# **Policy Statement**

CRNZ is fully committed to safeguarding the welfare of all children in our care. We recognise the responsibility to promote safe practice and to protect children from harm, abuse and exploitation while participating in our activities.

Staff (including employees and contractors) and volunteers will work together to embrace difference and diversity and respect the rights of children and young people.

For the purposes of this policy and associated procedures a child is recognised as someone under the age of 18 years.

This policy is based on the following principles:

- The welfare of children is the primary concern.
- All children, whatever their age, culture, disability, gender, language, racial origin, socio-economic status, religious belief and/or sexual identity have the right to protection from all forms of harm and abuse.
- Child protection is everyone's responsibility.
- Children have the right to express views on all matters which affect them, should they wish to do so.
- Our organisation will work in partnership together with children and parents/carers to promote the welfare, health and development of children.

# **Policy Objectives**

The aim of this policy is to promote good practice through:

- Promoting the health and welfare of children by providing opportunities for them to take part in paddling activities safely.
- Respecting and promoting the rights, wishes and feelings of children.
- Promoting and implementing appropriate procedures to safeguard the well-being of children and protect them from abuse.
- Recruiting, training, supporting and supervising staff, members and volunteers to adopt best practice to safeguard and protect children from abuse and to reduce risk to themselves.
- Requiring staff and volunteers to adopt and abide by this Child Protection Policy and these procedures.
- Responding to any allegations of misconduct or abuse of children in line with this Policy and these procedures as well as implementing, where appropriate, the relevant disciplinary and appeals procedures.
- Regularly monitoring and evaluating the implementation of this Policy and these procedures.

### **Definitions of Abuse and Neglect**

All CRNZ staff must be able to clearly identify the signs and symptoms of abuse and have the confidence to take appropriate action should abuse be suspected or disclosed.

The Children, Young Persons and Their Families Act, 1989, defines child abuse as "...the harming (whether physically, emotionally, sexually), ill-treatment, abuse, neglect, or deprivation of any child or young person."

*Physical abuse* is a non-accidental act on a child that results in physical harm. This includes, but is not limited to, beating, hitting, shaking, burning, drowning, suffocating, biting, poisoning or otherwise causing physical harm to a child. Physical abuse also involves the fabrication or inducing of illness.



*Emotional Abuse* is the persistent emotional ill treatment of a child such as to cause severe and persistent adverse effect on the child's emotional development. This can include a pattern of rejecting, degrading, ignoring, isolating, corrupting, exploiting or terrorising a child. It may also include age or developmentally inappropriate expectations being imposed on children. It also includes the seeing or hearing the ill treatment of others.

**Sexual Abuse** involves forcing or enticing a child or young person to take part in sexual activities as well as non-contact acts such as involving children in the looking at or production of sexual images, sexual activities and sexual behaviours. CRNZ staff and volunteers should be aware of their 'duty of care' which precludes developing a sexual relationship with or grooming a child. A sexual relationship between and adult and child will always be wrong, unequal and unacceptable.

**Neglect** is the persistent failure to meet a child's basic physical and/or psychological needs, causing long term serious harm to the child's development. It may also include neglect of child's basic or emotional needs.

## Procedures

- 1. Screening As part of our duty of care, we will ensure that suitable and appropriate employees and contractors are engaged to work with children. When employing or contracting people to engage with children we will ensure that there is robust recruitment process that includes:
  - creating a role description;
  - developing candidate specifications;
  - advertising the position;
  - an application process;
  - following up on referees;
  - interviewing; and
  - screening (e.g. police vetting).

The purpose of the Police Check and Ministry of Justice Criminal Check is to see whether the person has any previous criminal convictions and/or had any contact with the NZ Police. If the person has had contact with the NZ Police, then the following requirements apply:

- a. Subject to the Criminal Records (Clean Slate) Act 2004, If the person has had a criminal conviction involving dishonesty, drugs, threatening behaviour, harassment, violence, or other crimes against a person (e.g. sex offences, assault) then they must not be appointed to the role.
- b. If the person has had a criminal conviction other than those in (a), and conviction concerns a matter that does not suggest that the person is a potential risk to children, then the person may be appointed, subject to satisfaction of other criteria for the role.
- c. If the preferred applicant is not willing to agree to the Police Check or Ministry of Justice Criminal Check, then CRNZ shall not appoint that person to any role in which the person is likely to have contact with children.

