



# Safeguarding and Child Protection Policy

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## Contents

1. Purpose.....	2
2. Scope .....	2
3. Policy Statement.....	3
4. Organisations’ Responsibility Statement .....	3
5. Definitions.....	6
6. Child Safeguarding Representative .....	11
7. Confidentiality and Information Sharing.....	11
8. Safe Practice Guidelines / Safeguarding Code of Behaviour .....	13
9. Responding to Disclosed or Suspected Child Abuse or Neglect.....	13
10. Responding to a Disclosure or Allegation Made Against a Staff Member .....	16
11. Safe Recruitment – Safety Checks for New and Existing Employees.....	17
12. Induction and Training of Staff Members and Volunteers.....	18
13. Core Employee Exemptions.....	19
14. Relevant Legislation.....	19
15. Policy Review .....	20
16. Record Keeping.....	20
Appendix A.....	21

## **1. Purpose**

- 1.1 Gymnastics New Zealand is committed to creating a positive culture within the sport of gymnastics that prioritises the safety and wellbeing of all children and young people. This includes both the prevention of harm within gymnastics as well as recognising and responding to concerns, disclosures, and allegations both within and outside of the sport.

The purpose of this policy and its appendices is to:

- protect children and young people from abuse and neglect and to safeguard their wellbeing
- outline Gymnastics New Zealand's commitment to protecting children and young people involved in the sport of gymnastics
- outline the behaviours and requirements expected of Gymnastics New Zealand affiliated clubs and those involved in the sport of gymnastics in relation to the safeguarding of children and young people
- provide staff members, volunteers, and affiliated clubs with clear guidance on how to recognise and respond to suspected or confirmed cases of child abuse and neglect as well as how to prevent abuse from happening
- ensure reported concerns are referred to the appropriate child protection agencies or authorities as required so that children and young people receive the help that they need as soon as possible

## **2. Scope**

- 2.1 This policy applies to anyone involved in the sport of gymnastics in New Zealand, whether they are in a paid or unpaid/voluntary capacity with Gymnastics New Zealand or an affiliated club or organisation. This includes (but is not limited to) the following people:

- all children and young people up to the age of 18 associated with the sport of gymnastics
- all staff members and volunteers, including students on placement, visitors, and contractors
- persons appointed or elected to boards, committees, and sub-committees
- support personnel appointed or selected to teams and squads (e.g. managers, chaperones)
- coaches and assistant coaches
- participants
- judges and other officials involved in the regulation of gymnastics in New Zealand

- members
- personnel participating in events and activities, including camps and training sessions held or sanctioned by Gymnastics New Zealand
- any other person including spectators, parents/guardians
- anyone working on behalf of Gymnastics New Zealand including child protection agencies

### **3. Policy Statement**

- 3.1 Gymnastics New Zealand is the National Sports Organisation responsible for developing and promoting gymnastics (Gym for All, Men's and Women's Artistic Gymnastics, Rhythmic Gymnastics, Trampoline and Sports Aerobics).
- 3.2 Gymnastics New Zealand has zero tolerance for abuse or neglect in any context and has developed this Safeguarding and Child Protection Policy to outline the organisation's commitment to protecting the safety and wellbeing of all children and young people involved in gymnastics.
- 3.3 The Gymnastics New Zealand Safeguarding and Child Protection Policy relates to, and is supported by [Gymnastics New Zealand policies and procedures](#) including (but not limited to):
- GymSports New Zealand Inc. Constitution
  - Member Protection Policy
  - Judicial Regulation
  - Disputes and Disciplinary Policy
  - Code of Behaviour
  - Physical Contact Policy
  - International Tours Policy
- 3.4 Gymnastics New Zealand Safeguarding and Child Protection Policy should be read in conjunction with a range of government legislation as outlined in section 14 [Relevant Legislation](#) of this policy.

### **4. Organisations' Responsibility Statement**

#### 4.1 Overall

The overall responsibility for safeguarding children and young people involved with gymnastics in New Zealand rests with the Gymnastics New Zealand Board and sits within the portfolio of the Chief Executive Officer (CEO). The CEO in collaboration with the Gymnastics New Zealand Sport Integrity Unit and in partnership with the

Community Sports Team is charged with the implementation and embedding of this policy.

#### 4.2 Gymnastics New Zealand

Gymnastics New Zealand accepts the responsibility to create a culture where the safety and wellbeing of children and young people is prioritised and to implement and embed robust procedures to safeguard and protect children and young people and will:

