



POLICY: WHISTLEBLOWER POLICY

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Table of Contents

Purpose.....	2
Scope	2
Definitions	2
Policy	3
What is Disclosable Matter?	3
What is NOT a Disclosable Matter?	3
No Retaliation	4
Reporting Procedure	4
Accounting and Auditing Matters.....	4
Acting in Good Faith	5
Confidentiality	5
Handling of Reported Violations.....	5
Breaches and Misuse	5
References, Legislation & Industrial Instruments	5
Policy Reviews and Updates	5
Version History	5
Appendix 1: Whistleblower Reporting & Investigation Process	6
1. Making a report	6
1.1 What information is needed to make a report?	6
1.2 Who to make a report to?.....	6
2. Handling and investigating a disclosure	6
2.1 Responsibilities.....	7
2.2 Assessment.....	8



2.2.1	Confirmed disclosures & Protection	8
2.3	Investigation steps.....	9
3.	Reporting of investigation findings	9
4.	Timing	10
5.	Reporting & Investigation Chart.....	1

Purpose

Bowls SA requires Board directors, officers, staff and volunteers to observe high standards of business and personal ethics in the conduct of their duties and responsibilities. As employees and representatives of Bowls SA, we must practice honesty and integrity in fulfilling our responsibilities and comply with all applicable laws and regulations.

Scope

This policy applies to:

Staff	Board Members	Delegated Authorised Person(s)	Volunteers
✓	✓	✓	✓

Definitions

Term	Definition
Confidentiality	Any information that the person has reasonable grounds to suspect concerns misconduct, or an improper state of affairs or circumstances in relation to Bowls SA; or any affiliated organisation of Bowls SA
Inappropriate conduct and actions	Examples of this kind, relevant to the Bowls SA's internal administration, could include disclosures about: <ul style="list-style-type: none"> • fraudulent activity including money laundering or misappropriation of funds; • serious, unlawful or corrupt use of the Bowls SA's funds or other resources; • improper accounting or financial reporting practices; • offering or accepting a bribe; • engaging in or threatening to engage in detrimental conduct against a person who has made a disclosure or is believed or suspected to have, or to be planning to make, a protected disclosure; and • systemic practices that pose a serious risk to the health and safety of a person on Bowls SA's premises.
Protected Report	A 'Disclosable matter' which has been determined and falls under the Whistleblower Policy

Whistleblower	Someone who informs on a person or organisation engaging in an unlawful or immoral activity.
Whistleblower Investigator	An authorised person whose has been appointed to investigate a disclosable matter.

Policy

This Whistleblower Policy is intended to encourage and enable staff and others, to raise serious concerns internally so that Bowls SA can address and correct inappropriate conduct and actions. It is the responsibility of all board members, officers, staff and volunteers to report concerns about violations of Bowls SA's policies or suspected violations of law or regulations that govern Bowls SA's operations.

What is Disclosable Matter?

A disclosable matter usually relates to the conduct of staff or Board directors, but can also relate to the actions of a third party, such as a volunteer, Club or Association Committee member, client, supplier, service provider or member. It also relates to any past, present or likely future activity, behaviour or state of affairs considered to be:

- Dishonest;
- Corrupt (including soliciting, accepting or offering a bribe, or facilitating payments or other such benefits);
- Fraudulent;
- Illegal (including theft, drug sale or use, violence or threatened violence, or property damage);
- In breach of regulation, internal policy such as our Code of Conduct;
- Improper conduct relating to accounting, internal controls, compliance, actuarial, audit or other matters of concern to the whistleblower;
- A serious impropriety or an improper state of affairs or circumstances;
- Endangering health or safety;
- Damaging or substantially risking damage to the environment;
- A serious mismanagement of Bowls SA's resources;
- Detrimental to Bowls SA's financial position or reputation;
- Maladministration (an act or omission of a serious nature that is negligent, unjust, oppressive, discriminatory or is based on improper motives);
- Concealing reportable conduct.

What is NOT a Disclosable Matter?