All information obtained during the course of screening (including any Police or Criminal Checks) is personal information and shall comply with the Privacy Act. It must be kept confidential to the persons or committee within CRNZ, who has been delegated the task of investigating and/or making the appointment for the role and, where relevant, the Child Protection Officer. Information collected during the screening about a person who is not appointed to the role must be destroyed within twelve months and not retained by CRNZ, unless the applicant agrees for them to do so.

- 2. Child Protection Officer CRNZ will appoint a Child Protection Officer (CPO) to manage child protection issues by:
  - ensuring that child protection procedures are understood and adhered to by all members, including through training and raising awareness within the organisation;
  - establishing and maintaining the complaints procedure;
  - regularly reporting to the Board/Executive Committee/Management;
  - acting as the main contact for child protection matters;

- keeping up-to-date with developments in child protection legislation;
- maintaining confidential records of reported cases and any action taken; and
- regularly monitoring and reviewing existing policies and procedures.
- **3.** Education Education and training of staff and volunteers will help CRNZ to:
  - recognise the risks inherent in the sport;
  - recognise when children are at risk and from what;
  - take appropriate precautions to manage and limit identified risks;
  - respond in an appropriate manner to children who have been harmed or are suspected of being harmed; and
  - understand our responsibilities in relation to keeping children safe both in terms of prevention and management of cases that may arise.

Staff/volunteers will be trained during their induction. CRNZ will also ensure that staff/volunteers receive ongoing education and training to keep up-to-date with any changes to the law or internal processes for managing incidents of harm to children.

- 4. **Good Practice Protocols –** These protocols provide guidance to those working with children by outlining good practice and establishing boundaries in a range of situations.
  - Applying a child-centred approach where all children are treated equally and with dignity.
    - Activities should be appropriate for the age and development of the children in our care.
    - $\circ$   $\;$  Ensure feedback to children is about their performance and not of a personal nature.
    - Use positive and age-appropriate language when talking to children and in their presence.
  - Creating a safe and open working environment.
    - Ensure that all physical contact with children is relevant and appropriate to the activity.
    - Seek permission to touch when doing the above.
    - Do not engage in any intimate, over-familiar or sexual relationships with people under the age of 18 years.
    - Ensure that any filming or photography of children is appropriate. (Obtain consent prior to filming or photographing & explain purpose e.g. to promote course etc).
    - Request parental consent before transporting young people in a vehicle. (Ensure vehicle is insured & has current WOF).
    - Ensure you have parental consent to administer first aid if required.
    - Do not use alcohol in the presence of children and do not offer alcohol to children under any circumstances.
    - Do not engage in communication on a one-to-one basis or otherwise through social media or email other than relevant coach/trainee feedback or administration.
    - Do not allow parents, coaches, other children, or spectators to engage in any type of bullying behaviour (this includes cyber bullying).
    - Do not engage in any bullying activity.
  - Avoiding situations where you are alone with a child:
    - Avoid private or unobserved situations, including being alone with a child in the changing rooms.
    - Avoid entering changing rooms. If you must enter, knock and announce yourself and try to have at least one other adult with you.
    - Avoid driving a child unaccompanied.
    - Do not invite or encourage children to your home.
    - Always have another adult present when staying overnight anywhere with children. Same sex chaperones should be used.
    - $\circ$   $\,$  Do not share a room with a child, other than your own.
- 5. Code of Conduct/behaviour CRNZ has a Child Protection Code of Conduct (Appendix 1) which sets out CRNZ's expectations of its employees, coaches, instructors, volunteers and supporters. The Code of

Conduct has been developed to cover a variety of roles including coaches, instructors, officials, parents, and administrators. The code also reinforces the good practice protocols.

Complaint and internal discipline procedures for breaches of the code procedures have been developed in conjunction with the Code of Conduct and CRNZ will distribute and promote this.

- 6. Dealing with allegations, responding to concerns In accordance with members' responsibility to act on any serious concerns, the following should be brought to the attention of the CPO.
  - Any instance where this policy is breached, or good practice guidelines are not followed.
  - Any disclosure by a child that abuse, or harm is occurring.
  - Any suspicions or concerns about a child being subject to abuse.

