

SAFE SPORT FOR CHILDREN

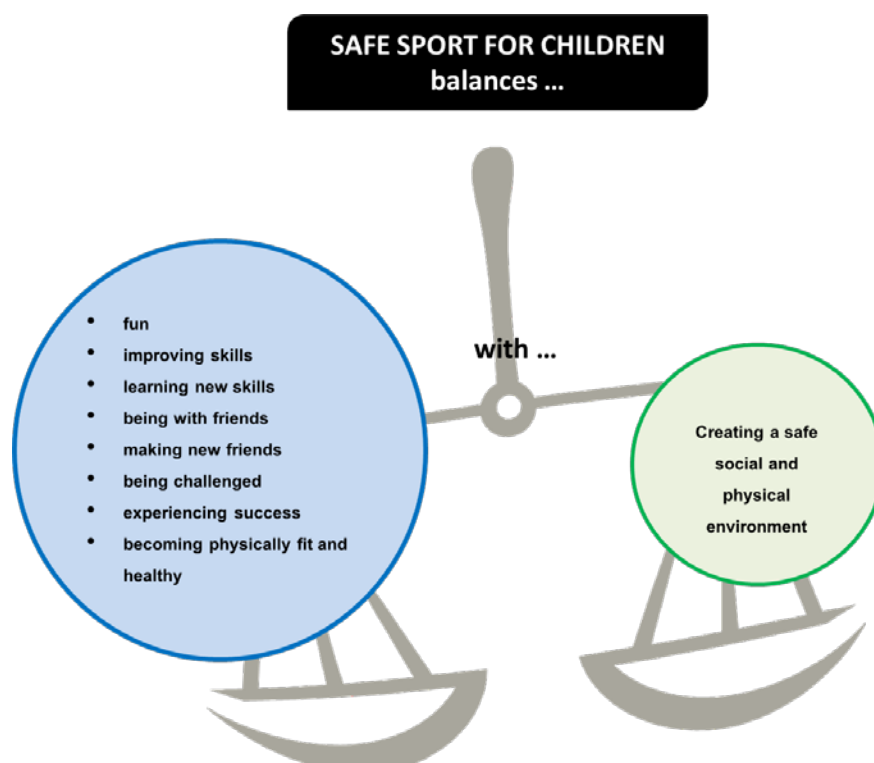


www.sportnz.org.nz



**SPORT
NEW ZEALAND**

What is safe sport for children?



Children want to be in an environment that is safe and supportive, where they are encouraged to be the best they can be and gain maximum enjoyment from what they are doing. We know from research that children do not enjoy experiences where:

- there is an over-emphasis on winning by both parents and coaches;
- only the best players get to play/participate consistently;
- some participants are favoured over others;
- they perceive not to be on good terms with the person in charge;
- they cannot participate with their friends;
- they fear being hurt;
- they don't feel safe;
- they do not have enough fun; and
- they don't feel that they are improving or developing their skills.

Safe sport for children is about balancing what children want to get from their sports experience while ensuring they are not subject to harm caused by an adverse social/or physical environment.

Rationale and Approach

Sport NZ is committed to safe sport and recreation for children¹.

Children can be harmed through their experiences of sport and recreation. This harm can take many forms including: physical harm from engaging in a physical activity, emotional abuse, bullying, put-downs, inappropriate cultural practices, physical and sexual abuse, and other harmful practices. Harmful practices have no place in children's sport.

Some sports, especially contact sports, contain an inherent risk of some physical harm by participating in that sport. The risk may be entirely acceptable if it is appropriate for the children involved. This risk should be identified, understood and addressed by specific risk management plans/measures to minimise and/or eliminate the risk if appropriate to do so in the circumstances.

This policy focuses on the other categories of harmful practices (which have no place in children's sport). Sport NZ believes that:

- Children have a right to participate in sport and recreation that is safe and where they are protected from harm
- Children should feel respected, valued and encouraged to enjoy their participation and to reach their full potential
- Sport and recreation organisations have a duty of care when it comes to children and should take steps to ensure that children can participate safely in the activities they provide.

In order to ensure safe sport for children Sport NZ proposes a four-pronged approach that involves the following steps:



¹ For the purposes of this policy, a 'child' is a boy or girl under the age of 18 years.

Step 1: Preventing those who have been identified as causing harm to children from having contact with children in your sport

As part of its duty of care, a sport or recreation provider should ensure that suitable and appropriate staff and volunteers are engaged to work with children. This means developing a simple but robust recruitment process that involves some form of screening that includes police vetting.

© **Recruitment**

A recruitment process should, as a minimum, include the following:

- creating a role description;
- following up on referees;
- interviewing; and
- screening (e.g. police vetting, criminal record check).