It should be noted, that while Bowls SA encourages anybody with concerns to speak up, not all types of conduct are intended to be covered by this Policy. This Policy does not apply to matters that would be covered by other policies or personal work-related grievances *unless* the grievance includes:

- a. misconduct

- b. an allegation that the entity has breached employment
- c. the grievance includes victimisation due to whistle blowing
- d. Sport integrity matters relating to Bowls SA, such as sports integrity match-fixing allegations, betting irregularities, anti-doping rule violations, or child or member protection concerns, may or may not be a disclosable matter depending on the particular circumstances.
- e. Infraction against other laws punishable by imprisonment by a period of 12 months or more

No Retaliation

It is contrary to the values of Bowls SA for anyone to retaliate against anyone who in good faith reports an ethics violation, or a suspected violation of law, such as a complaint of discrimination, or suspected fraud, or suspected violation of any regulation governing the operations of Bowls SA. Any staff who retaliate against someone who has reported a violation in good faith is subject to discipline up to and including termination of employment.

Reporting Procedure

Bowls SA has an open-door policy and suggests that those covered by this policy share their questions, concerns, suggestions or complaints as follows:

1. In the first instance, with the CEO.
2. If you are not comfortable speaking with the CEO, or you are not satisfied with the CEO's response, or the matter relates to the CEO, then you are encouraged to speak with the Bowls SA President.
3. If you are not comfortable speaking with the President, or you are not satisfied with the President's response, or the matter relates to the President, then you are encouraged to speak with the Bowls SA Chair of the Governance Committee.

If anyone covered by this policy has concerns or complaints, may also submit their concerns in writing directly to the above parties should they feel more comfortable.

The recipient of the complaint (the CEO, President or Chair of the Governance Committee) is required to document all complaints or concerns about suspected ethical and legal violations in writing and is responsible for ensuring that all complaints about unethical or illegal conduct are reported to the Board. The Board has the responsibility to ensure that reported matters are investigate inline with the 'Whistleblower Reporting and Investigation Process' (Appendix 1) and resolve all reported complaints.

Where the Chair of any meeting is the subject of a complaint, the Chair will declare a conflict and leave the meeting for the relevant agenda item.

Accounting and Auditing Matters

The recipient of the complaint must in addition immediately notify the Finance, Risk and Audit Committee of any concerns or complaint regarding accounting practices, internal controls or auditing and work with the committee until the matter is resolved at Board level.

Acting in Good Faith

Anyone filing a written complaint concerning a violation or suspected violation must be acting in good faith and have reasonable grounds for believing the information disclosed indicates a violation. Any allegations that prove not to be substantiated and which prove to have been made maliciously or knowingly to be false will be viewed as a serious disciplinary offense.

Confidentiality

Violations or suspected violations may be submitted on a confidential basis by the complainant. Reports of violations or suspected violations will be kept confidential to the extent possible, consistent with the need to conduct an adequate investigation.

Handling of Reported Violations

The recipient of a complaint will notify the person who submitted the complaint and acknowledge receipt of the reported violation or suspected violation. All reports will be promptly investigated and appropriate corrective action will be taken if warranted by the investigation.

Breaches and Misuse

Anyone found to be victimising or disadvantaging another individual for making a disclosure under this Policy will be disciplined and may be dismissed or subject to criminal or civil penalties.

Anyone engaging in detrimental conduct may be subject to serious consequences, including disciplinary action and/or termination of engagements or contracts, as applicable. They may also be subject to civil and criminal penalties.

References, Legislation & Industrial Instruments

This policy & procedure is not intended to override any industrial instrument, contract, award, or legislation.

Policy Reviews and Updates

Version History

Version	Changes	Endorsement date:	Endorsed by:

Please note, most recent version information needs to be located at the top of the table.

Appendix 1: Whistleblower Reporting & Investigation Process

This process should be used in conjunction with the Bowls SA Whistleblower Policy

1. Making a report

1.1 What information is needed to make a report?

As a Whistleblower, to make a 'protected' report, you must know of or have reasonable grounds to suspect a disclosable matter.

For a report to be investigated, it must contain enough information to form a reasonable basis for investigation. It is important therefore that someone raising a disclosable matter, provides as much information as possible. This includes any known details about the events underlying the report such as the:

- a. Date;
- b. Time;
- c. Location;
- d. Name of person(s) involved;
- e. Possible witnesses to the events; and
- f. Evidence of the events (e.g. documents, emails).

In your report, include any steps you may have already taken to report the matter elsewhere or to resolve the concern.