- provide effective leadership to promote, implement and embed this and other associated policies
- ensure that the safety and wellbeing of children and young people is our primary concern
- develop procedures for responding to disclosure and/or allegations relating to child abuse
- develop an educational framework that supports the development of a skilled and competent safeguarding workforce and provide bi-annual updates to ensure ongoing upskilling
- develop and implement standards of conduct that establish appropriate behaviours and boundaries for individuals in positions of trust to keep children and young people safe
- involve and listen to children and young people about their protection, safety, and wellbeing
- implement appropriate practices for sharing information, where it is necessary to protect a child or a young person with the appropriate agency and/or other stakeholders, including relevant gymnastics organisations
- ensure any suspicions and allegations involving abuse of a child or a young person are reported in line with the applicable statutory guidance and, where it relates to a Gymnastics New Zealand member, act in accordance with Gymnastics New Zealand Judicial Regulations
- provide appropriate support to the individual(s) involved in incidents or concerns, including the person who reported the concern
- ensure that confidential, detailed, and accurate records of all concerns are maintained and securely stored for a minimum of 7 years
- ensure that the safeguarding of children and young people forms a key part of the risk assessments carried out for all Gymnastics New Zealand activities
- implement safe recruitment procedures in line with the Children's Act 2014 and the Children's (Requirements for Safety Checks of Children's Workers) Regulations 2015

- communicate this policy and all associated policies and any updates to all affiliated organisations and provide support and training to ensure they have appropriate systems and processes in place to protect children and young people and
- act against any affiliated organisation or members where arrangements for safeguarding and/or behaviours fall below the expected standard required, including notifying the police if appropriate

#### 4.3 Affiliated Organisations

Each affiliated organisation is accountable for having in place arrangements that reflect the importance of safeguarding and promoting the welfare of children and young people and is responsible for:

- the governance of the entity e.g. the board/committee/senior leadership team takes leadership responsibility for the organisation's safeguarding arrangements
- ensuring that the safety and wellbeing of children and young people is the organisation's primary concern
- designate and train individual/s with responsibility for safeguarding (Child Safeguarding Representatives) whose role is to promote safeguarding, support the organisation to provide a safe environment for children and young people, and to respond to any concerns of abuse and neglect that are brought to their attention
- involving and listening to children and young people about their protection, safety, and wellbeing
- undertaking regular risk assessments and putting in place appropriate safeguarding processes to remove or minimise identified risks
- implementing safe recruitment practices including waiting for clear police vetting and reference checks before starting any roles working with children and young people
- ensuring staff members and volunteers receive supervision and a safeguarding induction and training and are competent to carry out their responsibilities for safeguarding and promoting the wellbeing of children and young people at risk
- ensuring any suspicions and allegations of abuse or neglect to children and young people involved with their organisation are reported to the affiliated organisation, the police and/or Oranga Tamariki and to Gymnastics New Zealand Sport Integrity Unit without delay and a record made
- always taking action to address any poor practice and behaviours such as bullying and harassment that occur within their own organisation

- ensuring that everyone knows what to do if they are concerned about a child or young person’s wellbeing, and promote a culture where everyone is encouraged to raise concerns early to minimise the impact on the child or young person without fear of negative repercussions, and
- ensure that children and young people involved with the club are aware that there is a policy and system in place to protect them and how this works

#### 4.4 Everyone

- Protecting the safety and wellbeing of children and young people is everyone’s responsibility.
- It is essential that everyone involved in gymnastics is fully aware of the signs of abuse and understands the appropriate steps to report these concerns.
- Anyone involved in the sport of gymnastics in New Zealand must comply with the Gymnastics New Zealand Safeguarding and Child Protection Policy and the Gymnastics New Zealand Code of Ethics and Codes of Behaviour and specifically not engage in, allow, condone, or ignore incidents of inappropriate behaviour, collusion, and abuse and be supportive of anyone who reports concerns.
- Anyone who has reason to believe that a child or young person both inside and outside of the sport has, or is experiencing abuse or neglect, has a duty to report it to the affiliated organisation, relevant statutory authority and to Gymnastics New Zealand.

Failure to comply with this policy and associated procedures will be investigated and may ultimately result in disciplinary action against the individuals concerned or the involvement of the police.

## 5. Definitions

Term	Definition
Appropriate agency	This may include any of the following agencies: <ul style="list-style-type: none"> <li>a) the Ministry for Children/Oranga Tamariki</li> <li>b) the Ministry of Health</li> <li>c) the Ministry of Social Development</li> <li>d) the Ministry of Education</li> <li>e) the Ministry of Justice</li> <li>f) the New Zealand Police</li> </ul>

Bullying	An act seeking to harm, intimidate or coerce someone. This may include harming another individual intentionally or the misuse of power within a relationship. Bullying may be a one-off act, repeated, or has the potential to be repeated over time. Bullying can be child to child or adult to child.
Child abuse	The harming (whether physically, emotionally, or sexually), ill-treatment, abuse, neglect, or deprivation of any child or young person.
Child (or children)	Person/s under the age of 14 years.
Child protection	The actions taken to ensure the safety of a child or young person.
Confidential information	Information provided in a situation where the individual had a reasonable expectation that information or communication would be kept confidential.
Core worker	<p>A child or young person worker whose work in an organisation, or services provided to the organisation, means that when that person is present with a child or a young person in the course of that work, that person:</p> <ul style="list-style-type: none"> <li>a) is the only child or young person worker present; or</li> <li>b) is the child or young person worker who has primary responsibility for, or authority over, the child or young persons present.</li> </ul> <p>This definition is adopted from the Children’s Act 2014.</p>
Cyberbullying	The use of digital technology to bully a person, typically (but not limited to) by sending messages of an intimidating or threatening nature.
Disclosure	Information about abuse or neglect provided by a child, young person, parent, caregiver, or any other person. Disclosure can also include things you have noticed in relation to a child or young person.
Emotional abuse	Any act or omission that results in impaired psychological, social, intellectual, or emotional functioning and development of an individual. This can include a pattern of rejecting, degrading, ignoring, or



