



REPORTING CONCERNS (WHISTLEBLOWING) POLICY

This policy sets out our processes for reporting concerns and explains the protections available.

INTRODUCTION

This policy is not a substitute for the processes BBNZ has in place already for addressing employment relationship problems, health and safety incidents or other issues, but has been developed to stand alongside those other processes. It is intended to fill any gaps where there isn't already a clear process in place, or where an individual for some reason does not want to apply the usual process. It does not replace the processes we have in place to comply with BBNZ Regulations and applicable complaints processes, or the Protected Disclosures Act 2022.

Openness, integrity and accountability are important to Basketball New Zealand (BBNZ) and to the sport and recreation sector. This policy has been developed to ensure that people who have concerns related to the organisation our activities or our members, are able to raise those without fear of repercussion and with the confidence that they will be addressed.

This policy sets out our processes for reporting concerns and explains the protections available.

It applies to board members, other officers, employees, contractors, volunteers, officials, participants and anyone else who wishes to draw concerns to our attention.

This policy provides guidance rather than rules. There may be other means available to address particular concerns, either informally or formally via another policy or process.

If you are uncertain about how best to address a particular concern, please report it regardless and we will ensure that it is addressed under this policy or otherwise as appropriate.

This policy was last reviewed in July 2024.

PRINCIPLES OF THIS POLICY

- We will provide individuals with a process for reporting their concerns
- Individuals who raise concerns in good faith will not be disadvantaged
- All disclosures will be addressed as appropriate



WHAT SORTS OF CONCERNS SHOULD BE REPORTED?

This policy applies to any concern that relates to us and that an individual or another organisation thinks ought to be drawn to our attention so that it can be addressed. It might for instance include concerns about:

- overt or consistently poor side-line behaviour
- match fixing or doping
- security or health and safety
- work-related issues, which might apply to employees, contractors or volunteers
- corrupt or improper use of the organisation's, or a related organisations, money or resources
- negligence or mismanagement by someone in the organisation or a related organisation
- breaches of the BBNZ Code of Conduct

PROCESS FOR REPORTING SERIOUS WRONGDOING

An individual who is concerned about a particular issue related to the organisation is encouraged to disclose that to their manager in the first instance, or another appropriate person within the organisation.

Any reports for serious wrongdoing relating to a particular issue within a Member Association of BBNZ jurisdiction, should be reported to the CEO/GM or Board of Directors of that Member Association. Reports for serious wrongdoing relating to a particular issue about a Members Association can be disclosed to BBNZ.

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

- independent of the issue
- 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
- 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

If there is no one within the organisation or a Board Member that would be appropriate to report the concern to, it may be appropriate to report it to an appropriate external authority. 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
- it is necessary to report the issue to an external authority because individuals high up in the organisation are or may be involved
- immediate referral to an external authority is necessary because of urgency or other exceptional circumstances



- the issue has already been disclosed within the organisation but has not been addressed within a reasonable timeframe

If you are unsure who to send your completed reporting concerns report to, please send it to info@nz.basketball and we will send it on to the most appropriate person and advise you who it has been sent on to.

MEMBER ASSOCIATION CONCERNS

Reports for serious wrongdoing relating to a particular issue within a BBNZ Member Associations jurisdiction, should be reported to the CEO/GM or Board of Directors of that Member Association using their reporting concerns process.

Reports for serious wrongdoing relating to a particular issue about a Members Association can be disclosed to BBNZ following the reporting process outlined in this policy.

Member Associations must follow the applications of this policy when receiving a reporting concerns report, not matter who it is from, or the issue being raised.

Members Associations should use the reporting concerns outcome report template provide in this policy when investigating any concerns raised with them. A copy of completed outcome report for any concern raised should be submitted to BBNZ through the info@nz.basketball email address for record keeping.

PROTECTIONS FOR INDIVIDUALS REPORTING CONCERNS

Individuals who report concerns in good faith and in accordance with this policy can expect:

- their disclosure to be treated in confidence by the organisation if they so request, to the extent that maintaining confidentiality is possible and appropriate
- their identity to be kept confidential if they so request, to the extent that is possible and appropriate
- to be advised if their disclosure or identity is unable to be kept confidential and to understand the reasons why (information may have to be disclosed for instance in order to properly investigate and address the disclosure)
- to be protected by the organisation from repercussions or victimisation as a result of having made the disclosure

RESPONSIBILITIES OF INDIVIDUALS REPORTING CONCERNS

Where allegations of wrongdoing are involved, particular care should be taken. They can be very damaging for an organisation or individuals 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.