© **Police vetting**

Police vetting is part of the screening process but should not constitute an organisation's complete response to keeping children safe. Police vetting will provide an organisation with a judgement by the Police about a person's suitability to work with children based on the information it holds – a 'red flag' rather than detailed information.

Some points to note re Police vetting include:

- A person must provide his/her written consent before an organisation can request a Police vetting check on that person.
- Individuals cannot request a Police vet on themselves. An individual can access information held about him/her by making a request under the Privacy Act 1993.
- Police vetting is not a complete background check and can only make up part of a robust recruiting and screening process.

© **Checking a criminal record**

The Ministry of Justice can provide a copy of a person's criminal record that lists criminal and traffic convictions and sentencing from court appearances. Before requesting such information about a prospective person, an organisation must have the authorisation of that person to receive copies of their criminal convictions.

Further information and application forms for copies of an individual's criminal record can be found on the Ministry of Justice website <http://www.justice.govt.nz/>

Step 2: Remove/minimise any risks of, and opportunities for, harm to children

⊙ **Risk assessment/organisation health check**

Identifying and managing risk is good business practice. Risk in sport can take many forms including, but not limited to, risk of:

- physical harm due to the contact nature of the sport and/or insufficient protective measures;
- staff/volunteer to child harm e.g. abuse of position of trust;
- child-to-child harm e.g. physical or emotional bullying including via text; and
- self-harm e.g. eating disorders

Standards New Zealand's HB246.2010 Managing Risk in Sport and Recreation Organisations, is available on Sport NZ's website. It provides a framework and outlines a process for managing risk. Child Matters www.childmatters.org.nz provides a brief questionnaire that allows you to evaluate the types of processes and systems your organisation already has and identify any gaps. A self-audit is provided later in this document.

⊙ **Policy development**

Through developing a safe sport for children policy you will identify, assess and set out steps to minimise the risk of harm to children. There are several child protection policy templates available and some sports have examples of policies that are already being implemented. In general, a child protection policy should include, but is not limited to:

- the scope and objectives of the policy and the rationale for having a policy
- the procedures to be followed in order to implement the policy
- an outline of the roles and responsibilities of different parties
- the policy review date.

Appendix 4 provides a child protection policy template to help you get started on developing your own organisation's child protection policy.

⊙ **Promoting good practice**

Sport and recreation organisations should promote the importance of keeping children safe. Not only is it good practice but it will show members of the public that you have a policy and process in place to keep children safe. This encourages parents to enrol their children as they want to know that it is a safe environment.

⊙ **Training**

The provision of sporting services to children is reliant on staff and volunteers giving their time, energy and expertise to help children develop skills and enjoy the sporting experience. So in addition to protecting children from harm, there must also be education provided to staff and volunteers on what they can do to:

- minimise the risk that their actions or inactions cause harm to any child; and
- limit their risk of being the target of allegations and complaints.

Staff and volunteer training will help your organisation deal more effectively with any real or potential risk of harm to the children in your care.

© ***Children's access to advice and support***

The best way to support children and their families is to ensure that there is a plan in place for keeping children safe and that clearly identified good practice procedures are communicated and followed to prevent harm. Providing children with essential information on where to go (or who to go to) for help and advice is part of this. The best interests of the child should remain at the centre of any support provided.

Step 3: Identify and stop inappropriate behaviour if it occurs

Keeping children safe from harmful behaviour is an ongoing process that goes beyond just screening or vetting staff and volunteers. Harmful behaviour can occur via:

- Staff or a volunteer
- Another child involved in the sport i.e. bullying
- The child themselves i.e. self-harm
- Supporters and/or parents

Organisations also need a process for dealing quickly and appropriately with any unacceptable behaviour that arises that poses a risk to children. All staff and volunteers need to understand their responsibilities and be able to identify and respond to children at risk of harm. In order to do this effectively there will need to be ongoing supervision, support and training for staff and volunteers who work with children.

Children (and their parents and supporters) also need to be informed about expectations of them for appropriate behaviour.

Ⓢ ***Appointing a Child Protection Officer(CPO)(or someone with responsibility for child protection issues)***

The primary role of the CPO is to manage child protection issues. Their main duties/responsibilities would include:

- ensuring that child protection procedures are understood and adhered to by all members
- organising promotional activities, training and raising awareness within the organisation
- establishing and maintaining the complaints procedure
- reporting to the Board/Executive Committee/Management as appropriate
- acting as the main contact and support for child protection matters
- keeping up-to-date with developments in child protection legislation
- liaising with local child protection agencies as required
- maintaining confidential records of reported cases and any action taken
- regularly monitoring and reviewing existing policies and procedures.