	isolating a person. It may also include age or developmentally inappropriate expectations being imposed. This applies to those both actively and passively involved in the sport (e.g. athletes, parents, coaches), and can be both received and initiated.
Family harm	Any violent act inflicted by one family member on another. It has many forms including physical, sexual, emotional, or economic abuse.
Grooming	When someone builds a relationship, trust and emotional connection with a child or young person so they can manipulate, exploit, and sexually abuse them. Grooming includes exerting power or control over a child or young person to maintain secrecy.
Harm	Harm involves conduct that puts a child or young person at risk and often by those they know and trust. It can take many forms and includes physical abuse, emotional abuse, sexual abuse, neglect, and abuse of power. Examples of harm include: <ul style="list-style-type: none"> <li>a) physical abuse</li> <li>b) emotional abuse</li> <li>c) sexual abuse</li> <li>d) neglect</li> </ul>
Harassment	Harassment covers a wide range of behaviours of an offensive nature including any behaviour that demeans, humiliates, or embarrasses a person. Harassment can include threats, derogatory jokes, racial slurs, personal insults, or unwanted touching.
Neglect	Any act or omission that results in impaired physical/emotional functioning, injury or development of a child or young person and can include: <ul style="list-style-type: none"> <li>• <b>Physical neglect</b> – not providing the necessities of life.</li> <li>• <b>Neglectful supervision</b> – leaving children or young people alone or without someone safe to look after them.</li> <li>• <b>Emotional neglect</b> – not providing comfort, love, and attention the child or young person needs.</li> <li>• <b>Medical neglect</b> – failure to meet the child or young persons’ health needs. This includes not</li> </ul>

	<p>getting the child or young person help if they are injured or in pain due to their sport.</p> <ul style="list-style-type: none"> <li>• <b>Educational neglect</b> - allowing chronic truancy, failure to enrol children and young people in school, or inattention to their special educational needs.</li> </ul>
Personal information	Information about an individual that would identify them.
Physical abuse	Any behaviour or action which inflicts physical harm on a child or young person. It can be unexplained bruises, welts, cuts, abrasions, unexplained fractures or dislocations, burns, poisoning, or fabricated illness. This can include but is not limited to injuries caused by over-training, training, or competing with existing injuries; unsafe equipment or facilities; poor technique; and violent or aggressive behaviour.
Position of trust	<p>The relationship created by someone who is engaged with children or young people through their role in an organisation is a position of trust.</p> <p>This means they have or are perceived to have power, influence, or authority, as dictated by their role or duties assigned to them by an organisation. A position of trust is one of privilege. However, this power and influence can lend itself to abuse in the wrong hands.</p>
Regulated service	Any of the services listed in <a href="#">Schedule 1 of the Children's Act 2014</a> .
Report of Concern	When an individual contacts either Oranga Tamariki or the New Zealand Police to raise concerns regarding the safety of a child or young person, this is called a Report of Concern.
Safeguarding Incident Record	All concerns, disclosures, or allegations regarding child abuse or neglect are recorded in the organisation's Safeguarding Incident Record.
Safety check	The requirement for safety checks for anyone working with children or young people in any capacity are set out in <a href="#">Section 31 of the Children's Act 2014</a> and regulations made under <a href="#">Section 32 of the Act</a> .

Sexual abuse	This involves forcing or enticing a person to take part in sexual activities, as well as non-contact acts such as looking at, or discussing sexual images, activities, or behaviours. A sexual relationship between an adult and a child or young person will always be wrong, unequal, and unacceptable.
Specified offence	Any of the offences against the <a href="#">Crimes Act 1961</a> ; the <a href="#">Films, Videos, and Publications Classification Act 1993</a> ; the <a href="#">Customs and Excise Act 1996</a> ; the <a href="#">Harmful Digital Communications Act 2015</a> ; and those listed in <a href="#">Schedule 2 of the Children’s Act 2014</a> .
Staff member(s) and volunteers	Any person brought into the organisation to provide services which includes paid staff members, managers, contractors, volunteers, students on placement and board members.
Vulnerability	Children or young people who are at significant risk of harm to their wellbeing now, and into the future, as a consequence of the environment in which they are being raised, and in some cases, due to their own complex needs.
Child Safeguarding Representative	The person or persons within an organisation responsible for providing advice and support to any individual who is concerned about a child or wants advice about the Safeguarding and Child Protection Policy. They are also responsible for acting on any concerns, disclosures, or allegations in relation to child abuse. A Child Safeguarding Representative must have appropriate training to carry out their role.
Wellbeing	Wellbeing represents the whole person—their physical health, development and safety, their psychological and emotional development, their social development and behaviour, and their cognitive development and educational achievement. Wellbeing also includes the welfare of that person.
Young person (or people)	Individuals of or over the age of 14 years but under 18 years.

