



North Harbour Hockey Association

Child Protection and Safeguarding Policy

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REPORTING CONCERNS AND COMPLAINTS AND WHISTLE BLOWER POLICY

POLICY OBJECTIVE

Openness, integrity and accountability are important to North Harbour Hockey Association (NHHA) and are integral in creating a safe environment for all NHHA stakeholders. This policy has been developed to ensure that people who have concerns and complaints related to the organisation or our activities are able to raise those without fear of repercussion and with the confidence that they will be appropriately addressed in a timely manner.

POLICY PURPOSE

To provide individuals with a process for reporting their concerns and complaints, provide assurance that all disclosures will be addressed as appropriate and to ensure those who raise concerns and complaints will not be disadvantaged.

POLICY

POLICY APPLICATION

This policy applies to board members, other officers, administrators, employees, contractors, coaches, managers, officials, volunteers, parents/guardians and anyone else who wishes to draw concerns or complaints to our attention.

This policy sets out our processes for reporting concerns and complaints and explains the protections available to individuals submitting those concerns and complaints.

The policy owner is the NHHA CEO and NHHA General Manager.

The application of the policy is consistent for both a concern and a complaint. For simplicity the words will be used interchangeably throughout the remainder of the policy.

WHAT CONSTITUTES A CONCERN?

This policy applies to any concern that relates to NHHA that an individual or another organisation thinks ought to be drawn to our attention so that it can be addressed. It might for example include a concern regarding:

- overt or consistently poor side-line behaviour
- security or health and safety
- work-related issues, which might apply to employees, contractors or NHHA volunteers
- corrupt or improper use of the organisations, or a related organisation's, money or resources
- harassment, bullying or discrimination

WHAT IS WHISTLEBLOWING?

Whistleblowing is the process of an individual disclosing information to NHHA about wrongdoing, illegal or unethical conduct or about suspected wrongdoing, illegal or unethical conduct.

REPORTING CONCERNS AND COMPLAINTS

An individual who is concerned about a particular issue related to NHHA and would like to make a formal complaint is required to disclose the complaint in writing to the Complaints Officer. Concerns are to be submitted to the following email address: complaintsofficer@harbourhockey.org.nz. There is no template document, the complainant is asked to include all detail that they believe is relevant to the complaint.

The Complaints Officer will undertake an initial assessment of the concern. Based on the nature, seriousness, and circumstances of the concern the Complaints Officer will determine next steps. Part of the initial assessment will determine if there are other appropriate individuals for whom they need to disclose the concern to. The person(s) to whom the disclosure is made will be:

- independent of the issue
- in a position to do something about the disclosure - whether that is to refer it to the appropriate external 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 NHHA that would be appropriate to report the concern to, it may be appropriate for the Complaints Officer to report the concern to an appropriate external authority. Any external investigations by appropriate authorities will receive the full support of NHHA.

If you do not feel it is appropriate to report the concern to the Complaints Officer, through the process documented above, you may report your concern directly to an appropriate external authority. In considering whether it is appropriate, 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 to NHHA but has not been addressed within a reasonable timeframe

ADDRESSING CONCERNS AND COMPLAINTS

Once a concern is received via email by the Complaints Officer, they must ensure that the appropriate steps are taken to address the issue, including:

- immediate action taken as necessary to protect the organisation, the public and any individuals likely to be affected
- escalate the complaint as appropriate to ensure that it is addressed promptly and appropriately
- acknowledge receipt of the concern and provision of any information as to next steps or request for further information will be undertaken, in writing by email, within five working days of receipt

The precise steps taken following this will depend on the nature, seriousness and circumstances of the issue disclosed, but 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 NHHHA
- 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 that it is possible and appropriate
- if the disclosure or identity of the individual who made it cannot be kept confidential, the individual will be advised of this, prior to disclosure of their identity and will be provided with the reasons his or her disclosure or identity cannot be kept confidential
- if the complainant or any other person is required to attend meetings regarding the complaint, they are entitled to attend with a support person
- any rules, policies or legislation that exist and are relevant given the circumstances will be applied as part of the outcome and decisions of the investigation
- outcomes and decisions from any investigation will presented in writing based on facts and evidence

