



Reporting Serious Concerns (Whistleblower) Policy

Introduction

Hockey New Zealand (Hockey NZ) is committed to conducting its activities with integrity and in a legal and ethical manner. We promote an open, honest and transparent culture and seek to maintain an environment where individuals are able to raise concerns regarding actual or suspected serious wrongdoing.

Where allegations of wrongdoing are involved, particular care should be taken for all parties. They can be very damaging for individuals, or an organisation if not handled responsibly. This is especially important where the individuals concerned have not had an opportunity to respond or the individual reporting the wrongdoing does not know the full facts.

For all Athletes this policy should be read in conjunction with the MOU.

Purpose and Scope

The purpose of this Policy is to ensure that people who have concerns, can report these freely and without retaliation and intimidation. This policy seeks to explain what serious wrongdoing is; outlines the protections available for those who disclose serious wrongdoing and; clarifies the process for reporting and receiving concerns in accordance with the Protected Disclosures Act 2022.

This policy applies to employees, contractors, players and coaches, officials and volunteers, former Hockey NZ personnel and anyone else who wishes to draw concerns to our attention.

Policy

Hockey New Zealand's Obligations:

- Disclosures and investigations of alleged serious wrongdoing, will be investigated promptly and fairly, in accordance with the Protected Disclosures Act 2022 and any relevant or applicable policies and procedures of the organisation

- All concerns founded, will be addressed appropriately and external agencies will be notified or involved where appropriate; and
- When the individual who has made the disclosure wishes the disclosure or their identity to be kept confidential, those wishes are respected to the extent possible and appropriate.
- Individuals will be advised if their disclosure or identity is unable to be kept confidential and to explain the reasons why
- Individuals who report concerns in good faith under this policy (and are not involved in the serious wrongdoing reported) will be protected from retaliatory or adverse treatment as a result of the disclosure, including:
 - discrimination or bias
 - victimisation or harassment
 - any employment disadvantage such as suspension, demotion, disciplinary action or dismissal

Individual's Obligations:

- Individuals aware of any possible serious wrongdoing within Hockey NZ, have a responsibility to disclose that information at the earliest opportunity for further investigation.
- Individuals who report concerns will:
 - do so in good faith – honestly and for genuine reasons
 - advise any concerns they have about making the disclosure or their identity being disclosed
 - ensure, as far as possible, that reports are factually accurate and presented in an unbiased manner
 - cooperate with any investigation into the disclosure, and provide further information where that is available and requested by the organisation
 - alert the organisation promptly if they think or their family they have been subjected to retaliatory treatment or victimisation as a result of the disclosure. Where such an incident occurs, the Hockey NZ Discrimination, Harassment and Bullying policy will apply.
 - maintain confidentiality of all reports and not disclose details to any person.

Guidelines

What is Serious Wrongdoing?

The Protected Disclosures (protection of whistleblowers) Act 2022 provides protections for employees who make disclosures about serious wrongdoing in or by their employer. "Serious Wrongdoing" under the Protected Disclosures Act is an act, omission or course of conduct that:

- constitutes an offence.
- puts public, individual, and environmental health and safety at serious risk;

- contains a serious risk to the maintenance of the law, including the prevention, investigation, and detection of offences or the right to a fair trial
- involves unlawful, corrupt or irregular use of public funds or public resources;
- is considered to be oppressive, unlawfully discriminatory, or grossly negligent, or that constitutes gross mismanagement by a staff member(s) or any other person performing (or purporting to perform) a function or duty or exercising a power on behalf of Hockey NZ;

Examples of a disclosable matter may include; theft, dealing prohibited drugs, match fixing, violence or threats of violence, criminal damage to property, fraud, improper use of the organisation's money, or conduct intended to damage the reputation of HNZ.

How will my disclosure be “protected”?

Using procedures under the Protected Disclosures Act, all those in scope of this policy will be protected by:

- immunity from civil and criminal liability by reason of having made or referred that disclosure of information;
- the personal grievance provisions in the Employment Relations Act 2000 if the employee claims that they have suffered retaliatory action as a result of making a protected disclosure;
- the victimisation provisions of the Human Rights Act 1993; and
- Hockey NZ requiring the person receiving the disclosure to maintain confidentiality except in limited cases.