## **6. Child Safeguarding Representative**

- 6.1 The Child Safeguarding Representative is the trained person or persons within an organisation responsible for providing advice and support to any individual who is concerned about a child or young person or who wants advice about the organisation's Safeguarding and Child Protection Policy.

The Child Safeguarding Representative acts on any concerns, disclosures, or allegations regarding child abuse in accordance with the Safeguarding and Child Protection Policy. The Child Safeguarding Representative is also responsible for creating a child-safe culture in the organisation, embedding relevant policies and procedures, and ensuring training is provided to all who need it.

The Child Safeguarding Representative role should ideally be filled by an impartial person who can carry out the role without un-due bias and influence.

- 6.2 Gymnastics New Zealand

Within Gymnastics New Zealand the Child Safeguarding Representative contact details are available on the Gymnastics New Zealand website. Child Safeguarding Representatives will receive enhanced safeguarding training to ensure that they are able to fulfil the role effectively.

This role will work in tandem with the Gymnastics New Zealand Sport Integrity Unit and is reviewed annually.

- 6.3 Gymnastics New Zealand Affiliated Organisations

All affiliated organisations must identify a Child Safeguarding Representative/s. This individual/s will receive enhanced safeguarding training from an external provider to ensure that they are able to fulfil their role effectively.

The contact details of the Child Safeguarding Representatives/s must be made available on the club's website and/or noticeboards.

This role should be supervised by the affiliated organisation board/committee and should be reviewed annually.

## **7. Confidentiality and Information Sharing**

- 7.1 Where a staff member or volunteer receives confidential information from an individual, there is a duty on the individual receiving the information to ensure this information is kept confidential. Generally, this means that such information should not be shared, however there are certain exceptions (which includes exceptions provided in the Privacy Act 2020, and the Oranga Tamariki Act 1989) where confidential information may be shared.

These exceptions are:

- a) when the individual gives consent for the confidential information to be shared; or

- b) when there is a reasonable belief there is a risk to an individual's life, health, safety and/or wellbeing; or
- c) where the confidential information is required to be disclosed by law or by an appropriate agency.

Therefore, giving information to others for the protection of a child or young person is a justifiable breach of confidentiality and, where there are concerns for a child's or young person's wellbeing or safety, is a legal duty.

- 7.2 The third-party organisations with whom confidential information may need to be shared may include:
- a) an appropriate agency
  - b) gymnastics organisations i.e. where affiliated organisations share information with Gymnastics New Zealand and vice versa
  - c) other organisations e.g. other sports organisations or community clubs where risks posed by an individual cannot be managed without the disclosure of information.
- 7.3 No civil, criminal, or disciplinary proceedings may be brought against the person or entity who makes the report which discloses confidential information, provided the disclosure is made in good faith.  
Information will always be appropriately shared when there is a concern about a child unless it poses a risk to the child.
- 7.4 When gathering, storing, or disclosing personal information about individuals, workers must comply with the Information Privacy Principles set out in the Privacy Act 2020.
- 7.5 Gymnastics New Zealand requires that all affiliated organisations report any safeguarding concerns about Gymnastics New Zealand members who may present a risk to others, to the Gymnastics New Zealand Sport Integrity Unit. In these cases, the Sport Integrity Unit will assume responsibility for any further information sharing decisions in consultation with the affiliated organisation and relevant statutory authorities.
- 7.6 Where a safeguarding concern is external to the sport, if an affiliated organisation is not clear that confidential information and/or personal information should be shared, advice about whether sharing is appropriate can be sought from an appropriate agency without disclosing any personal information in the first instance.

## **8. Safe Practice Guidelines / Safeguarding Code of Behaviour**

8.1 In order to ensure that the safety and wellbeing of children and young people involved in gymnastics is at the centre of everything we do, Gymnastics New Zealand has outlined clear expectations of behaviour for everyone involved in the sport of gymnastics in New Zealand, as outlined in section 2 Scope of this policy.

These are documented in detail in the Gymnastics New Zealand Code of Behaviour.

### 8.2 Positions of Trust

- Any person who is engaged with Children or Young People through their position with Gymnastics New Zealand or an affiliated organisation holds a position of trust.
- These individuals must understand their responsibilities in the understanding and appropriate use of their position of trust.
- A position of trust is a privilege and must not be used to cause harm of any form to children and young people in their care. This includes the instigating or engaging in a sexual relationship or behaviour (directly or indirectly) with a child or a young person.
- An individual who breaches this position of trust may be subject to disciplinary action up to and including dismissal or referral to the New Zealand Police.

