

## **AIRBORNE GYMNASTICS**

### **WHISTLE-BLOWER POLICY**

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**REVIEW BY- AIRBORNE DIRECTOR AND MANAGEMENT**

#### **1. Introduction**

Whistle blower legislation has been enacted in the majority of Australian States and Territories in order to provide legal protections to persons making disclosures of improper conduct or detrimental action by Public Officers and Public Bodies. While legislation may differ slightly across jurisdictions, all provide for the protection of the identity of the person making the disclosure and make any action against that individual a criminal act. While non-government, not-for-profit organisations fall outside scope of current legislation, it is becoming common practice for organisations in the non-government and not-for-profit sectors to voluntarily implement whistle blower policies. Airborne Gymnastics acknowledges that members of the public, clients of Airborne's services, staff or volunteers may, on occasion, be aggrieved over the actions of Airborne gymnastics, a staff member or volunteer and Airborne gymnastics is committed to a process of complaint which is transparent, legally defensible and protects the person(s) making a disclosure. Airborne gymnastics is committed to ethical practices and an ethical workplace. It is the purpose of this policy to:

- Ensure the protection of any person(s) making a complaint or disclosure of misconduct against airborne gymnastics or a staff member of Airborne.
- Deliver an environment where staff/volunteers have the right and capacity to question ethics without fear of retribution or repercussion with our continued commitment to good governance practices, Airborne gymnastics has developed and adopted the following Whistle blower Policy.

#### **2. Scope**

This policy applies to all airborne gymnastics staff, Volunteers and Contractors in their interactions with other Staff, Volunteers and Contractors, clients, partners and members of the public whilst in airborne gymnastics related work and interactions. Airborne gymnastics has a number of internal policies in place that address issues of grievance and dispute resolution, sexual misconduct and other forms of harassment or discrimination and the following policy is not intended to override or replace these policies. This policy applies if a person elects to make a disclosure of suspected alleged corruption, unethical behaviour or improper conduct and seeks protection.

#### **3. Definitions:**

Contractor - any person engaged with airborne gymnastics in a contractor or sub-contractor capacity. Corrupt Conduct - conduct of Airborne staff member that:

- adversely affects the honest performance of a staff member or the functions of airborne gymnastics.
- Involves performance of official airborne gymnastics functions conducted dishonestly or with inappropriate partiality.
- Amounts to the misuse of information or material acquired in the course of the performance of official airborne gymnastics functions.
- Amounts to a conspiracy or attempt to engage in the above conduct.

4. Detrimental Action - is a reprisal against a person(s) for making a protected disclosure and includes:

- Action causing injury, loss or damage.
- Intimidation or harassment.
- Discrimination, disadvantage or adverse treatment in relation to a person's employment, career, profession, trade or business. Improper Conduct - There is a two stage process in determining if a particular action is

## 5. Improper conduct.

The conduct must be:

- Corrupt conduct
- Substantial mismanagement of airborne gymnastics resources.
- Conduct involving substantial risk to public health and safety.
- Conduct involving substantial risk to the environment.

The conduct must be serious enough to be a criminal offence, or reasonable grounds for dismissal.

## 6. Staff

- Any person employed by airborne gymnastics by either regular paid employment or contract

### Unethical Behaviour

Unethical behaviour of an airborne gymnastics staff member or volunteer is when a staff member is involved in

- Unfair behaviours which adversely affect others or the business
- Involved in behaviour that is morally wrong.
- Involved in behaviour that is in breach of the airborne gymnastics values of honesty, caring, respect and responsibility

7. Volunteer - any person engaged by Airborne gymnastic in a voluntary capacity.

## 8. Policy:

### General

- Disclosures may be made orally, in writing, electronically, and may be anonymous.
- The individual who seeks to make a disclosure should describe the alleged corrupt or improper conduct in accordance with the above definitions.
- The disclosure must be made to the Manager if the Manager is subject, disclosure information to the director. If the director is the subject of a disclosure, the matter may be taken directly to the member protection officer.
- The director of Airborne gymnastics will impartially assess the allegation to determine if it is a protected disclosure.
- All protected disclosures and supporting evidence and documentation will be stored confidentially.
- Following an investigation, the director will determine within 45 days of receiving the disclosure whether improper conduct or detrimental action has occurred.
- The director must notify the whistle blower of the findings of the investigation.
- throughout this process, director must oversee the investigation, maintain confidential records and ensure support for the whistle blower and the person or persons who are the subject of the disclosure.
- If the director determines that improper conduct has occurred, Airborne gymnastics will take all reasonable steps to prevent the conduct from continuing or occurring in the future.