### Where concerns about poor practice are reported

Poor practice involves actions that are contrary to the good practice guidelines provided by our sport and increase the risk of harm to children.

- Initial concerns should be discussed with the CPO (in the absence of a CPO the board or CEO should be notified). The CPO (or, where relevant, the board or CEO) may:
  - Consider the allegation and where there is a legitimate concern provide a written notice to the individual(s) involved.
  - If the poor practice is continued or repeated poor practice following a written notice, then enact disciplinary procedures. This may include expulsion from CRNZ.
  - Consider actions across all circumstances for example regular coaching and game situations, overnight stays.

### Where abuse is suspected or reported

The welfare and interests of the child or young person are the first and paramount considerations.

- Ensure the child is safe from immediate harm
- Consult immediately with nominated CPO/person-in-charge
- As soon as possible, record accurately and appropriately the information received
- Records should be factual (not opinion or hearsay) and concise and include:
  - The nature of the allegation
  - $\circ$   $\;$  Who noticed/disclosed the abuse and their relationship to the child
  - o Details of any witnesses (name, address, phone number, email)
  - Signs and symptoms noted (including behavioral change)
  - Any incidents with dates, times and places (if possible)
  - o Any action taken
- Consult with other others as necessary do not work alone.
- Avoid questioning the child beyond what has already been disclosed.
- Do not question or counsel the alleged offender.
- Do not investigate/presume expertise unless very experienced and qualified to do so.
- Notify Child Youth and Family or the Police.
- Notify the CRNZ CPO.

### **Policy Review**

This Policy and these Procedures will be regularly reviewed:

- In accordance with changes in legislation and guidance on the protection of children or following any changes within **CRNZ**.
- Following any issues or concerns raised about the protection of children within CRNZ.
- In all other circumstances, at least every twelve months.

### Additional Guidance

CRNZ will:

- Have access to a register of every child involved with the group including relevant medical details and have a contact name and number accessible in case of emergencies.
- Treat everybody with respect.
- Set an example we would wish others to follow.
- Where possible consider activities that involve more than one adult being present or within sight and hearing of others.
- Be aware that on occasions our actions may be misinterpreted by others even if they were well intentioned.
- Respect a child's right to personal privacy.
- Provide time and attention for children to talk to us.
- Encourage children to respect and be courteous to others.
- Intervene to stop any inappropriate verbal or physical behaviour.
- Have a pre-arranged policy for the safe collection of children after **CRNZ** training events/camps have finished.
- Ensure that any suspicions or allegations of abuse are REFERRED not INVESTIGATED.
- Only refer and seek support from other agencies for those identified under the child protection policy.
- Complete Police Vetting forms.

# Appendix 1: Code of Conduct

CRNZ Instructors/Coaches/Officials should:

- Be treated with respect and openness
- Have access to self-improvement opportunities
- Be matched with a level of instructing/coaching/officiating appropriate to their ability

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# Agree to the following terms:

1. I agree to abide by the CRNZ Child Protection Code of Conduct & Child Protection Policy/Procedures.

2. I acknowledge CRNZ may take disciplinary action against me if I breach the Code of Conduct or Child Protection Policy. I understand that CRNZ is required to implement a complaint handling procedure in accordance with the principles of natural justice in the event of an allegation against me.

3. I acknowledge that disciplinary action against me for a proven or established breach may

include de-registration of my coaching accreditation, depending on the seriousness of the breach.

4. I acknowledge that I have a responsibility to inform CRNZ if I am the subject of a complaint/investigation or have been investigated, formally warned or prosecuted for offences involving children, violence or dishonesty.

Signature:	 	 	
lf under 18,			

parent/guardian:

Date: \_\_\_\_\_

# 1. Respect the rights and dignity of every individual paddler

- Treat everyone equally regardless of sex, disability, ethnic origin or religion.
- Respect the talent, developmental stage and goals of each paddler in order to help each paddler reach their full potential.

# 2. Maintain high standards of integrity

- Operate within the rules of CRNZ and in the spirit of fair play, while encouraging your paddlers to do the same.
- Do not disclose any confidential information relating to paddlers without their written prior consent.