## **9. Responding to Disclosed or Suspected Child Abuse or Neglect**

9.1 Failed attempts to disclose child abuse or neglect can have a devastating impact on the child or young person involved. It is critical that when a disclosure is made, there is an immediate response with the aim of investigating the alleged child abuse or neglect and stopping the child abuse or neglect. Gymnastics New Zealand has a zero tolerance of child abuse or neglect of children and young people and will treat all disclosures, suspected abuse, and allegations seriously, consistently, and with a high degree of sensitivity.

### 9.2 Receiving a Disclosure or Allegation

All staff members and volunteers of Gymnastics New Zealand, and affiliated organisations, paid or unpaid are required to recognise, respond to, and report immediately (or where reasonably practicable, no later than before ending a shift) any concerns, suspicions, or incidents of child abuse, neglect or misconduct with a child or young person using:

- a) the procedure for responding to disclosed or suspected child abuse or neglect as found in [Appendix A](#) of this policy

If a Child is at imminent risk of harm or in immediate danger, you must report the situation directly to the police immediately by phoning 111.

### 9.3 Prohibitions

The Gymnastics New Zealand Safeguarding and Child Protection Policy prohibits all persons to whom this policy applies from:

- a) discussing any concerns or allegations with those not a party to the matter – within or outside Gymnastics New Zealand – such prohibition not being designed to limit, in any way, their rights and responsibilities to report their concerns or allegations, but rather as part of Gymnastics New Zealand's commitment to ensuring privacy, confidentiality, and natural justice; and/or
- b) making deliberately false, misleading, or vexatious allegations

### 9.4 Rights

Individuals covered by this policy (as outlined in section 2 Scope) retain the right to report directly to relevant authorities, such as the New Zealand Police or Oranga Tamariki, any concerns they may have in relation to the safety and wellbeing of a child or young person, regardless of whether they have also reported the matter internally.

### 9.5 Handling allegations

- a) An allegation should be addressed at the relevant level (club/organisation or national level). This should be facilitated by the designated Child Safeguarding Representative at the level where the complaint arises. The officer should follow the procedures outlined in [Appendix A](#) of this policy.
- b) If a matter at affiliated organisation level results in the lodging of a report of concern with either the New Zealand Police or Oranga Tamariki, the affiliated organisation must notify Gymnastics New Zealand immediately.

### 9.6 Criminal Action Relating to Child Abuse

If individuals involved in Gymnastics New Zealand or an affiliated organisation are charged with or investigated by the New Zealand Police for criminal matters relating to child abuse, neglect, or placing children or young people at risk, Gymnastics New Zealand may consider a range of actions against the accused individual including but not limited to dismissal, being stood down during an investigation and/or the revoking of accreditation.

## 9.8 Anonymous Complaints

Anyone with concerns relating to Gymnastics New Zealand or an affiliated club should be able to raise these without fear of repercussion and with confidence that they will be addressed. The Gymnastics New Zealand Disputes and Disciplinary Policy outlines the processes for reporting concerns and explains the protections available.

In cases of child abuse there can be many barriers that community members face when reporting child abuse. To help reduce these barriers Gymnastics New Zealand acknowledges that at times an allegation of child abuse may be made anonymously. Where possible all allegations should be encouraged to be made openly so the proper investigative processes can be followed. If a person still wishes to remain anonymous, Gymnastics New Zealand and the affiliated club handling the complaint (as applicable) will support this decision utilising the steps in the policy.

## 9.9 Recording Allegations of Child Abuse or Neglect

Gymnastics New Zealand and all affiliated organisations will keep record of all children and young person's wellbeing concerns to better identify and respond to patterns of abuse and/or inappropriate behaviour.

A Safeguarding Incident Record is used to document any allegation, suspicion, disclosure, incident or concern regarding child safety or wellbeing. If the appropriate agency i.e. the police and/or Oranga Tamariki are notified, this information will be used in a Report of Concern.

Gymnastics New Zealand must be notified immediately when a Report of Concern is made to the appropriate agency.

Gymnastics New Zealand records all allegations and breaches of this policy in a confidential electronic system that can only be accessed by restricted personnel as part of our risk mitigation processes. To prevent access to these records by unauthorised persons, Gymnastics New Zealand stores any documentation associated with an allegation of abuse or neglect of a child or young person by having:

- a) hard-copy documentation stored in a locked filing cabinet (or similar) and
- b) soft copy documentation stored in a password-protected file

Gymnastics New Zealand maintains and regularly monitors records of child abuse reports as part of our incident management processes to ensure that they are responded to effectively in accordance with this policy and that requirements for reporting to external authorities are complied with.



#### 9.10 Legislative Requirements

When handling allegations of child abuse or neglect involving a child or young person, the person handling the complaint should consider their legal obligations, and that of the organisation which they are representing, including without limitation, under relevant employment legislation.

#### 9.11 Confidentiality and Privacy

Gymnastics New Zealand expects all individuals covered by this policy to maintain the confidentiality and privacy of all concerned (including the respondent), except if doing so would compromise the welfare of the child or young person, or the investigation of the allegation.