When is my disclosure NOT “protected”?/ False Wrongdoing Reports

Your disclosure will not be protected if:

- you know the allegations are false; or
- you act in bad faith; or
- the information you're disclosing is subject to legal professional privilege; or
- the information is not about serious wrongdoing (and you do not have reasonable grounds to believe it is about serious wrongdoing).

If it is established that the whistleblower is not acting in good faith, or has made a malicious or deliberately false report of wrongdoing, they may be subject to appropriate disciplinary procedures.

When might my identity as Whistleblower not be kept strictly confidential?

Your identity as the whistleblower will be kept strictly confidential unless:

- you consent to disclosure of your 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 or to defend any claims.

Process for reporting serious concerns (or wrongdoing)

To make a protected disclosure, commonly referred to as a “Whistleblower complaint”, please follow the guidelines below.

Who to contact - Internal

If a Hockey NZ employee, former employee, contractor, player or volunteer becomes aware of serious wrongdoing, they are encouraged to report the conduct to either the CEO, GM People and Culture, GM High Performance, GM Hockey network, Team Manager or Board chair or another appropriate person within the organisation such as a member of HNZ Senior Leadership Team (SLT).

Who the appropriate person to approach will depend on the nature, seriousness, and circumstances of the issue. The person the disclosure is made to should be:

- independent of the issue; and
- in a position to do something about the disclosure – whether that is to refer it to the appropriate authority for further investigation or to investigate the matter on the organisation’s behalf; and
- in a position to put in place any immediate steps that might be necessary to protect the organisation, the public or individuals likely to be affected.

Who to contact - External

At any time you may choose to report your serious concerns to an appropriate external authority such as High-Performance Sport New Zealand (HPSNZ), Sport NZ or if you are an Athlete, the Hockey Players Association (HPA). In considering whether it is appropriate to report to an external authority, individuals should consider whether:

- the issue is sufficiently serious to involve an external authority; and/or
- it is necessary to report the issue to an external authority because individuals high up in the organisation are or may be involved; and/or
- immediate referral to an external authority is necessary because of urgency or other exceptional circumstances; and/or
- the issue has already been disclosed within the organisation but has not been addressed within a reasonable timeframe.

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

What to include in your disclosure?

Please include enough information to enable the matter to be investigated 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 ensures 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.

Process for receiving serious wrongdoing concerns

An individual within the organisation who has concerns reported to them must ensure that appropriate steps are taken following the disclosure to address the issue. The precise steps taken will depend on the nature, seriousness and circumstances of the issue disclosed.

Individuals who have concerns reported to them need to ensure:

- immediate steps are taken as necessary to protect any individuals likely to be affected, the organisation, and the public
- the disclosure is escalated as appropriate to ensure that it is addressed promptly and appropriately; and
- receipt is acknowledged and any information as to next steps will be provided, in writing/by email, as promptly as possible

In accordance with the Protected Disclosures Act 2022, within 20 working days of receiving the disclosure, the receiver should

- acknowledge the date the disclosure was received and, if the disclosure was made orally, summarise the receiver's understanding of the disclosure;
- consider whether the disclosure warrants investigation;

- check with the whistleblower whether the disclosure has been made elsewhere;
- deal with the matter by investigating it, acting or recommending action, referring the disclosure elsewhere, and/or deciding that no action is required; and
- inform the whistleblower, with reasons, about what the receiver has done or is doing to deal with the matter.

Investigation and Reporting Process

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 whistleblower.

Once the internal or external contact has determined the appropriate process for investigation they will:

- inform the whistleblower
- determine what resources are needed to conduct an investigation, such as assistance of other personnel or external professional advice and/or conduct the investigation themselves
- Post the process, brief the whistleblower on the outcome and appropriate action including addressing any unacceptable conduct and remedial action to prevent future occurrences of the same behaviour. In the event of the CEO being the subject of an investigation or allegation, the Chair will determine the appropriate response.
- Confidentially secure all information, documents and reports relating to the investigation

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

Grievance Process

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.

Protected Disclosures Act 2022

For more information about the Protected Disclosures act please refer to the public service commission website or click on the link below

[Protected Disclosures Act \(Protection of Whistleblowers\) Act 2022](#)

If you have any questions or feedback about this policy or a particular disclosure made under it, please contact the CEO

Related Documents

Prevention of Harassment, Bullying and Discrimination Policy

Version Control

Version:	2.0
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