Ⓢ ***Responding to breaches of Codes of Conduct or poor practice***

Misconduct occurs when a code of conduct is breached. Serious misconduct occurs when there are serious and/or repeated breaches of the code(s) of conduct. When dealing with misconduct there is an escalating scale of options that could be employed ranging from bringing the breach to the attention of the person involved and agreeing ways to avoid this happening again through to formal disciplinary action and ultimately dismissal, or involvement of the Police and/or Child, Youth and Family.

The complaint and investigative process for any alleged misconduct should be clearly set out in your child protection policy.

Ⓢ ***Responding to suspected harm in the nature of physical or sexual abuse***

Physical or sexual abuse is at the serious end of the harm spectrum and can require an immediate response. In responding to suspected child physical or sexual abuse there are a few key principles that should be applied immediately. These are:

- the welfare and interests of the child are the first and paramount considerations
- suspected and actual incidences of reported harm should be responded to and recorded accurately and appropriately and as soon as possible
- notify Child, Youth and Family if you are worried about suspected physical or sexual abuse or, if you think the child is at immediate risk, the Police should be notified. (Police are the only people who can remove a child from a family. Child, Youth and Family must first apply through the court).

Step 4: Support the child and the family should a child be harmed

© **Organisations that can help**

When a child has been harmed in some way, there is a myriad of people and places that can provide support and it may help the child and the family if the sports club can provide some guidance and support on this.

Agencies/organisations that can provide support include:

- ACC by providing financial support where a child has been physically harmed or approved counsellors for children who have been sexually abused.
- Citizen's Advice Bureau by providing details of local crisis counselling services.
- Child Matters is a registered charitable trust that provides training programmes, seminars and workshops on child harm, as well as advice and resources.
- Jigsaw Family Services is a national organisation focused on the wellbeing of New Zealand children and their families.
- KidsLine is New Zealand's only 24-hour helpline for children and provides trained counsellors.
- Youthline is a free telephone counselling service for young people (aged 12-18 years).
- Iwi Social Services.

Where the harm or suspected harm is serious, Child, Youth and Family and the Police will be key agencies to contact.

The agencies/organisations listed above are generally national organisations. There will be other groups that operate in your local area and may be more appropriate to contact and work with in cases of harm to children.

One of the exercises that your organisation should go through is to make a list of agencies and note their contacts.

Developing a Safe Sport for Children policy

Once your organisation has made the decision to develop a policy then a suggested approach would be to:

- Get a group together to work on the policy development process
- Conduct a self-audit to determine what is already in place and what needs to be developed
- Develop a plan of attack that includes actions, timeline, consultation, and sign off.

Self-audit tool

The self-audit tool is a way of assessing how prepared your organisation is for managing child safety. It will help identify things you are doing and where there are gaps that need to be addressed. The tool is based on several existing international audit tool models and covers the four aspects of Sport NZ's approach and an overall policy assessment.

1. Preventing known or potentially unsafe people from having contact with children in our organisation		
This is about your organisation ensuring that the 'right' people are working with children.		
Topic	Current situation	Changes/further action required
We have an agreed process for recruiting and selecting staff and/or volunteers working with children		
We conduct Police vetting and other screening of staff and volunteers		
We have clear guidelines about managing the information we receive through the vetting/screening process and we comply with the requirements of the Privacy Act 1993		
We have clear guidelines about what is acceptable and unacceptable behaviour in relation to contact with children		

2. Removing/minimising risk		
This involves identifying the potential risks to children within the organisation and creating protocols and processes to remove or minimise any identified risks.		
Topic	Current situation	Changes/further action required
We are very clear about our responsibilities to children		
We conduct regular risk management assessments		
We have identified the risks to children inherent in our sport and have taken steps to manage and limit these		
We provide suitable equipment, protective gear and facilities to ensure all children's safety		
We provide child protection training for staff, parents, volunteers		
We issue codes of behaviour that outline our expectations in terms of behaviour for staff, volunteers, participants, parents and supporters		
Children in our care are adequately supervised and protected at all times		
Our guidelines for raising concerns about potential harm to children are well-publicised and communicated widely within our organisation		
Children (and their parents) are provided with information on where to go for help and advice when there are concerns about a child's safety		

3. Identifying and stopping inappropriate behaviour		
This relates to managing and investigating any complaints, accusations and/or disclosures about unsafe practices and harm to children.		
Topic	Current situation	Changes/further action required
We have a named child protection person(s) with clearly defined roles and responsibilities		
We have a clear set of procedures in place to manage and investigate accusations or disclosures of harmful activity and unsafe practices		
Staff and volunteers who may be suspected/accused of harmful behaviour have access to specialist advice, support and information		
All incidents, allegations and complaints are recorded and monitored and the information provided is held securely		
We have made clear the range of penalties that we are entitled to impose		
We have identified the circumstances and processes for referring an incident, allegation or complaint that is of a sufficiently serious nature to the appropriate authorities		

4. Supporting the child and the family

This relates to how an organisation can support a child and his/her family should the child be harmed in some way.