1.2 Who to make a report to?

Depending on who is suspected of undertaking improper conduct or the type of conduct, the following reporting lines are defined, and Whistleblowers are encouraged firstly to make a disclosure to:

- A. In the first instance, with the CEO.
- B. If you are not comfortable speaking with the CEO, or you are not satisfied with the CEO's response, or the matter relates to the CEO, then you are encouraged to speak with the Bowls SA President.
- C. If you are not comfortable speaking with the President, or you are not satisfied with the President's response, or the matter relates to the President, then you are encouraged to speak with the Bowls SA Chair of the Governance Committee.

2. Handling and investigating a disclosure

Those covered by the scope of the Whistleblower policy are responsible for reporting misconduct or dishonest or illegal activity that has occurred or is suspected within Bowls SA as quickly as possible, whether anonymously or otherwise.

2.1 Responsibilities

Whoever the matter is reported to is responsible for:

- a. Providing advice and support to the Whistleblower Investigator who is tasked with investigating and reporting on the matter
- b. Maintaining a secure and restricted record of all reports made under this Policy and Procedure

Who:	Responsibility for:
The Board	<p>Ensuring that:</p> <ol style="list-style-type: none"> a. Those involved are made aware of their rights and responsibilities in relation to whistleblowing at induction b. The organisation promotes and regularly encouraged to a culture to speak up about concerns.
The CEO	<ol style="list-style-type: none"> a. Receiving Whistleblower reports and protecting the interests of reporters b. Determining whether the report falls within the scope of the Policy c. Determining whether and how a report should be investigated d. Appointing Investigation officer, where needed e. Ensuring investigations are conducted in accordance with this Policy f. Ensuring any reports involving a Board Director or themselves (the CEO) are reported to the Bowls SA President g. Updating reporters on progress and details of outcomes to the fullest extent possible h. Maintaining to the fullest extent possible confidentiality of the identity of and reports received by reporters i. Immediately report concerns in relation to any detrimental conduct to the President (provided that the concerns do not relate to them) j. Determining the appropriate courses of action to remediate or act on the investigation k. Reporting matters to relevant authorities l. Make recommendations to prevent future instances of reportable misconduct m. Seek to ensure the integrity of the Whistleblower Policy is maintained.
Whistleblower Investigators	<ol style="list-style-type: none"> a. Investigating reports in accordance with this Policy and Procedure b. Maintaining to the fullest extent possible confidentiality of the identity of and reports received by reporters c. Gathering evidence and taking steps to protect or preserve evidence d. Making findings based on a fair and objective assessment of the evidence gathered during the investigation, and formalising this in a report e. Keeping comprehensive records about the investigation f. Making recommendations to CEO or the President, if the investigation involves the CEO, about how to implement the strategy in relation to how reported misconduct can be stopped, prevented and/or mitigated in future g. Reporting back to the CEO on the progress of their investigation 7 days after the report and every 14 days thereafter

	h. Complying with the directions of the CEO in relation to any further follow up, and reporting action and requirements, including the implementation of any recommendations.
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2.2 Assessment

After receiving the disclosure, the first step in the investigation process is that Bowls SA (normally the CEO) will assess a disclosure to determine whether or not it falls within the scope of this policy.

- If it does not, the matter will not be investigated under the scope of the Whistleblower Policy and the discloser will be advised of that fact.
 - The discloser may be directed to another appropriate policy, process or person within Bowls SA.
- If it does, the following steps will normally apply to the investigation.

They will also:

- a. consider whether there are any conflicts of interest prior to investigating;
- b. determine whether external authorities need to be notified;
- c. determine whether and how to investigate; and
- d. appoint a Whistleblowing Investigator if appropriate.

2.2.1 Confirmed disclosures & Protection

For disclosures assessed to be within the scope of this policy, Bowls SA will advise the Whistleblower of:

- The support available to them
- Emphasise the importance of confidentiality.

Bowls SA will ask the Whistleblower if they consent to the disclosure of their identity for the purposes of the investigation. Bowls SA will explain to the Whistleblower the steps the Bowls SA has in place to take all reasonable steps to reduce the risk that the Whistleblower will be identified as the result of the disclosure. If the Whistleblower consents, Bowls SA will keep a written record of that consent.

