatū personnel (including employees, contractors, players, and coaches). For the purposes of this policy, Basketball Manawatū personnel also include officials and volunteers, and former Basketball Manawatū Personnel.

DEFINITIONS

Whistle-blower

All Basketball Manawatū personnel who make a report in good faith under this Policy in connection with serious wrongdoing (disclosure) and wants to protect themselves against retaliation for having made the disclosure.

Whistle-blower Protection Officer (WPO)

A designated Basketball Manawatū representative responsible for protecting and safeguarding the interests of whistle-blowers. The WPO will have access to independent advisors as required. Basketball Manawatū’s WPO’s are the Board Chairperson and the General Manager of BM.

Whistle-blower Investigations Officer (WIO)

A designated Basketball Manawatū representative with responsibility for conducting preliminary investigations into disclosures received from a whistle-blower.

The WIO will investigate the substance of the disclosure to determine whether there is evidence in support of the disclosure, or alternatively to refute the disclosure. The WIO will be appointed by the WPO on a case-by-case basis, depending on the nature of the disclosure and will be a person who is not associated with the area under investigation. A WIO may be an internal or external person, depending on the circumstances.

REPORTING SERIOUS WRONGDOING

If a Basketball Manawatū employee, former employee, contractor, player, or volunteer becomes aware of serious wrongdoing, they are encouraged to report the conduct. This Policy is one way of reporting wrongdoing. Wrongdoing may also be reported through normal communications channels. For example:

- Whistle-blowers may wish to discuss the matter informally with the Board Chairperson or the General Manager in the first instance to determine whether an incident of serious wrongdoing has occurred. At all times these discussions will remain confidential. The whistle-blower may also contact the WPO directly to informally discuss the incident or they can formally report the serious wrongdoing in writing to a WPO.

WHAT TO INCLUDE IN YOUR DISCLOSURE?

You should include enough information to enable the WIO to investigate the matter fully and fairly. If you would prefer to remain anonymous, you may record your concern or allegation in a way that does not reveal your identity. However, providing details of your identity and being available to participate in the investigation can assist the WIO to ensure that the suspected serious wrongdoing is able to be fully investigated.

The type of information to include in your disclosure is:

- ✓ Names of people involved
- ✓ Names of any witnesses
- ✓ Date, time, and location of incident(s)
- ✓ Details of any proof (including relevant documentation whether hardcopy or electronic)
- ✓ Money or assets involved
- ✓ How often this incident has happened

It is important that you keep the matter confidential and do not discuss it with other personnel or potential witnesses. This is to avoid any potential conflicts of interest and/or so that if there is an investigation about the matter later, those individuals would be able to provide an independent account of events to the investigator.

INVESTIGATION

All reports of serious wrongdoing will be treated seriously and be the subject of a thorough investigation with the objective of finding evidence that either substantiates or refutes the allegations made by the whistle-blower. Investigations are undertaken by the WIO who will respond to all concerns raised and report to the WPO.

Following a report of serious wrongdoing, the following procedure is followed:

- The WPO will provide the report to the WIO.
- The WIO will review the report and determine the appropriate process for investigation and inform the whistle-blower and WPO. The WPO will inform the whistle-blower of how the investigation will proceed.
- The WIO will determine what resources are needed, such as assistance of other personnel or external professional advice.
- The WIO will conduct the investigation.
- The WIO will prepare an investigation report and provide this to the Board Chairperson and General Manager.
- The WPO will advise and debrief the whistle-blower on the outcome.

REPORTING THE INVESTIGATION FINDINGS

The WIO will report their findings to the General Manager who will determine the appropriate response. The response will include addressing any unacceptable conduct and remedial action to prevent future occurrences of the same behaviour. In the event of the General Manager being the subject of an investigation or allegation, the Chairperson will determine the appropriate response.

Where allegations of serious wrongdoing made against another person cannot be substantiated, that person will be advised accordingly.

WHITLE-BLOWERS ANONYNITY

The identity of the whistle-blower will be kept strictly confidential by the WPO and WIO unless:

- The whistle-blower consents to disclosure of their identity.
- The disclosure is required by law.
- Disclosure is necessary to prevent serious risk to public health or public safety or the environment.
- Disclosure is necessary to ensure that a fair process (natural justice) is followed in relation to the disclosure.
- Disclosure is necessary to protect or enforce Basketball Manawatū's legal rights or interests.
- Disclosure is necessary to defend any claims.

EXTERNAL DISCLOSURES

In some circumstances, it may be appropriate to make a disclosure to an external agency. For example, the New Zealand Police. To make a protected disclosure, you are required to use the internal process outlined in this Policy unless:

- you believe on reasonable grounds that the General Manager is or may be involved in the serious wrongdoing;
- you believe that the matter is so urgent or there is some other exceptional circumstance that would justify them immediately contacting an external authority;
- there has been no action or recommended action on the matter within 20 working days of the disclosure being made.

For clarity, the media is not an appropriate external authority. An 'appropriate external authority' includes any regulator or law enforcement agency.

FALSE WRONGDOING REPORTS

If it is established by the WIO that the whistle-blower is not acting in good faith, or has made a false report of wrongdoing, they may be subject to appropriate disciplinary procedures. Whistle-blowers must ensure, as far as possible, that reports are factually accurate and presented in an unbiased manner

GRIEVANCES

This policy is not intended for employees to report alleged personal grievances, nor should it be used to appeal disciplinary decisions or interfere with a disciplinary process. Employees must instead report grievances or raise concerns about disciplinary procedures in accordance with the process set out in the employment relationship problems clause in their employment agreement.

RECORDS OF REPORTS

All information, documents, and reports to an investigation of reported misconduct will be secured in a confidential manner.

POLICY REVIEW

Basketball Manawātū will monitor and review this policy on a two-yearly basis.