Our expectations of individuals who report concerns are that they will:

- do so in good faith – honestly and for genuine reasons
- use their judgment and discretion
- advise any concerns they have about making the disclosure or their identity being disclosed



- 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 they have been subjected to retaliatory treatment or victimisation as a result of the disclosure.

If an individual makes a malicious or deliberately false disclosure, we will address the matter with the individual concerned, by way of a disciplinary or other process as appropriate.

RESPONSIBILITIES ON RECEIVING A REPORT

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.

Our expectations of individuals who have concerns reported to them are that:

- immediate steps are taken as necessary to protect the organisation, the public and any individuals likely to be affected
- the disclosure is escalated as appropriate to ensure that it is addressed promptly and appropriately
- receipt will be acknowledged and any information as to next steps will be provided, in writing (e.g. by email), within two working days of receipt

Following any such steps, our expectations are that:

- the disclosure will, if appropriate, be investigated promptly and fairly, in accordance with any relevant or applicable policies and procedures of the organisation
- if the concern is well founded, the issue is addressed promptly and appropriately, and external agencies are notified or involved where appropriate
- if the individual who has made the disclosure wishes the disclosure or his or her identity to be kept confidential, those wishes are respected to the extent possible and appropriate
- if the disclosure or identity of the individual who made it cannot be kept confidential, the individual is advised of that and of the reasons his or her disclosure or identity cannot be kept confidential

RESPONSIBILITIES ON RECEIVING A REPORT

Our expectation is that individuals who report concerns in good faith under this policy 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

These expectations apply even if it turns out that there has not in fact been any wrongdoing by a particular individual or the organisation.

PROTECTED DISCLOSURES ACT 2022

The Protected Disclosures Act 2022 (the Act) provides protections for anyone who make disclosures under the Act about serious wrongdoing (see below) in or by an organisation.

If anyone makes a protected disclosure, the Act protects the individual from retaliatory action and gives them immunity from civil or criminal proceedings and from any disciplinary process, by reason of having made the disclosure, *provided that*:

- the information is about 'serious wrongdoing' (see below);
- the whistleblower believes on reasonable grounds the information disclosed is likely to be true
- the whistleblower wishes to disclose the information so the serious wrongdoing can be investigated
- the whistleblower wishes the disclosure to be protected under the Act

The definition of serious wrongdoing in the Act includes:

- an unlawful, corrupt, or irregular use of funds or resources of a public sector organisation; or
- an act, omission, or course of conduct that constitutes a serious risk to public health or public safety or the environment
- an act, omission, or course of conduct that constitutes a serious risk to the maintenance of law, including the prevention, investigation, and detection of offences and the right to a fair trial
- an act, omission, or course of conduct that constitutes an offence
- an act, omission, or course of conduct by a public official that is oppressive, improperly discriminatory, or grossly negligent, or that constitutes gross mismanagement

If an individual wishes to make a protected disclosure under the Act, the employee should disclose the information to the Board Chair

The individual may report the serious wrongdoing to an 'appropriate authority' as defined by the Act, if the employee believes on reasonable grounds that:

- all of these individuals are or may be involved in the serious wrongdoing
- immediate reference to an external authority is justified due to urgency or some other exceptional circumstance
- there has been no action in relation to the disclosure within 20 working days

Under the Act an 'appropriate authority' includes:

- the Commissioner of Police
- the Controller and Auditor-General
- the Director of the Serious Fraud Office
- the Inspector-General of Intelligence and Security
- an Ombudsman
- the Parliamentary Commissioner for the Environment
- the Independent Police Conduct Authority
- the Solicitor-General
- the State Services Commissioner



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- the Health and Disability Commissioner
- the head of a public sector organisation
- a private sector body which comprises members of a particular profession or calling and which has the power to discipline its members

QUESTIONS AND FEEDBACK

If you have any questions or feedback about this policy or a particular disclosure made under it, please contact info@nz.basketball



REPORTING CONCERNS (WHISTLEBLOWING) REPORT

Note: By filing a report, the individual will have consented to taking part in actions to follow. BBNZ recognises and respects fully the concern of confidentiality and, therefore, will take every effort to keep personal information confidential. Please keep in mind, however, that some information on the case will need to be shared with others in order to investigate the report properly.

Tell us about you			
Anonymity: Any person can request to stay anonymous by marking the box and such request will be respected by BBNZ. Only the BBNZ Chief Executive will be aware about the identity of the person making the report. The personal information, however, still has to be filled in for the report to be seen as credible.			YES NO
Last Name:		First Name:	
Country:		City:	
Contact Number:		E-mail:	
Tell us about the individual or entity you want to report			
Name of Individual or Entity:			
City:		Country:	
Any Contact Information (if available):			
Tell us about the case			
Please describe the following in as much detail as possible.			
What happened?			
Where did it happen?			
When did it happen?			