Topic	Current situation	Changes/further action required
We have a list of contacts for relevant local agencies who can help		
We can access other types of support such as counselling		

If you have an existing Safe Sport for Children Policy (or equivalent)

Topic	Current situation	Changes/further action required
Our policy/arrangements have been signed off by our board/executive committee		
The policy or arrangements apply to everyone involved in the sport		
There are clear procedures in place that provide step-by-step guidance on what action to take when there are concerns about the welfare or safety of a child.		
All children in our organisation have equal rights and access to safe activities and experiences		
We regularly review our policies and procedures relating to keeping children safe – ideally annually		

Summary/action plan

Focus Area	Action required	Completed by	Responsibility
Policy development			
Getting the right people			
Removing - minimising risk			
Dealing with unacceptable behaviour			
Providing support			

Policy development process

The diagram below provides an overview of the elements required in a *Safe Sport for Children* policy.



Considerations for writing a Safe Sport for Children Policy

This section provides information to help you develop your *Safe Sport for Children Policy*. Some of the information can be copied and used in your policy or you can customise and/or adapt it to suit your organisation's needs. You may also add other information that is relevant to your organisation and its activities.

Develop your Policy statement

Consider ...

- **Why do you need this policy?**
- **Who will the policy apply to?**
- **Are there other documents/policies that relate to this policy?**
- **What principles are important to adhere to when applying the policy? E.g. fairness, confidentiality etc**

© *Policy Statement example*

"[*Organisation name*] is fully committed to safeguarding the welfare of all children in its care. We recognise the responsibility to promote safe practice and to protect children from harm and exploitation while participating in our activities.

Staff and volunteers will work together to embrace difference and diversity and respect the rights of children.

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

Here are some principles on which to base your policy:

- "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;
- 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; and
- our organisation will work in partnership with children and parents/carers to promote the welfare, health and development of children".

Develop your Policy objectives

Consider ...

- **What you want to achieve by implementing the policy**
- **What outcomes are you looking for?**

© *Ideas for inclusion as 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 [sport] 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 harm;
- recruiting, training, supporting and supervising staff, members and volunteers to adopt best practice to safeguard and protect children from harm and to reduce the risk of allegations or complaints against themselves;
- requiring children, staff, members and volunteers to adopt and abide by this Child Protection Policy and these procedures;
- responding to any allegations of misconduct or harm to children in line with this Policy and these procedures, as well as implementing, where appropriate, the relevant investigative, disciplinary and appeals procedures
- regularly monitoring and evaluating the implementation of this Policy and these procedures”.

What procedures will be required?

Consider ...

Procedures that will ensure you have the:

- right people working with your children
- right training for your employees and/or volunteers
- right safety precautions in place for training and playing sport
- right processes in place for preventing and/or dealing with any suspected or reported matters that arise
- right monitoring and oversight of the policy implementation

© *Procedures that should be covered by your policy*

1. Recruiting

As part of your duty of care, you should ensure that suitable and appropriate staff and volunteers (including parents) are engaged to work with children. When recruiting people to engage with children you will need to ensure that there is a robust recruitment process that includes:

- creating a role description
- following up on referees
- interviewing
- screening (e.g. police vetting).

2. Appointing a Child Protection Officer (or someone who is responsible for managing child protection issues within the organisation)

If your organisation determines that a CPO (or someone responsible for managing child protection matters) is an important role then your policy will need to identify that and outline the responsibilities of that role.

A position description would be a useful inclusion or appendix to your policy.

3. Education and training of staff and volunteers

Education and training of staff and volunteers will help your organisation:

- 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 their responsibilities in relation to keeping children safe both in terms of prevention and management of cases that may arise.

Staff/volunteer induction is an ideal time to introduce child protection training and to cover the procedures set out within your policy. It is also important 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.

Your policy will need to state why education and training of staff and volunteers is important and how you will carry this out, including what training is required and for whom, when training happens and who will provide the training.

4. Dealing with allegations, responding to concerns

This section is important. Members of your organisation, including children, need to know what the process is for managing allegations and complaints. Your policy will need to cover:

- When should a member's concerns be brought to the attention of the CPO or Board?
- What happens when a child discloses that harm is occurring/has occurred and what is the appropriate way to respond?
- What happens when your policy is breached or good practice guidelines are not followed?
- What is the investigative process that is to be followed when an allegation or complaint is made and/or harm has occurred?

Your policy should explain clearly how concerns are reported and to whom and what the next steps in the process will be. Flow charts are a very good way of showing these processes.

Other considerations that should be covered by your policy include:

Managing media interest

- This is very important because you are dealing with the reputations of people within your sport and your sport itself. As such this needs to be carefully managed and you may need to seek professional assistance.