### **10. Responding to a Disclosure or Allegation Made Against a Staff Member**

10.1 When responding to a disclosure or allegation about a staff member (paid or voluntary), the welfare of the child or young person will remain paramount throughout. The same level of concern and action will be applied as with any other situation of suspected abuse and the organisation will not collude with the alleged abuser.

#### 10.2 Receiving a Disclosure or Allegation

All staff members and volunteers of Gymnastics New Zealand and affiliated organisations, paid or unpaid are required to recognise, respond, and report immediately (or where reasonably practicable no later than before ending a shift) any wellbeing concerns, suspicions or complaints of a staff member or volunteer being involved in any child abuse or neglect using:

- a) the procedure for responding to disclosed or suspected child abuse or neglect as found in [Appendix A](#) of this policy

If a child or young person is at imminent risk of harm or in immediate danger, you must report the situation directly to the police immediately by phoning 111.

10.3 When a disclosure or allegation is made regarding a staff member, the Child Safeguarding Representative will provide support to the child or the young person and the person making the allegation, if this is not the same individual. The chair of the board or a board representative will act on behalf of the organisation with employment matters relating to that staff member. The same person must not fulfil both these roles.

10.4 Allegation Against a Child Safeguarding Representative

If an allegation is against a Child Safeguarding Representative, staff members or volunteers should raise the issue immediately with another Child Safeguarding Representative or member of the board/committee. Again, one person will support those making the complaint and a different person will manage the staff member and any HR requirements involved.

#### 10.5 Settlement

Gymnastics New Zealand and affiliated organisations will not enter into settlement agreements. Where the safety and protection of children and young people are a concern, such a settlement agreement contradicts a culture of safeguarding and child protection.

## **11. Safe Recruitment – Safety Checks for New and Existing Employees**

11.1 Before making any appointment, Gymnastics New Zealand will complete a robust safety checking process (including police vetting, identity confirmation, and relevant reference checks) to ascertain the suitability and safety of an employee or volunteer for the role they have applied for.

11.2 In accordance with the Children’s Act 2014 (and the related regulations), Gymnastics New Zealand requires all of its staff members to undergo periodic safety checks every three years, which includes police vetting.

11.3 All new and existing staff members and volunteers will be made aware of their safeguarding responsibilities as part of the staff induction and ongoing training (see section 12 Induction and Training of Staff Members and Volunteers).

This will apply to:

- a) Gymnastics New Zealand staff and board members
- b) contractors who deliver on behalf of Gymnastics New Zealand including:
  - coach and judge course presenters
  - photographers, videographers, and audio-visual technicians at Gymnastics New Zealand run events
  - individuals providing medical services at Gymnastics New Zealand run events (physio, massage, St Johns)
  - coaches, team managers and chaperones on all international tours

11.4 Gymnastics New Zealand requires that all affiliated organisations carry out safe recruiting practices in accordance with the Children’s Act 2014 (and the related

regulations), including police vetting and relevant reference checks for the following roles:

- a) all paid staff members including coaches
- b) all volunteer coaches and committee/board members
- c) other volunteer roles who have regular contact with children and young people
- d) team managers and chaperones who travel with athletes to events and training camps including (but not limited to) the New Zealand Gymnastics Championships, international and club tours, and out of town qualifying events and camps
- e) host families when billeting athletes

## **12. Induction and Training of Staff Members and Volunteers**

12.1 Gymnastics New Zealand recognizes that induction training for new employees and volunteers are critical to the safety of children and young people. Gymnastics New Zealand believes that trained staff are essential and will provide time and resources to support this process.

### 12.2 Gymnastics New Zealand Staff Members and Volunteers

- a) As part of their induction programme, all staff members and volunteers will be required to complete basic training in safeguarding and child protection in sport. This will highlight why it is needed and their responsibilities within their role.
- b) Further in-house training will be provided to ensure that they understand the processes within the organisation for reporting or responding to reports of abuse or suspected abuse.
- c) Gymnastics New Zealand will maintain and update all information relating to safeguarding and child protection on the Gymnastics New Zealand website and Club Portal.
- d) All staff members and volunteers will receive appropriate refresher training in safeguarding and child protection on an ongoing basis.

### 12.3 Gymnastics New Zealand Affiliated Organisations

- a) All coaches at affiliated organisations must complete basic training in safeguarding and child protection in sport.
- b) Affiliated organisation Child Safeguarding Representatives should complete basic training in safeguarding and protecting children and young people in sport and receive further training relating to their role.

- c) All new staff members and volunteers receive training as part of their induction to ensure they understand their responsibilities and the processes within the organisation.

