

WHISTLEBLOWING POLICY

The South West Sydney Academy of Sport is committed to the highest standards of legal, ethical, and moral behaviour. We will not tolerate unethical, unlawful, or undesirable conduct.

This policy outlines our commitment to maintaining an environment in which our team members, contractors, and the team members of our contractors, can report, without fear of retaliatory action, concerns about any serious instances of wrongdoing that they believe may be occurring in the South West Sydney Academy of Sport.

Interaction with Other Policies

This policy is not intended to replace other reporting processes, such as those for dispute resolution, grievances, equal opportunity, discrimination, harassment or bullying; except where the issue is a serious matter where existing reporting systems have failed to process the issue or processed it in an inappropriate, unfair, or biased manner.

Whistleblowing Definition

Whistleblowing is defined as:

"the deliberate, voluntary disclosure of individual or organisational wrongdoing by a person who has or had privileged access to data, events or information about an actual, suspected or anticipated wrongdoing within or by an organisation that is within its ability to control."

Wrongdoing includes any conduct that:

- is dishonest, fraudulent, or corrupt,
- is illegal, such as theft, drug sale or use, violence, harassment, criminal damage to property or other breaches of state or federal legislation,
- is unethical, such as dishonestly altering Academy records or engaging in questionable accounting practices, or wilfully breaching the South West Sydney Academy of Sport code of conduct or other ethical statements,
- is potentially damaging to the South West Sydney Academy of Sport, or the South West Sydney Academy of Sport person, such as unsafe work practices or substantial wasting of resources,
- may cause economic loss to the South West Sydney Academy of Sport or damage its reputation, or be otherwise detrimental to the South West Sydney Academy of Sport's interests, or

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- involves any other serious impropriety.

Reporting a Matter

Any team member/volunteer/contractor that detects or has reasonable grounds for suspecting wrongdoing is encouraged to raise any concerns with the Academy CEO through normal reporting channels.

The CEO must report the allegation to the Board, who is responsible for ensuring the matter is properly dealt with; which may include appointing an external investigator to inquire into the allegations.

Where the whistle-blower does not feel comfortable in reporting to the CEO, or where the whistle-blower has previously done so and believes no action has been taken, or where the whistle-blower wishes to remain anonymous, matters may be reported directly to the Board CHAIRPERSON.

In the case of alleged or suspected wrongdoing involving senior South West Sydney Academy of Sport management, then the whistle-blower may contact the whistle-blower officer. The whistle-blower officer designated to receive reports of alleged or suspected wrongdoing is the Academy CEO. Or, if required the Academy CHAIRPERSON.

Investigation of Allegations

All reports of wrongdoing will be thoroughly investigated. The investigation will be conducted in a fair and impartial way, following the principles of natural justice, which means the investigation will be conducted without bias and that any person against whom an allegation is made will be given the opportunity to respond.

At the end of the investigation, the investigator will report their findings to the CEO/CHAIRPERSON who will determine the appropriate response. The South West Sydney Academy of Sport is committed to implementing the findings and recommendations of any investigation with a view to rectifying any wrongdoing as far as are practicable in the circumstances.

Where issues of discipline arise, the response will be in line with the South West Sydney Academy of Sport Discipline Procedures.

Confidentiality of Whistle-blower's Identity and Whistleblowing Reports

If a person makes a report of alleged or suspected wrongdoing under this policy, the South West Sydney Academy of Sport will endeavour to protect that person's identity from disclosure.

Generally, the South West Sydney Academy of Sport will not disclose the person's identity unless:

- the person making the report consents to the disclosure,
- the disclosure is required or authorised by law, and/or

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- the disclosure is necessary to further the investigation.

Generally, reports made under this policy will be treated confidentially. However, when a report is investigated, it may be necessary to reveal its substance to people such as other the South West Sydney Academy of Sport personnel, external persons involved in the investigation process and, in appropriate circumstances, law enforcement agencies.

At some point in time, it may also be necessary to disclose the fact and the substance of a report to the person who is the subject of the report. Although confidentiality is maintained, in some circumstances, the source of the reported issue may be obvious to a person who is the subject of a report.

The South West Sydney Academy of Sport will also take reasonable precautions to store any records relating to a report of wrongdoing securely and to permit access by authorised persons only.

Unauthorised disclosure of information relating to a report, the identity of the South West Sydney Academy of Sport team member/volunteer/contractor that has made a report of wrongdoing, or information from which the identity of the reporting person could be inferred will be regarded seriously and may result in disciplinary action, which may include dismissal.

Communication with the Whistle-blower

Once the investigation is completed, a verbal report will be made to the whistle-blower. This report will explain the findings and actions taken to the fullest extent possible within commercial, legal and confidentiality constraints. Where the whistle-blower chooses to remain anonymous, alternative arrangements may be made for providing a verbal report of the outcome of the investigation to that person.

All whistle-blowers must maintain the confidentiality of all such reports, and not disclose the information to any person.

Whistle-blower Protection

Whistle-blowers that report matters in good faith, and provided they have not been involved in the conduct reported, will not be penalised or personally disadvantaged because they have reported a matter, by any of the following:

- dismissal,
- demotion,
- any form of harassment,
- discrimination,

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- bias, or
- threats of any of the above.

A whistle-blower who believes they, or their family, have been the victim of any of the above because of their status as a whistle-blower, should immediately report the issue to the CEO.

Any team member CEO/CHAIRPERSON/BOARD MEMBER who is found to have dismissed, demoted, harassed, or discriminated against a whistle-blower because of their status as a whistle-blower, may be subjected to disciplinary measures, including dismissal.

Whistle-blower Involvement

A whistle-blower, who has been involved in the reported conduct, may still be provided with immunity from the South West Sydney Academy of Sport initiated disciplinary proceedings by agreement with the CEO/CHAIRPERSON. The South West Sydney Academy of Sport has no power to provide immunity from criminal prosecution.

Not Acting in Good Faith or False Reporting

Where it is established by the investigator that the whistle-blower is not acting in good faith, or they have made a false report, then they will be subjected to disciplinary proceedings, including dismissal.

Whilst not intending to discourage whistle-blowers from reporting matters of genuine concern, it is strongly suggested whistle-blowers ensure as far as possible that reports are factually accurate, complete, from first-hand knowledge, presented in an unbiased fashion (and any perception of bias of the whistle-blower is disclosed), and without omitting any facts.

Management of a Person Against Whom a Report is Made

The South West Sydney Academy of Sport recognises that individuals against whom a report is made must also be supported during the handling and investigation of the report. The South West Sydney Academy of Sport will take reasonable steps to treat fairly the person who is the subject of a report, particularly during the assessment and investigation process.

Generally, the investigator must ensure that the person who is the subject of any report that is investigated:

- is informed as to the substance of the allegations,
- is given the opportunity to answer the allegations before any investigation is finalised,
- is informed about the substance of any adverse comments that may be included in any report arising from the investigation before it is finalised, and
- has their defence set out fairly in any report.

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Where the allegations in a report have been investigated, and the person who is the subject of the report is aware of the allegations or the fact of the investigation, the investigator must formally advise the person who is the subject of the disclosure of the outcome of the investigation.

Review of Policy

This policy and the actions outlined above will be reviewed by 1 July 2023 unless required earlier because of changes to the risk profile of the workplace or relevant legislation. If necessary, further changes and actions may be introduced to ensure that whistle-blowers are protected.

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