Managing sensitivities, conflicts and stress

- These can arise within organisations and between members, families and officials.

Managing the rights of alleged offenders

- People who have allegedly acted improperly also have rights e.g. privacy. They also have a reputation and families of their own and it is important to carefully investigate any complaints and follow a robust and fair process.

Where concerns about poor practice or breaches of codes of conduct are reported

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

For example:

- Initial concerns should be discussed with your CPO (in the absence of a CPO or someone with responsibility for child safety, the Board or Executive of your organisation should be notified).
- Consider the allegation and where there is a legitimate concern provide a written notice to the individual(s) involved.
- Depending upon the seriousness of the poor practice, if it continues or there is repeated poor practice following a written notice, then enact disciplinary procedures. This may include expulsion from your organisation. In some cases, one instance of poor practice may warrant an immediate penalty which, in some cases, might be expulsion from your organisation.
- Consider actions across all circumstances, for example, regular coaching and game situations, and overnight stays.

Where harm in the form of physical or sexual abuse is suspected or reported

The welfare and interests of the child 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:
 - i. the nature of the allegation
 - ii. who noticed/disclosed the harm and their relationship to the child
 - iii. details of any witnesses
 - iv. signs and symptoms noted (including behavioural change)
 - v. any particular incidents with dates, times and places (if possible)

A more detailed process in relation to suspected or reported physical or sexual abuse is provided in Appendix 1.

Where an allegation or complaint is frivolous, malicious or vexatious

There may be some instances where an allegation or complaint is made that, after investigation, is found to be frivolous, malicious or vexatious. Should this occur it may be necessary to take action against the person(s) who made the complaint.

Your policy should set out how you will manage this situation. For example, what penalties will be imposed by your organisation? Any penalties must be appropriate to the level of harm caused and the extent of the breach of the good practice guidelines.

Before any penalty is incurred you must consider any contractual/employment rules and requirements and allow an opportunity for the person to be heard in response to any allegations made.

What practices will be covered?

Consider ...

- **What types of practices may cause harm to children in your care?**
- **What is good safe sport practice in these areas?**
 - e.g.
 - **creating the best social and physical environments**
 - **behaviour of people who are in charge of children**
 - **behaviour of children towards other children**
 - **use of technology i.e. text bullying or stalking**
 - **transporting children etc**

© **Practices covered by your policy**

These protocols provide guidance to those working with children by outlining good practice and establishing boundaries in a range of situations. The intention of these protocols is to reduce the likelihood of harm to a child as well as minimising the risk of an allegation or complaint being made.

In your policy consider which practices are most relevant for your organisation. Ensure that your policy provides guidance for situations that cannot be avoided. For example: if one of your good practice protocols is to *avoid driving a child unaccompanied*, your policy needs to provide a way of managing this situation when it cannot be avoided e.g. the child sits in the back seat of the vehicle.

1. 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 your care
- 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.

2. Creating a safe and open working environment that also reduces risk to staff and volunteers

- exercise common sense
- do not send children off to train alone and out of sight and supervision
- ensure that children use appropriate protective gear
- 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
- explain the purpose and obtain consent (from parents/caregivers) prior to filming or photographing children
- request parental consent before transporting children in a vehicle - ensure that the vehicle is insured and has a current Warrant of Fitness and registration
- 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 with a child, on a one-on-one basis, through social media, texting or email, other than for relevant coach/athlete feedback or administration
- do not allow parents, coaches, other children, or spectators to engage in any type of bullying behaviour (this includes cyber/text bullying)
- do not engage in any bullying activity.

3. 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
- do not share a room with a child, other than your own.

4. Codes of behaviour

Codes of Behaviour set out your organisation's expectation of participants, staff, volunteers and supporters (as appropriate). These codes cover a variety of roles, including coaches, players, officials, parents and supporters and administrators. They also reinforce the good practice protocols.

Codes of Behaviour/Conduct:

- address identified risk factors
- are developed collectively with those who are expected to follow the code
- are clear and unambiguous
- are widely promoted and used within our organisation.

Complaint and internal discipline procedures for breaches of the code procedures that have been developed in conjunction with the Codes of Behaviour should be widely distributed and promoted.