# 3. Be a positive role model for paddling and paddlers and act in a way that projects a positive image of coaching or paddling skills instruction

- All paddlers are deserving of equal attention and opportunities.
- Ensure the paddler's time spent with you is a positive experience.
- Be fair, considerate and honest with paddlers.
- Encourage and promote a healthy lifestyle refrain from smoking and drinking alcohol around paddlers.

### 4. Professional responsibilities

- Display high standards in your language, manner, punctuality, preparation and presentation.
- Display control, courtesy, respect, honesty, dignity and professionalism to all involved within the sphere of paddling training this includes coaches, officials, administrators, the media, parents and spectators.
- Encourage your paddlers to demonstrate the same qualities.
- Be professional and accept responsibility for your actions.

- You should not only refrain from initiating a sexual relationship with paddlers but should also discourage any attempt by a paddler to initiate a sexual relationship with you, explaining the ethical basis of your refusal.
- Accurately represent personal coaching qualifications, experience, competence and affiliations.
- Refrain from criticism of other coaches/officials and paddlers.

### 5. Make a commitment to providing a quality service to your paddlers

- Seek continual improvement through on-going coach education, and other personal and professional development opportunities.
- Provide paddlers with planned and structured training sessions or programmes appropriate to their needs and goals.
- Seek advice and assistance from professionals when additional expertise is required.
- Maintain appropriate records.

### 6. Provide a safe environment for training and competition

- Adopt appropriate risk management strategies to ensure that the training and/or competition environment is safe.
- Ensure equipment and facilities meet safety standards.
- Ensure equipment, rules, training and the environment are appropriate for the age, physical and emotional maturity, experience and ability of the paddlers.
- Show concern and caution toward sick and injured paddlers.
- Allow further participation in training and competition only when appropriate.
- Encourage paddlers to seek medical advice when required.
- Provide a modified training programme where appropriate.
- Maintain the same interest and support toward sick and injured paddlers as you would to healthy paddlers.

### 7. Protect your paddlers from any form of personal abuse

- Adhere to the CRNZ Code of Conduct.
- Refrain from any form of verbal, physical or emotional abuse towards your paddlers.
- Refrain from any form of sexual or racial harassment, whether verbal or physical.
- Do not harass, abuse or discriminate against paddlers on the basis of their sex, marital status, sexual orientation, religious or ethical beliefs, race, colour, ethnic origins, employment status, disability or distinguishing characteristics.
- Any physical contact with paddlers should be appropriate to the situation and necessary for the paddler's skill development.
- Be alert to any forms of abuse directed towards paddlers from other sources while in your care.

### Appendix 2: CRNZ VETTING CHECKLIST

# This Checklist must be completed for all new employees/contractors in CRNZ who have substantial access to children.

Name of potential employee/contractor: \_\_\_\_\_

- 1. Have you explained the need for vetting to the potential employee/contractor? YES / NO
- 2. Have you given the employee/contractor an opportunity to read your Child Protection Policy and discussed any issues arising out of this with him/her? **YES / NO**
- 3. Have you set up a personnel file for the employee/contractor? YES / NO
- 4. Has the employee/contractor signed the Child Protection Code of Conduct? **YES / NO** (*Please attach the completed form to this checklist*)
- 5. Have you carried out appropriate vetting? YES / NO
- 6. Were the results satisfactory? YES / NO
- 7. Have you taken up two written or verbal references? **YES / NO** (*Please attach the references and/or notes of telephone conversations to this checklist*)
- 8. Has the above individual been approved as an employee/contractor with **CRNZ**? **YES / NO** (You must be able to answer YES to questions 1-7 above before you sign this form)

•	Signed:
•	Date:
•	Name (in block capitals):
•	Position held in CRNZ:

### Appendix 3: RELEVANT LEGISLATION

### Health and Safety in Employment Act 1992

This Act deals with the health and safety obligations of an employer to its employees. If a child is an employee of the sports club, the general health and safety obligations of employers under the Act will apply. There is also an obligation to ensure the safety of volunteers (some of whom may be children) while they undertake the work activity. Employers will be held vicariously liable to a third party for acts of its employees. For example, if an employee coach breached a sports club's duty of care to a child member, the club can be liable.

### Children, Young Persons and their Families Act 1989

This Act deals with the responsibility for reporting likely or actual harm in the form of physical or sexual child abuse. Section 15 of the Act provides that: Any person who believes that any child or young person has been, or is likely to be, harmed (whether physically, emotionally or sexually), ill-treated, abused, neglected or deprived may report the matter to a Social Worker or a constable.