## 9. Protected Disclosure

An individual will receive the protection of this policy if their allegation satisfies the definition of a protected disclosure.

A protected disclosure occurs where an individual believes, on reasonable grounds, that an Airborne gymnastics employee:

- has engaged, is engaging or proposes to engage in improper conduct in their capacity as an airborne gymnastics employee; or
- has taken, is taking or proposing to take detrimental action as an airborne gymnastics employee

It is important that there is evidence to support a belief which can include witnesses, documents or other direct evidence.

## 10. Protections Provided

### Welfare of the Whistle blower

The director is responsible for ensuring the welfare of the whistle blower throughout the process of making a disclosure. In particular, the director will:

- examine the immediate welfare and protection needs of the whistle blower and foster a supportive work environment;
- advise the whistle blower of the administrative protections available to him or her and provide general advice about the operation of the policy;
- appoint a third party or welfare manager to support the whistle blower, if necessary;
- advise the whistle blower of the progress of the investigation;
- create and manage a confidential filing system;
- take all steps to ensure that the identity of the whistle blower remains confidential; and
- listen and respond to any concerns of harassment, intimidation or victimisation which may occur subsequent to making a disclosure.

## 11. Person against whom the Disclosure is Made

Airborne gymnastics will ensure that natural justice is afforded to the person who is the subject of the disclosure. Where an investigation does not establish that improper conduct has occurred, the fact that the investigation has been carried out, the results of the investigation and the identity of the person who is the subject of the disclosure will remain confidential. Airborne gymnastics will ensure that the subject of the disclosure has the right to:

- be informed as to the substance of the allegations.
- be given the opportunity to answer the allegations before a final decision is made.
- be informed as to the substance of any adverse comment that may be included in any report arising from the investigation; and
- have his or her defence set out fairly in any report.

## 12. Reporting Disclosure

Should be made directly to the manager or director as the first points of contact.

## 13. Staff members receiving disclosures

If a staff member receives a disclosure of improper conduct or detrimental action from an internal or external whistle blower, he or she should advise the whistle blower to go directly to airborne gymnastics code of conduct or forward the disclosure and all supporting documentation to the director, maintaining strictest confidentiality.

## 14. Confidentiality

The director, manager and investigators of protected disclosures will take all necessary steps to ensure the identity of the whistle blower and the person who is the subject of the disclosure remains confidential. Where a staff member is contemplating making a disclosure and is concerned about approaching the director or manager in the workplace, he or she can request a confidential meeting in a discreet location away from the workplace. All record keeping is to be maintained in a confidential manner and must be separate from airborne gymnastics paper and electronic record keeping systems. Email communication must not be used in matters relating to a whistle blower, a protected disclosure or any subsequent investigation.

## 15. Consequences of Breaching this Policy

All elements of this policy must be adhered to, and any breaches of this policy can lead to disciplinary action, including termination of employment. Independent contractors and other non-Staff who are found to have breached this policy may result in the termination of their contract with airborne gymnastics. If an individual's conduct results in a breach under law they may also be personally liable.

## 16. ROLES AND RESPONSIBILITIES

Department/Area Role/Responsibility Management

Management- Is responsible for the development, monitoring and review of the Policy and related systems.

Director- Is responsible for ensuring suitable resources and support systems to enable compliance with this policy. The promotion of the Whistle blower Policy within their workforce.

All employees (including Managers, Directors, Coordinators, Team Leaders) and staff Responsible for adhering to the requirements of the Whistle blower Policy.

## 17. MONITORING, EVALUATION AND REVIEW

The Policy will be reviewed every year in consultation with management.