© **Review**

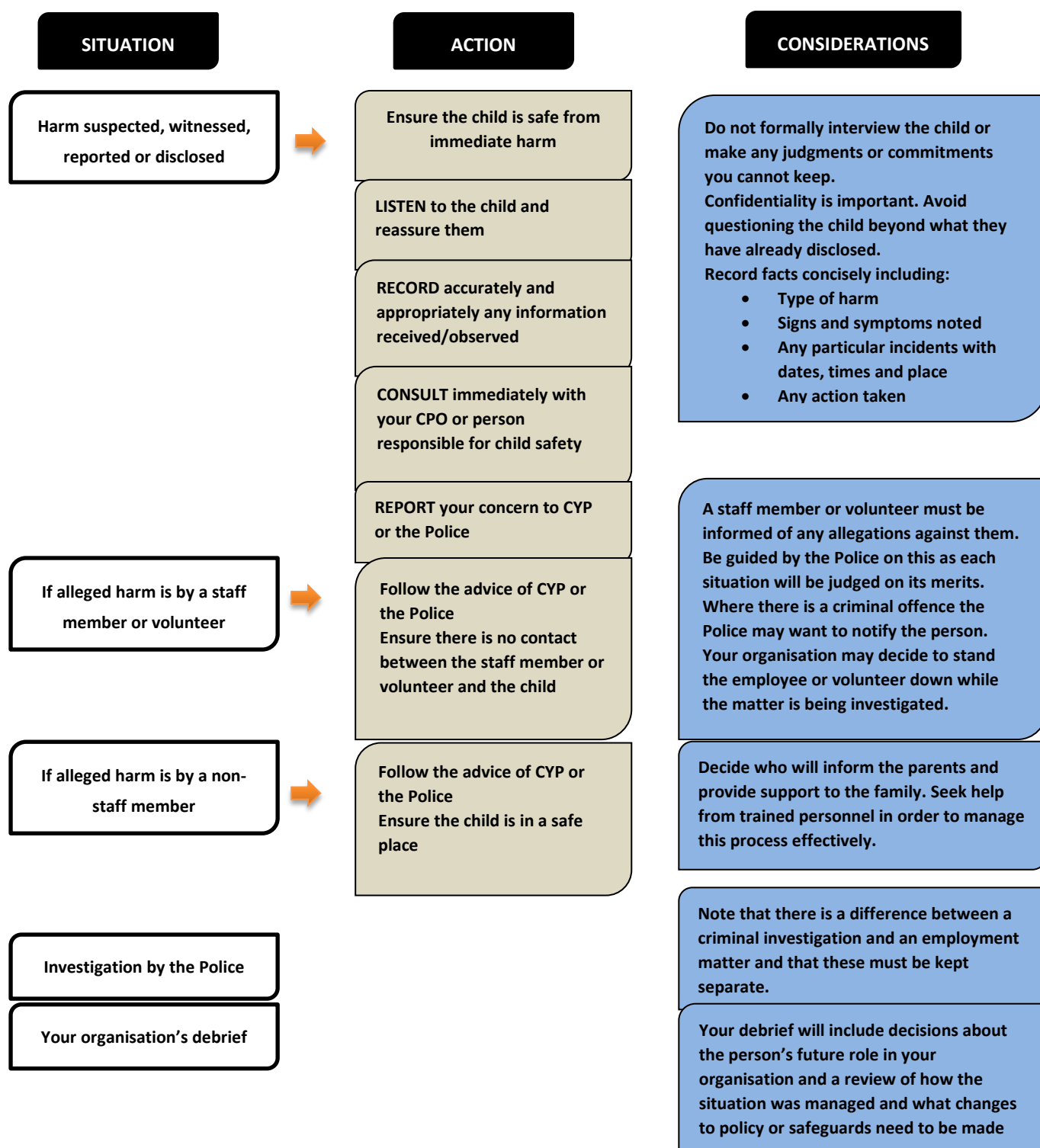
It is important that your policy is reviewed regularly and in specific circumstances more frequently, such as following changes in relevant legislation or following issues or concerns that are raised about the safety of children in your care.

Review

Consider ...

- **What is a reasonable time frame for reviewing the policy?**
- **What are the circumstances under which the policy might be reviewed outside of the designated time frame?**
- **Who will conduct the review, how will we engage others in the review process?**
- **What changes do we need to make as a result of the review?**

Appendix 1: Sample process for responding to suspected or disclosed harm in the form of physical or sexual abuse.



Appendix 2: Relevant legislation

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

© **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 appears 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 compels 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 Bill**

- This Bill has not yet become law however, if it does (in a similar form), it contains provisions that will impact on obligations to keep children safe. This Bill imposes obligations on specific classes of organisation. However, it would be good practice to ensure that your organisation is aware of and considers these requirements even if it is not specifically subject to the Bill (if enacted).