Section 16 of the Act provides protection for people who report ill-treatment or neglect: *No civil, criminal, or disciplinary proceedings shall lie against any person in respect of the disclosure or supply, or the manner of the disclosure or supply, by that person pursuant to section 15 of information concerning a child or young person (whether or not that information also concerns any other person), unless the information was disclosed or supplied in bad faith.* 

### Crimes Act 1961 – Protection of Children

The key purpose of this part of the Act is to ensure that children are adequately protected from assault, neglect and ill-treatment. It places greater responsibility on adults (parent or persons in place of a parent) who have actual care or charge of a child to take reasonable steps to protect that child from injury. While 'a person in place of a parent' is not defined in the Act, it is possible that sports club personnel could at times be considered to be 'a person in place of a parent'. For example, when taking children away to an event or tournament. The Act also obliges people who live with a child and those who are in frequent contact with children and know, or ought to know, that the child is at risk of death, grievous bodily harm or sexual assault to take reasonable steps to protect the child from that risk.

#### Vulnerable Children Act 2014

The Vulnerable Children Act provides a framework for professionals from the children's services to work better together to improve the wellbeing of vulnerable children.

The Act is laid out in three parts:

Part 1: Government priorities for vulnerable children and vulnerable children's plan.

4. Purpose of this Part:

a) Support the Government's setting of priorities for improving the well-being of vulnerable children; andb) Ensure that children's agencies work together to improve the well-being of vulnerable children.

Part 2: Child protection policies

14. Purpose:

The purpose of this Part is to require child protection policies (that must contain provision on the identification and reporting of child abuse and neglect) to be –

- a) Adopted and reported on by prescribed State services and DHBs boards and
- b) Adopted by school boards; and
- c) Adopted by certain people with whom those services or boards enter into contracts or funding arrangements.

### Part 3: Children's worker safety checking

# 21. Purpose:

The purpose of this Part is to reduce the risk of harm to children by requiring people employed or engaged in work that involves regular or overnight contact with children to be safety checked.

# 25. Safety checks of new children's workers

(1) A specified organisation must not employ or engage a person as a children's worker without ensuring that a safety check of the person complies with section 31 is completed before the employment or engagement commences

(2) The obligation in subsection (1) applies: —

(a) with respect to core workers, to employment or engagement that commences on or after the date on which this Part comes into force; and

(b) with respect to non-core workers, to employment or engagement that commences on or after the date that is 1 year after the date on which this Part comes into force.

(3) A specified organisation that, in relation to a person whom it employs or engages as a children's worker, fails to comply with subsection (1) commits an offence and is liable on conviction to a fine not exceeding \$10,000.

## 26 Safety checks of existing children's workers

(1) A specified organisation must, on or before the applicable date set out in subsection (2), ensure that a safety check that complies with section 31 is completed of every children's worker who is employed or engaged by the organisation before that date and who it intends will still be employed or engaged by the organisation on that date.

(2) The applicable dates are as follows:

(a) in the case of a core worker, the date that is 3 years after the date on which this Part comes into force:

(b) in the case of a non-core worker, the date that is 4 years after the date on which this Part comes into force.

(3) However, a specified organisation need not comply with subsection (1) if the organisation is satisfied that a safety check of the person that complies with section 31 was completed within 3 years before the relevant date described in subsection (2).

(4) A specified organisation that, in relation to a children's worker whom it continues to employ or engage, fails to comply with subsection (1) commits an offence and is liable on conviction to a fine not exceeding \$10,000.

### 27 Periodic safety checks of children's workers

(1) A specified organisation must ensure that each children's worker whom it employs or engages is safety checked within 3 years after the date of the latest safety check of the person that complied with section 31.
(2) A specified organisation that, in relation to a children's worker whom it employs or engages, fails to comply with subsection (1) commits an offence and is liable on conviction to a fine not exceeding \$10,000.

### 28 Core worker convicted of specified offence not to be employed or engaged

(1) This section applies to a person who-

- (a) has been convicted of a specified offence; and
- (b) does not hold an exemption granted under section 35.

(2) On and after the date on which this Part comes into force, a specified organisation must not employ or engage a person to whom this section applies as a core worker.

