



SQUASH NSW WHISTLEBLOWER POLICY

Purpose of Policy

The purpose of this policy is to encourage reporting and investigation of serious misconduct, illegal activity, financial malpractice, maladministration, unethical and improper conduct or behaviour.

This policy is used to support whistle-blowers, who in good faith and without malice, disclose information or raise concerns about alleged improper or illegal activity.

This policy does not apply to general grievances or complaint.

Who is bound by this Policy

This policy applies to all Directors, Employees, Volunteers, Participants, Coaches, Officials Member Clubs/Centres and all Affiliates

This policy also applies to members of the public who have reported allegations of serious misconduct in accordance with this policy.

Who is covered by the Whistleblower Policy

Anyone who is reasonably connected to Squash NSW

Matters covered by Whistleblower Disclosure

Member Protection matters of a serious nature such as child abuse.

Fraud, money laundering or misappropriation of funds causing actual or potential financial loss to the association.

Dishonest activity whereby a person acts contrary to the interest of the association.

Abuses his/hers position in order to achieve some personal gain for him or herself or for any other person or entity.

Conduct that seriously endangers the health and safety of employees or contractors.

Breaches Anti-Doping or Match-Fixing Policies.

Illegal conduct, such as theft, dealing in, or use of illicit drugs, violence or threatened violence, and criminal damage against property.

Engaging in or threatening to engage in detrimental conduct against a person who has made a disclosure or is believed or suspected to have made, or be planning to make, a disclosure.

Whistleblower Protections

You can choose to remain anonymous while making a disclosure. Disclosures can be made anonymously and still be protected under the Corporations Act.

Squash NSW will take all reasonable steps to protect the identity of a whistleblower if he or she wishes for their identity to remain confidential.

Elements of the Disclosure which identify the Whistleblower's personal information will be redacted.

The Whistleblower will be referred to in a gender-neutral context.

Where possible, the Whistleblower will be contacted to help identify certain aspects of their Disclosure that could inadvertently identify them.

Squash NSW will also take all reasonable steps to ensure that a whistleblower does not suffer any personal, professional or financial disadvantage or detriment as a result of making a report.

Detriment means

- Dismissal of a person's employment;
- Injury or disadvantage to a person in his or her employment;
- Alteration of an employee's position or duties to his or her disadvantage;
- Discrimination towards a person;
- Harassment or intimidation of a person;
- Harm or injury to a person, including psychological harm;
- Damage to a person's property;
- Damage to a person's reputation;
- Damage to a person's business or financial position;
- Future or current bias against a person; or
- Any other damage to a person.

Any Director, Employee or Volunteer who is found to have penalised or discriminated against a whistleblower in any way may be subjected to disciplinary measures.

Making a Disclosure

If you have a concern that a person connected to Squash NSW has engaged in serious misconduct, illegal activity, financial malpractice, maladministration, unethical and improper conduct or behaviour you should disclose this behaviour.

In some instances, reports should be made directly to police.

Reports must be made in good faith and based on reasonable grounds.

The Whistleblower Policy is about disclosing and dealing with serious and illegal practices. It is not about simply airing a personal grievance with another person or recording your disagreement with a decision that has been validly made or the way something is done.

Trivial, vexatious or malicious reports may be dismissed without further investigation.

False or Malicious reports

False or malicious reports are not protected under this policy and may result in disciplinary action.

Personal Grievances

Personal grievances do not qualify for protection. What covers a personal grievance;

- an interpersonal conflict between the discloser and another employee;
- a decision that does not involve a breach of workplace laws;
- a decision about the engagement, transfer or promotion of the discloser;
- a decision about the terms and conditions of engagement of the discloser; or
- a decision to suspend or terminate the engagement of the discloser, or otherwise to discipline the discloser

A personal work-related grievance may still qualify for protection if:

- It includes information about misconduct, or information about misconduct
- Includes or is accompanied by a personal work-related grievance (mixed report);
- The entity has breached employment or other laws punishable by imprisonment for a period of 12 months or more, engaged in conduct that represents a danger to the public, or the disclosure relates to information that suggests misconduct beyond the discloser's personal circumstances;
- The discloser suffers from or is threatened with detriment for making a Disclosure (see RG 270.96–RG 270.97); or
- The discloser seeks legal advice or legal representation about the operation of the whistleblower protections under the Corporations Act (see RG 270.72).

If you unsure of your rights and protections under employment or contract law you should seek legal advice.

Disclosures to a legal practitioner for the purposes of obtaining legal advice or legal representation in relation to the operation of the whistleblower provisions in the Corporations Act are protected (even in the event that the legal practitioner concludes that a disclosure does not relate to a 'disclosable matter')

Reporting Process

Reports are to be made to the Chief Executive Officer in the first instance. If it is inappropriate to make the report to the Chief Executive Officer, then a report can be made to the President of Squash NSW or any appropriate authority.

Handling of Disclosure

Reports will be managed confidentially.

The Chief Executive Officer will make a report to the board of directors unless the allegation concerns a director. If the concern is regarding a director an independent investigator will be appointed.

If the allegation is against the Chief Executive Officer an independent investigator will be appointed.

Depending on the nature of the allegation the matter maybe dealt with internally.

In consultation with the Chief Executive Office the board shall determine if the matter should be dealt with internally or an investigator is to be appointed or if the matter should be referred to police or any other statutory body including ASIC, ATO or ASADA.

The person making a Disclosure for the purposes of this Policy must have reasonable grounds to suspect that a person has engaged in Serious Misconduct and share whatever information they have available to them in respect of the Disclosure.

Managing Reports

All paper and electronic documents and other materials relating to the Disclosure will be stored securely.

Access to all information relating to a Disclosure will be limited to those directly involved in managing and investigating the Disclosure; and

Each person who is involved in handling and investigating a disclosure will be reminded about the confidentiality requirements, including that an unauthorised disclosure of a Whistleblower's identity may be a criminal offence.

Investigations

Investigations will be conducted objectively, fairly and independently.

Investigations will be thorough with all allegations and concerns investigated appropriately and in a timely manner.

Investigations will be conducted in line with any legal or regulatory requirements.

Without the discloser's consent, the entity cannot disclose information that is likely to lead to the identification of the discloser as part of its investigation process.

A discloser will be provided with regular updates. The frequency and timeframe may vary depending on the nature of the disclosure and if the discloser can be contacted (including through anonymous channels).

Reporting the outcomes of Disclosure

The findings from an investigation will be documented and reported to the relevant authorities, while still preserving confidentiality as required.

The method for documenting and reporting the findings will depend on the nature of the Disclosure.

The whistleblower will be informed of the outcome of an investigation, subject to privacy and confidentiality considerations.

The whistleblower must maintain confidentiality and not disclose details of the report to any person.

Reference	Date approved	Date Last amended	Date of next review	Status
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