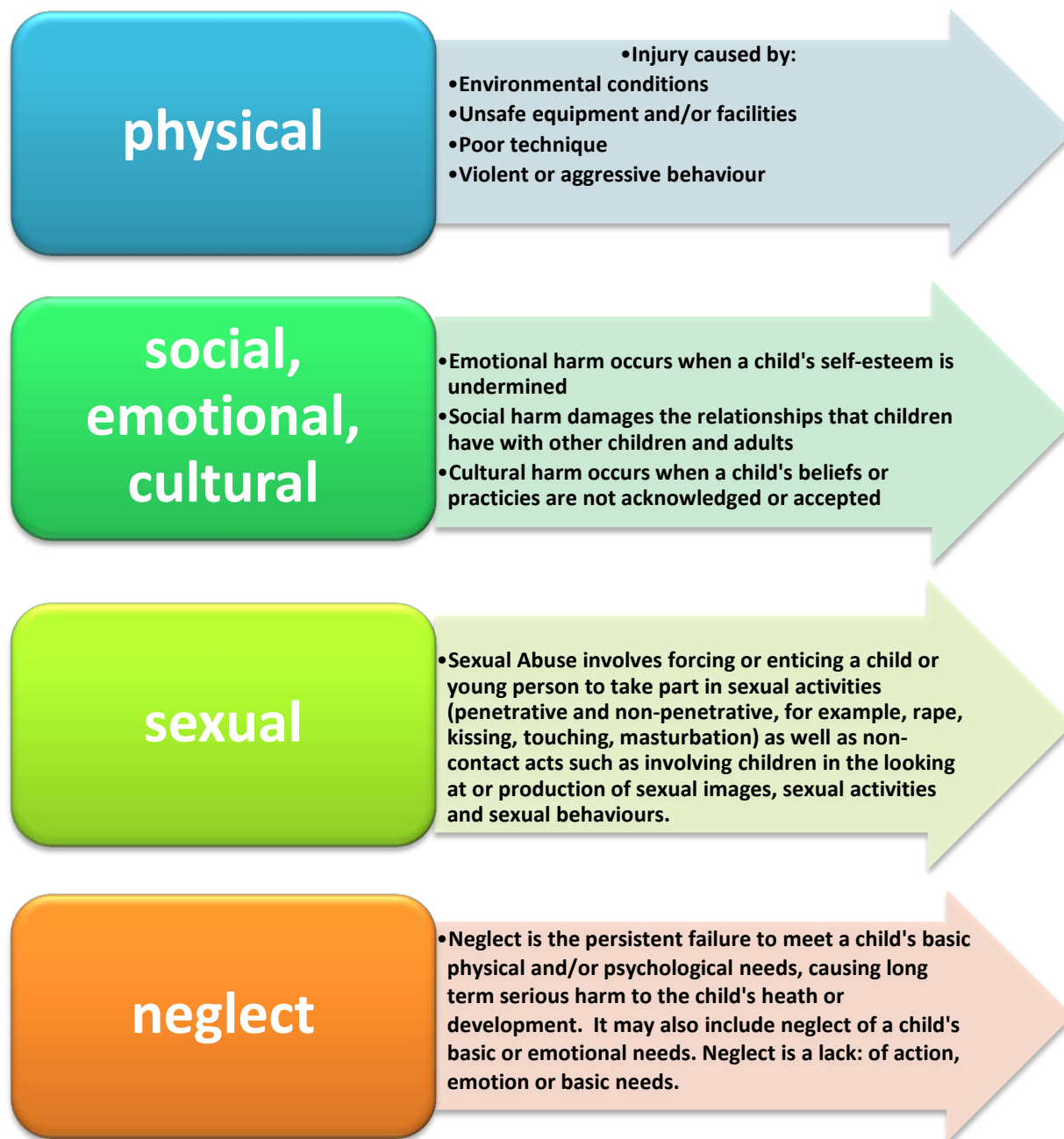
- The purpose of subpart 3 of the Bill is to reduce risk of harm to children by requiring those people employed or engaged in work involving regular or overnight contact with children without their parent or guardian (“children’s worker”), to be safety checked (clause 21).
- This part of the Bill imposes these obligations on “specified organisations” that are defined as any of the following that employs or engages a children’s worker to perform a regulated activity:
 - any of the State services (which is defined in section 2 of the State Sector Act 1988);
 - an individual or organisation that is funded by a State service to provide regulated activities;
 - any of the following that are declared by the regulations to be specified organisations:
 - local authorities;
 - any individual or organisation , or class of individual or organisation that is funded by a local authority to provide regulated activities. (Clause 24)
- Specified organisations are required to do safety checks before employing or engaging a children’s worker (clause 25) and must safety check its existing children’s workers (clause 26). There are various timeframes for doing this depending on whether the children’s worker is considered to be a “core worker” or a “non-core worker”.
- The safety checks required include:
 - confirming the identity of the person;
 - considering specific information prescribed by regulation about that person; and
 - carrying out a risk assessment prescribed by regulation that assesses the risk the person would pose to the safety of children. (Clause 31)
- there is a prohibition on a specified organisation employing or engaging a person as a “core worker”:
 - if they are convicted of a specified offence (eg sections 128B (sexual violation), 130 (incest), 132 (sexual conduct with child under 12), 188 (wounding with intent) etc of the Crimes Act 1961); and
 - does not hold an exemption granted under clause 34.
- There are significant fines capable of being imposed if the above obligations are breached (clauses 25 to 28).

