



Whistleblower Policy

Policy Statement

This policy describes Hockey New Zealand's commitment to encouraging an open, honest and transparent culture in conducting all its activities with integrity, in a legal and ethical manner.

Purpose

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. We are committed to maintaining an environment in which individuals are able to raise concerns regarding actual or suspected serious wrongdoing.

To encourage reporting of serious wrongdoing, requires a process whereby Hockey NZ 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 Hockey NZ 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 Hockey NZ, 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 "Whistleblower complaint") using the process set out in this Whistleblower Policy.

Scope

This policy applies to all Hockey NZ personnel (including employees, contractors, players and coaches). For the purposes of this policy, Hockey NZ personnel also include hockey officials and volunteers, and former Hockey NZ personnel.

Protected Disclosures Act

Under the Protected Disclosures Act, serious wrongdoing is:

- conduct that poses a serious risk to public health and safety, the environment; or
- behaviour that interferes with the maintenance of the law; or
- any criminal offence.

A disclosure will be "protected" under the Protected Disclosures Act if:

- the information is about serious wrongdoing in or by Hockey NZ; and
- you believe on reasonable grounds the information is either true or likely to be true; and
- you wish to disclose the information so that the alleged serious wrongdoing can be investigated; and
- you wish the disclosure to be protected.

Hockey NZ personnel using procedures under the Protected Disclosures Act 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.

Your disclosure won't be protected if:

- you know the allegations are false; or
- you act in bad faith; or
- the information you're disclosing is protected by 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).

Definitions

Whistleblower

All Hockey NZ personnel who makes 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.

Whistleblower Protection Officer (WPO)

A designated Hockey NZ representative responsible for protecting and safeguarding the interests of whistleblowers. The WPO will have access to independent advisors as required. Hockey NZ's WPOs are the CEO, High Performance Director, General Manager Community Hockey and Events, Team Services Manager and People & Culture.

Whistleblower Investigations Officer (WIO)

A designated Hockey NZ representative with responsibility for conducting preliminary investigations into disclosures received from a whistleblower. 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 Hockey NZ 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:

- Whistleblowers may wish to discuss the matter informally with the CEO, direct manager or another Hockey NZ manager in the first instance to determine whether an incident of serious wrongdoing has occurred. At all times these discussions will remain confidential. The whistleblower 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 whistleblower. 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 whistleblower and WPO. The WPO will inform the whistleblower 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 WPO and CEO or, if relevant, Chair.
- The WPO will advise and debrief the whistleblower on the outcome.

Reporting the Investigation Findings

The WIO will report their findings to the CEO 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 CEO being the subject of an investigation or allegation, the Chair will determine the appropriate response.

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

Whistleblower Anonymity

The identity of the whistleblower will be kept strictly confidential by the WPO and WIO unless:

- The whistleblower 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 Hockey NZ's legal rights or interests.
- Disclosure is necessary to defend any claims.

Whistleblower Protection

Provided the whistleblower has not been involved in the serious wrongdoing reported, they will not be penalised or personally disadvantaged because they have reported a matter. Hockey NZ will not tolerate whistleblowers being:

- dismissed by reason of having reported serious wrongdoing;
- demoted by reason of having reported serious wrongdoing;
- harassed or victimised; and / or
- discriminated against.

A whistleblower who believes they or their family have been the victim of any of the above as a result of their whistleblowing should immediately report the matter to the WPO. Where such an incident occurs, the Hockey NZ Discrimination, Harassment and Bullying policy will apply.

Subject to the facts of an investigation, a whistleblower who has been involved in the reported serious wrongdoing but has reported it nonetheless, will have this taken into account as a mitigating factor in determining what, if any, disciplinary or other action may be appropriate in respect of their involvement. Hockey NZ has no power to provide immunity from criminal prosecution.

A 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 protected by 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).

Communication with the Whistleblower

The whistleblower will be kept informed of the outcome of the investigation of their disclosure, subject to privacy and confidentiality requirements. Whistleblowers must maintain confidentiality of all reports and not disclose details to any person.

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 CEO 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 whistleblower is not acting in good faith, or has made a false report of wrongdoing, they may be subject to appropriate disciplinary procedures.

Whistleblowers 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 relating to an investigation of reported misconduct will be secured in a confidential manner.