#### 12.4 Other Applicable People

All those who perform roles on behalf of Gymnastics New Zealand on Gymnastics New Zealand tours must complete basic training in safeguarding children and child protection in sport and must understand their responsibilities for safeguarding and child protection including:

- team managers
- chaperones
- heads of delegation
- coaches
- judges
- medical personnel
- any other designated roles

### 13. Core Employee Exemptions

- 13.1 The Children's Act 2014 introduced a workforce restriction, which means it's unlawful to employ a person to work with a child or a young person with certain specified offences unless they hold a core worker exemption provided for in section 35 of the Children's Act 2014.
- 13.2 Any person who intends to work as a core worker (as defined in section 5 Definitions) for Gymnastics New Zealand or any affiliated organisation must obtain a core worker exemption before engagement or employment commences.
- 13.3 Where any person who requires a core worker exemption refuses to apply for one, or fails to obtain one, the engagement or employment of that person will be investigated, and their employment or engagement may be terminated depending on the circumstances.

### 14. Relevant Legislation

- 14.1 The Gymnastics New Zealand Safeguarding and Child Protection Policy is guided by the Children's Act 2014 and relates directly to a range of other government legislation including:
  - [Te Tiriti O Waitangi \(The Treaty of Waitangi\) 1840](#)

- [Oranga Tamariki Act 1989](#)
- [Privacy Act 2020](#)
- [Human Rights Act 1993](#)
- [Family Violence Act 2018](#)
- [Health and Safety at Work Act 2015](#)
- [Employment Relations Act 2000](#)
- [Care of Children Act 2004](#)
- [Children’s Act 2014](#)
- [Children \(Requirements for Safety Checks of Children’s Workers\) Regulations 2015](#)
- [United Nations Convention on the Rights of the Child \(UNCROC\) 1989](#)
- [Health and Disability Commissioner Act 1994](#)
- [The Protected Disclosures Act 2014](#)
- [Harmful Digital Communications Act 2015](#)
- [Crimes Amendment Act 2011](#)
- [Bill of Rights Act 1990](#)

## **15. Policy Review**

- 15.1 This Policy will be reviewed and updated on an annual basis with feedback on its use sought and considered.

## **16. Record Keeping**

- 16.1 Gymnastics New Zealand has in place a system for recording all child protection concerns that are received. This information is logged and stored securely and includes any communication with other agencies including Oranga Tamariki and the New Zealand Police.
- 16.2 The recording system in place allows for identification of repeated concerns of abuse for a child or situation and ensures that concerns can be adequately tracked and followed up. These records will be kept for a minimum of seven years.

# Appendix A

## Procedures for Responding to and Reporting Disclosure or Allegations of Abuse or Neglect

### Introduction

This resource outlines the procedure for responding to and reporting disclosure or allegations of abuse and/or neglect. This resource includes:

- Procedure for person receiving and responding to initial disclosure or allegation
- Procedure for Child Safeguarding Representative responding to and reporting disclosure or allegation

### Receiving and Responding to an Initial Disclosure or Allegation

**Important: If you believe a child or young person is in immediate danger or a life-threatening situation, contact the police immediately on 111. You should then contact your Child Safeguarding Representative and let them know what has happened.**

If a **child or young person** raises concerns about their or another child's safety or wellbeing:

1. Believe the child—do not ignore them or normalise any concerns they may have regarding safety or wellbeing.
2. Reassure the child and let them know that it is good that they have shared this
3. Prioritise the concern/s even if it is not convenient—ensure that their safety and wellbeing is the priority.
4. Take them aside to somewhere quiet but within line of sight of others.
5. Listen carefully.
6. Let the child use their own words to explain.
7. Keep calm and supportive.
8. Clarify basic details if necessary but do not investigate.
9. Do not make any promises e.g. that you will not tell anyone.
10. Explain what will happen next.
11. Ensure that the child is looked after—this may involve reintegrating them back into an activity if appropriate, handing over to a parent or caregiver who is collecting them, or having someone stay with them until they are collected if it is not appropriate for them to re-join their session.

12. Promptly and accurately record what they have said, and your responses and actions.

**13. Report immediately to your Child Safeguarding Representative.**

If an **adult** raises concerns about the safety or wellbeing of their child or another child:

1. Prioritise the concern/s even if it is not convenient.
2. Reassure them that it is good that they have shared this information.
3. Listen carefully.
4. Keep calm and supportive.
5. Advise that you will record the discussion in writing.
6. Clarify basic details if necessary but do not investigate.
7. Do not make promises e.g. that you will not tell anyone.
8. Explain that information may need to be repeated to authorities.
9. Advise them of immediate next steps.
10. Do not contact the alleged offender.
11. Promptly and accurately record what they have said, and your responses and actions

**12. Report immediately to your Child Safeguarding Representative.**

**Note:** Anyone receiving a disclosure or allegation may report directly to the police or Oranga Tamariki, any concerns they may have in relation to the safety and welfare of a child or young person, regardless of whether they have also reported that matter internally.

### **Child Safeguarding Representative Responding to and Reporting Disclosure or Allegation**

#### **1. Receive and record information.**

1. Prioritise even if it is not convenient.
2. Reassure them that it is good that they have shared this information.
3. Listen carefully.
4. Keep calm and supportive.

Upon receiving a disclosure or allegation of abuse or neglect involving a child or young person, the Child Safeguarding Representative should complete a **safeguarding incident record**. This information, including the time the disclosure took place, who was present etc, should be recorded as soon as possible while the

details remain fresh. This must be filed securely (electronically and a hard copy if available).