Other relevant legislation includes:

<ul style="list-style-type: none"> • Privacy Act 1993 • Income Tax Act 2007 • Minimum Wage Act 1983 	<ul style="list-style-type: none"> • Sale of Liquor Act 1989 • Human Rights Act 1993 • Smoke Free Environments Act 1990 	<ul style="list-style-type: none"> • 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
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Appendix 3: Types of harm

The chart below outlines the types of harm that may exist. You should discuss the likelihood and potential impact of each type in order to manage and cover them off in your policy.



Appendix 4: Policy template

Organisation Name:

Type of Sport:

Date of Policy:

Policy Statement

[Reference p 15]

"[Organisation name] is fully committed to safeguarding the welfare of all children in its care. We recognise the responsibility to promote safe practice and to protect children from harm and exploitation while participating in our activities.

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

Policy Principles

[Reference p 15]

In implementing this policy we are committed to the following principles:

- 1.
- 2.
- 3.
- 4.
- 5.

Policy Objectives

[Reference pp 15 and 16]

The aim of this policy is to:

- 1.
- 2.
- 3.
- 4.
- 5.

Code of Behaviour / Conduct

[Insert your organisation's Code of Behaviour / Conduct here]

This section should set out:

- Good practices to be complied with
- Poor practices to be avoided

[Reference pp 19 and 20]

Recruitment and Training Processes for Staff and Volunteers

[Reference pp 16 and 17]

It is important that the best effort is made to ensure that appropriate people are working with children in our sport.

1. Outline your *recruitment process* and include:
 - a. creating role descriptions
 - b. follow up on referees
 - c. interviewing candidates
 - d. screening applicants
2. *Outline of Roles and Responsibilities of Different Positions*

This section should set out any particular roles within the organisation such as a Child Protection Officer (CPO)

3. *Requirements for Education and Training of Staff and Volunteers*

In addition to the pre-selection checks, the child protection process should include subsequent monitoring and training of staff and volunteer in order to:

- ensure that staff and volunteers are working safely and effectively with children
- identify and respond to any unacceptable behaviour or practices of staff and volunteers
- enable staff and volunteers to analyse their own behaviour and practices against the Code of Behaviour / Conduct so as to minimise the risk of allegations or complaints against that person
- respond in a positive way to concerns raised about any staff or volunteer i.e. via training to improve practices.

Complaint and Investigative process

[Reference pp 17, 18 and 21]

Your policy should explain clearly how concerns are reported, to whom and what the steps in the process will be. The following questions should be considered.

- What happens when a child discloses that harm is occurring and what is the appropriate way to respond i.e. stay calm, reassure the child, listen, keep questions to a minimum, record the information, take immediate action if the child is unsafe?
- When should reported or suspected concerns be brought to the attention of the CPO or Board?
- What happens when your policy is breached or good practice guidelines are not followed?
- What is the investigative process that is to be followed when an allegation or complaint is made and/or harm has occurred?
- Where harm in the form of physical or sexual abuse is suspected or reported, the welfare of the child is paramount and an escalated process should be set out for dealing with this. An example of this process is set out in Appendix 1 of the Safe Sport for Children document.

Your policy should include a list of local and national agencies and contact details for the provision of support in the event that a child is harmed.

Potential Disciplinary Outcomes

This section should set out the possible outcomes of the investigative process. For example:

- a satisfactory mediated outcome
- disciplinary action imposed for a breach of this policy
- no action taken due to a finding of 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.

The policy should set out the types of actions or penalties that could potentially result from a breach of the policy. Examples of the types of actions or penalties that could be imposed are:

- written warnings;
- suspension of a person from a role they hold with the organisation;
- banning of a person from activities held by or sanctioned by the organisation;
- a direction to complete a reasonable task i.e. letter of apology or corrective action; or
- referral of the matter to an appropriate authority i.e. CYP or Police.

Policy Review

[Reference p 20]

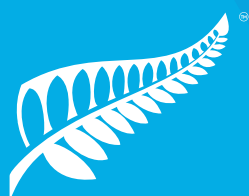
This section sets out the requirements for reviewing your policy. It should include:

- next policy review date
- circumstances where the policy might be reviewed more frequently than review date such as legislative changes or where specific concerns might be identified about the protection of children that warrants an immediate policy change
- who performs the review
- how any changes to the policy will be implemented.

Specific Guidelines

There may be areas that you want to provide some specific guidelines around that should be included in your policy as appropriate. For example:

- child-to-child bullying
- taking photographs of, or filming children
- away sporting events
- junior players in senior leagues
- concerns outside of the immediate sporting environment.



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