If the Whistleblower does not consent, Bowls SA will also record that fact and advise them that Bowls SA will not disclose the identity of the Whistleblower.

In circumstances where consent has not been provided, Bowls SA will advise them that it may disclose information that is not the identity of the Whistleblower, where it is reasonably necessary for the investigation, and where all reasonable steps have been taken to reduce the risk the Whistleblower will be identified as a result of the disclosure. Reasonable steps Bowls SA may take include:

- Redacting personal information likely to lead to identification,
- Storing records securely,

- Providing eligible recipients, persons undertaking investigations and others with appropriate regular education and training on their obligations.

Whistleblowers who wish to remain anonymous can refuse to answer questions they feel could reveal their identity.

2.3 Investigation steps

The objectives of an investigation process is to:

- investigate the substance of the disclosure and to determine whether there is evidence in support of the matters raised or, alternatively, to refute the report made;
- collate information relating to the allegation as quickly as possible. This may involve taking steps to protect or preserve documents, materials and equipment;
- consider the information collected and to draw conclusions objectively and impartially;
- maintain procedural fairness in the treatment of witnesses and the person who is subject of the disclosure; and
- make recommendations arising from the conclusions drawn concerning remedial or other appropriate action.

As a general guide and subject to the particular circumstances applying to the disclosure, the steps in the investigation process will normally include the following:

- interview the Whistleblower to obtain relevant information;
- interview any alleged wrongdoer to obtain a response to the disclosure in so far as it relates to the alleged wrongdoer;
- interview any relevant witnesses regarding relevant matters arising from the disclosure;
- review any documents or other material relevant to the disclosure;
- if necessary, conduct further interview/s with the Whistleblower to obtain further information or a response to material arising from the investigation; and
- if necessary, conduct further interview/s with any alleged wrongdoer regarding further material arising from the investigation.

Interviews need not be conducted face to face. All relevant material including interviews and documents obtained during the investigation is then considered and a report prepared.

The Whistleblower Investigator must ensure accurate records of the investigation process are maintained including notes of all discussions, phone calls, and interviews. It is recommended that the interviewee sign written records of interviews and interviews be taped, but only where the interviewee has consented to this. Witness statements should also be signed.

3. Reporting of investigation findings

At the conclusion of the investigation, the findings may be reported to the Bowls SA Board by the CEO. Where appropriate, the Whistleblower will be informed of the outcome of the investigation.

The report will make findings of fact and determine:

- whether a disclosure has been substantiated or not substantiated, in whole or part
- a finding of all relevant facts;

- c. a determination as to whether the allegation(s) have been substantiated or otherwise;
- d. the action that will be taken, which may include disciplinary action and dismissal.
- e. the report may also include recommendations arising from any factual findings.

Any individuals who are accused of misconduct in a report will have an opportunity to respond to allegations before any adverse findings are made and before any disciplinary action (if appropriate) is taken. The disciplinary action will be dependent on the severity, nature and circumstances of the Reportable Conduct.

Where possible and appropriate, having regard to Bowls SA privacy and confidentiality obligations, the Whistleblower will be informed of the outcome of any investigation into their concerns.

If there is insufficient information to warrant further investigation, or the initial investigation immediately identifies there is no case to answer, the individual who reported the disclosable matter will be notified at the earliest possible opportunity.

4. Timing

Bowls SA aims, where practicable, to finalise investigations of disclosures within 90 days of the date the disclosure is first made. Where finalisation is not practicable, however, Bowls SA will take all reasonable steps to ensure that significant progress is made in relation to a disclosure within 90 days of the date the disclosure is first made.

Bowls SA will take reasonable steps to keep the Whistleblower informed (including through confidential communication channels used) of the progress of an investigation of their disclosure. The frequency of updates and timeframe will vary according to the nature of the disclosure, however updates will usually be made during the three key stages of the process:

- when the investigation has begun,
- when it is in progress
- after it has been finalised.

A non-binding example diagram of the process that may be used when responding to a *protected disclosure*, is contained on the following page.

At all times, principles of natural justice will apply.

5. Reporting & Investigation Chart

The following flowchart is the suggested process of managing a disclosable matter

TRIAGE



REVIEW/INVESTIGATE