Do you think or know it will happen again? When and where will it happen again?			
Which other people know of this offence and could have additional information about it?			
Do you have any evidence material relating to the offence?	YES NO	Can such evidence material be made available for BBNZ?	YES NO
How can evidence material be made available to BBNZ?			
Please make a list of evidence material available.			
Any other information about the offence?			
FOR OFFICE USE:			
Date:		Time:	



REPORTING CONCERNS (WHISTLEBLOWING) OUTCOME REPORT

Note: This template should be used by BBNZ and any Member Associations following the receipt of a reporting concerns (Whistleblowing) report.

Member Associations must provide BBNZ with a copy of the final outcome report for record keeping. Please send final outcome reports to bbnz@basketball.nz

Outcome of Concern raised report template	
Date the report of concern was received	
Person responsible for leading the investigation of the concern	
Persons involved in the investigation. List the people who will be involved in the investigation, including their role. Are there any conflicts of interest that need to be managed?	
Summary of the concern raised. What occurred/allegedly occurred? Include dates and times as relevant	
Name of Individual or organisation involved in the concern raised. List names and roles as appropriate	
The impact and severity of the concern raised, and why	



Provide any additional context or background to this concern raised as relevant

Actions immediately taken following notification of the concern

List the actions taken immediately following notification of the concern raised. One example is provided below – delete if irrelevant and add in your own.

Date and time	Action Taken	Who
	Specified agencies notified	

Risks and Mitigations

Identify any emerging risks to the situation. Some examples are provided below as a starting point – delete any irrelevant information in the table and add in your own

Risks	Mitigation
Harm to others	The steps you have taken/will take to prevent further harm
Potential Media Coverage	Prepare a media statement and nominate a spokesperson



Evidence Gathering

Information Gathered

To ensure you gather enough evidence, list all of the information/documents that might be relevant to your investigation:

Actions taken

List the actions taken throughout the investigation. Some examples are provided below – delete any irrelevant information in the table and add in your own.

Date	Action Taken	Who
	Initial meeting with.....	
	Consulted relevant policies and procedures	
	Obtained a written statement from Witness A	
	Interviewed the person the concern raised is about	
	Updated the person who raised the concern in the investigation process	
	Sought external professional support/advice	



Evaluation of evidence gathered

Summary of evidence gathered

List the evidence that you actually gathered from the investigation.

For example (note these are a starting point, add specific details as applicable):

- *child safeguarding policy*
- *HR policies and procedures*
- *information from interviews*

Investigation Findings

State what the findings of the investigation are, and the thinking/reasons for the findings. Have a clear link back to the information that you've gathered from the interviews and documentation.

For example: (note these are a starting point, add specific details as applicable):

- *Is the allegation substantiated?*
- *What conclusions did you reach? Why?*
- *Policies/ procedures/supervision plans followed/not followed*
- *Risk management not completed/not completed/not completed to standard*
- *What are the contributing environmental issues? Why?*
- *Do you have any staff practice concerns? Why?*
- *How does this impact children? Why?*
- *Were there any breach/es to regulations/licensing criteria?*

Actions taken/proposed to be taken

State the actions taken to ensure the concern is resolved and the event that led to the concern raised does not happen again.

For example: (note these are a starting point, add specific details as applicable):

- *Reviewed and updated policies and procedures – list the ones here that have been reviewed. Who has had input on this?*
- *Reviewed and updated risk management system*
- *Initiated self-review or internal evaluation process*
- *Discussions at team meetings or training programmes introduced*
- *Disciplinary actions taken*
- *Notified specified agencies*



Investigation Conclusion

Follow up

The following internal people have been informed of the outcome of the investigation:

Person	Date	How they were informed eg phone/email/in person meeting etc
<i>Person raising concern</i>		
<i>Person/people/organisation the concern is about</i>		

The following external people/organisations have been informed of the outcome of the investigation:

Organisation	Date	How they were informed eg phone/email/in person meeting etc
<i>Sport NZ</i>		
<i>Police</i>		
<i>Minister of Sport</i>		



Attachments

The following attachments are included in this report

For example:

- ☐ Initial Concern Report
- ☐ Statements
- ☐ Interviews – questions and answers
- ☐ Service documents (records, policies, procedures, team meeting minutes etc.)
- ☐ Photos
- ☐ Notification to specified agencies
- ☐ Action Plan