## **2. Assess the situation.**

The Child Safeguarding Representative makes an assessment as to whether to make a **report of concern** to Oranga Tamariki and/or the police. This decision should not be made independently. The Child Safeguarding Representative should discuss with another Child Safeguarding Representative, or a member of the board or committee. They can also contact Oranga Tamariki for advice.

If it is determined that a report of concern is not necessary, proceed to step 4.

## **3. Report.**

If the Child Safeguarding Representative who is handling the allegation suspects or believes on reasonable grounds that a child or young person is, has been, or is at risk of being, the subject of physical, sexual, emotional, or psychological abuse, neglect, or exposure to family violence, they must immediately report the matter to Oranga Tamariki and/or the police.

The Child Safeguarding Representative may also report the matter to Oranga Tamariki and/or the police if they have concerns for the safety and/or wellbeing of a child even if they do not fall within the above criteria.

**Note: The Child Safeguarding Representative handling the allegation must contact Oranga Tamariki for advice if there is any doubt about whether the allegation should be reported to authorities.**

If it is deemed necessary to report to Oranga Tamariki and/or the police, this must be done immediately i.e., before the end of the person's shift/session of work.

### **Additional reporting**

- If not already done so, the Child Safeguarding Representative should inform the direct manager and/or board or committee of the report made to the authorities. All reports of concern **must** immediately be shared with Gymnastics New Zealand who will also store confidentially.

## **4. Conduct a risk assessment.**

When any person is alleged to have been accused of, investigated for, or charged with child abuse or misconduct with a child or young person, the Child Safeguarding Representative must assess the level of risk to children and young people in relation to the alleged offence.



The level of risk will determine what immediate and/or interim safety measures should be implemented by the organisation. These measures should be documented with the safeguarding incident report.

## 5. Implement safety measures.

If there is any risk to children and young people, the Child Safeguarding Representative or relevant management must take any action necessary to safeguard the child or young person (and other children and young people in its care) from additional harm through options such as:

- Removing or suspending the member or person from duty until the validity of the allegation is determined.
- Redeploying the respondent to a position where they do not work with children or young people.
- Suspension of membership.
- Additional supervision of that member or person.
- Restrictions on gymnastics related event attendance/participation.

Such safety measures may be put in place prior to, or during an investigation (internal or external), and/or following the outcome of an investigation.

In making the assessment, the organisation must ensure natural justice is always observed. It is important to recognise that the fact that a person is being investigated for, or charged with, a criminal offence does not mean that person is guilty of that offence. It is also important to maintain confidentiality and privacy of all concerned (including where interim safety measures have been taken).

Interim safety measures must be put in place as soon as practicable by the organisation and must also be commensurate with the level of risk determined through the initial risk assessment. For example, all allegations of sexual abuse where an applicable person involved in the organisation has access to children or young people will be considered high risk and therefore the strictest interim safety measures should be considered.

**Important: The risk to a child must be assessed on the presumption that the allegation has merit.**

**Important: Where the livelihood of a respondent to a complaint is likely to be adversely impacted by any disciplinary measures imposed, including interim safety measures such as a suspension, the organisation should seek legal advice prior to imposing interim safety measures.**

## 6. When not reporting to Oranga Tamariki or the police.

If it is determined through assessment that reporting to the police or Oranga Tamariki is not required. The following steps should be taken:

1. Complete a safeguarding incident record and store securely.
2. Determine what actions should be taken to address the disclosure or allegation and record these.
3. Any action will be taken under (and must follow) the organisation's complaints policy or the Disputes and Disciplinary Policy if it is Gymnastics New Zealand.
4. Ensure that all appropriate people are informed including the parent or caregiver.
5. Provide feedback to the person raising the disclosure or allegation so that they are aware of what steps have been taken.
6. Carry out actions determined above to ensure that the issue is appropriately addressed. This could include staff training, introducing additional safety measures, changing coaching practice.
7. Review and update the safeguarding incident record to show actions taken.

## **7. Provide support.**

It is important to ensure that the organisation supports all staff, members, respondents, children, and young people throughout this process.

Support may include:

- providing an opportunity for members or staff to 'debrief' with senior management of the organisation
- offering professional services e.g., counselling to the respondent, child, or young person (or their family or staff and members or volunteers involved)
- providing ongoing monitoring of the child or young person to monitor their wellbeing
- meeting with the child or young person and their family to discuss the concerns (if appropriate)
- meeting with the respondent to discuss the concerns (if appropriate)
- allowing the respondent or child or young person to appoint a support person that may be present during meetings with the organisation
- further safeguarding and child protection training for the club and its staff

Support for the respondent must include making it clear to all other staff who are aware of the allegation that:

1. the allegation does not mean the person is guilty, and that the allegation will be properly investigated and will include the right to natural justice, and
2. they are not to discuss the matter with any person, except as directed by police, Oranga Tamariki and/or the Organisation and only in direct relation to investigation of the allegation.