Depending on the nature, seriousness and circumstances of the issue NHHHA will endeavor to resolve the concern within 20 working days of its receipt by the Complaints Officer. It is acknowledged that for some matters this time period may not be sufficient. In this instance NHHHA will provide an updated timeline for resolution of the concern to the complainant.

Should an external authority be involved in the investigation, that agency will receive the full support of NHHHA and NHHHA will support any recommendations made resulting from their investigation.

To assist the reader below is a visual representation displaying at a high level the NHHHA Concerns and Complaints Process.

THE OUTCOME

Possible outcomes of the investigative process:

- Disciplinary action imposed for a breach of policy
- A satisfactory mediated outcome

- No action taken due to finding no breach of the policy or insufficient evidence
- Action against the complainant (or other person) due to a finding of frivolous, vexatious or malicious allegation
- Referral to another agency.

Any breach of Policy will be taken seriously. Types of disciplinary action that could potentially result from a breach of policy.

- Written warnings
- Suspension of a person from a role they hold within NHHA
- Banning of a person from activities held by or sanctioned by NHHA
- A direction to complete a reasonable task i.e. letter of apology or corrective action
- Referral of the matter to an appropriate authority
- Ongoing education on the matter.

PROTECTION 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 thoroughly investigate and address the disclosure)
- to be protected by the organisation from repercussions or victimisation as a result of having made the disclosure
- any meeting required to be attended can be done so with the attendance of a support person

RESPONSIBILITIES OF INDIVIDUALS REPORTING CONCERNS

Where allegations of wrongdoing are involved, particular care should be taken. These can be very damaging for an organisation and individuals, if not handled responsibly. This is especially important where the individual(s) concerned have not had an opportunity to respond or the individual reporting the wrongdoing does not know all of the 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 victimization, as a result of the disclosure.

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

NO RETALIATORY OR ADVERSE TREATMENT AS A RESULT OF DISCLOSURE

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, marginalisation or bias
- victimisation or harassment
- any employment disadvantage such as suspension, demotion, disciplinary action or dismissal

These expectations apply even if, after a genuine (i.e., not a malicious or deliberately false) complaint, the investigation concludes that there has not in fact been any wrongdoing by a particular individual or the organisation.

EMPLOYEES ONLY - PROTECTED DISCLOSURES ACT 2000

The Protected Disclosures Act 2000 (the Act) provides protections for employees who make disclosures under the Act about serious wrongdoing (see below) in or by their employer.

If an employee makes a protected disclosure, the Act protects the employee from retaliatory action in employment, and gives the employee 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) in or by the employer
- the employee believes on reasonable grounds the information disclosed is likely to be true
- the employee wishes to disclose the information so the serious wrongdoing can be investigated
- the employee 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 employee wishes to make a protected disclosure under the Act, the employee should disclose the information to the Board Chair(s).

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

- the Board Chair is 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 Human Rights Commission
- 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
- the Health and Disability Commissioner
- the head of a public sector organization
- a private sector body which comprises members of a particular profession or calling and which has the power to discipline its members

A media representative is not an 'appropriate authority'. In all circumstances, no statements are to be made or interviews given to media representatives within the Employer's written permission.

OTHER RELEVANT POLICIES

Other relevant NHA policies:

- NHA Harassment Policy
- NHA Child Protection and Safeguarding Policy
- NHA Code of Conduct
- NHA Representative Policy
- NHA Health & Safety Policy

QUESTIONS AND FEEDBACK

If you have any questions or feedback about this policy, please contact the NHA CEO.

NHHA Concerns and Complaints Process