(3) On and after the date that is 1 year after the date on which this Part comes into force, a specified organisation must not continue to employ or engage a person to whom this section applies as a core worker, regardless of when that worker commenced employment or was engaged, except as provided in this section.
(4) On and after the date referred to in subsection (3), if a specified organisation believes that a worker whom it employs or engages is a person to whom this section applies, the organisation must immediately—

(a) suspend the worker from all duties that require or enable him or her to act as a core worker; and

(b) specify the period of suspension, which must be not less than 5 working days (but may be extended from time to time); and

(c) tell the worker the reason for the suspension and the grounds for the organisation's belief; and

(d) advise the worker that he or she may respond to the information provided under paragraph (c).

(5) If a worker is suspended under subsection (4), the employer must not terminate the worker's employment or engagement until at least 5 working days after the suspension begins (unless the person's employment or engagement is terminated sooner for reasons unrelated to that suspension).

(6) During the period of suspension, the employer must continue to pay the worker on whatever basis would apply to the worker had he or she been suspended on the grounds of serious misconduct.

(7) At the end of the period of suspension, the employer must terminate the worker's employment or engagement as a core worker if the employer believes on reasonable grounds that the person is a person to whom subsection (1) applies.

(8) If a worker's employment or engagement is terminated under subsection (7), —

(a) no compensation or other payment is payable in respect of the termination, despite anything to the contrary in any contract or agreement; and

(b) the termination is deemed to be a justifiable dismissal for the purposes of Part 9 of the Employment Relations Act 2000.

(9) A specified organisation that contravenes subsection (2) or (3), knowing that, or being reckless as to whether, the person is a person to whom this section applies, commits an offence and is liable on conviction to a fine not exceeding \$50,000.

(10) A specified organisation that contravenes subsection (4), (5), (6), or (7) commits an offence and is liable on conviction to a fine not exceeding \$50,000.

(11) Subsection (8)(a) does not limit or affect the Wages Protection Act 1983.

# 31 Requirements of safety checks

(1) Every safety check of a person must comply with the requirements for safety checks for core workers or for non-core workers (as appropriate) prescribed by this section and by regulations made under section 32.(2) Every safety check of a person must include—

(a) confirmation of the identity of the person, carried out as prescribed by regulations made under section 32; and

(b) consideration of specific information prescribed by regulations made under section 32; and

(c) a risk assessment, carried out as prescribed by regulations made under section 32, that assesses the risk the person would pose to the safety of children if employed

or engaged as a children's worker.

(3) Despite anything in the Criminal Records (Clean Slate) Act 2004, nothing in that Act authorises the concealment of a conviction for a specified offence of a person who is subject to a safety check in relation to employment or engagement as a core worker, even if the person is otherwise deemed to have no criminal record.

# 32 Regulations prescribing requirements for safety checks

(1) The Governor-General may, by Order in Council, make regulations prescribing requirements for safety checks, including the following:

(a) prescribing the way or ways in which a person's identity must be confirmed:

(b) prescribing the information that must be considered in the course of a safety check:

(c) prescribing the manner in which a risk assessment must be carried out, and the content of a risk assessment:

(d) providing that certain forms of checking undertaken by the licensing body of any specified profession or occupation may be treated as satisfying the requirement

for safety checking, or for satisfying any 1 or more prescribed requirements for safety checking:

(e) prescribing forms for use in safety checking:

(f) providing for any other matter contemplated by or necessary for giving effect to the provisions of this Act that relate to the requirements for safety checking.

(2) Regulations made under this section may provide that different requirements relating to safety checking do, or do not, apply to or in respect of different—

(a) classes of children's worker; and

(b) specified organisations or classes of specified organisation.

## Other relevant legislation includes:

- Privacy Act 1993
- Income Tax Act 2007
- Minimum Wage Act 1983
- Sale of Liquor Act 1989
- Human Rights Act 1993
- Smoke Free Environments Act 1990
- New Zealand Bill of Rights Act 1990
- Care of Children Act 2004
- Equal Pay Act 1972
- Land Transport Act 1998
- Sports Anti-Doping Act 2006
- Gambling Act 2003

There are numerous pieces of legislation relating to the protection of children under 18 years that may impact on sport and recreation providers.