



Child Protection Policy 2020

Introduction

New Zealand Cheer Union is committed to safe sport and recreation for young people and 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.

The purpose of this policy is to outline what is safe sport for young people and to offer guidance on how to provide a safe sporting environment for children.

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.

This policy can be easily adopted by member organizations.

For the purposes of this policy and associated procedures, children or young-people are recognized as people under the age of 18 years.

What is safe sport for children?

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

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

- There is an over-emphasis on winning by parents or coaches
- Some athletes miss out while only the best athletes participate consistently
- some participants are favoured over others
- they feel they're not on good terms with the person in charge
- they cannot participate with their friends
- they fear being hurt
- they don't feel safe
- there's no emphasis on fun
- they don't feel that they are improving or developing their skills.





Policy Pledge, Principles and Objectives

Policy Pledge

All sports organisations that provide sport for young people should be fully committed to safe guarding the welfare of all children in their care.

The New Zealand Cheer Union and its member organisations recognize and pursue the responsibility to promote safety, and protect children from harm and exploitation.

Staff and volunteers will do this by working together to ensure a safe environment for children participating in our sport and adhering to the principles and guidelines of this Policy.

Policy Principles

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

- Young people have a right to participate in sport and recreation that is safe;
- the welfare of children is the primary concern and child protection is everyone's responsibility;
- Children should feel respected, valued, and encouraged to enjoy their participation and to reach their full potential;
- 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;
- Sport and recreation organisations have a duty of care when it comes to children. These organisations should take steps to ensure that children can participate safely in the activities they provide;
- Sport and recreation organisations are required to ensure all staff at gyms, schools and events are Police vetted.
- 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, parents, coaches, staff, and events, to promote the welfare, health and development of children.

Policy Objectives

The aim of this policy is to get sport organisations to:

- Promoting the health and welfare of children by providing opportunities for them to take part in [sport] safely;
- Respect and promote the rights, wishes and feelings of children;
- Promoting and implementing appropriate procedures to safeguard the well-being of children and protect them from harm;
- Commit to 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;
- Require and educate children, staff, members and volunteers to adopt and abide by this Child Protection Policy and these procedures;





- Promote the collective responsibility within our sport for ensuring safe sport for children;
- Commit to 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.

Code of Ethics & Conduct

As noted in the NZCU Rules, the New Zealand Cheer Union adopt the Code of Ethics & Conduct as published by the International Cheer Union, and as amended from time to time, which specifically relates to cheerleading.

Member organisations are required to adopt this Code of Ethics & Conduct to provide guidance on acceptable and unacceptable behaviour by athletes, coaches, officials, parents and supporters.

Furthermore, organizations can adopt or develop further Codes of Conduct. Sport New Zealand have developed a Code of Conduct that reflects the different ways people are involved with clubs and associations. This available from Sport New Zealand: www.sportnz.org.nz.

Good Practice Guidelines for Working with Young People

The following 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 minimizing the risk of an allegation or complaint being made.

1. Apply 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. Create 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 or supervision.
- Ensure that children use appropriate protective equipment.
- 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 or 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.
- Do not drink 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 behavior (this includes cyber/text bullying).
- Do not bully or place unnecessary pressure on young people.

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. Have another adult present or at least another athlete.
- 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. If this is unavoidable, have them sit in the back seat.
- 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 that is not your son or daughter.
- Travelling creates higher-risk environments. Take extra care to ensure athletes and volunteers are not exposed to undue risk.

Recruitment and Training Processes for Staff and Volunteers

Part of a sport or recreation provider's duty of care requires them to ensure that only suitable staff and volunteers are working with children. This means developing a simple but robust recruitment process that involves some form of screening, which includes police vetting.

Recruitment Process:

1. Creating role descriptions

Simple role descriptions make it easy to find the right type of staff and volunteers. The role description should outline the purpose of the role, what is involved, and the desired skills and experience. This also helps recruitment by providing a clear role scope and dispelling any insecurities volunteers might have about not having the skills, or concerns they'll end up over-committed.





2. Interviewing candidates

Short interviews with staff or volunteers help communicate clear expectations about the role and the type of person the appropriate candidate is likely to be. It is a chance to share information, ask and answer questions, and emphasize the organisation's Child Protection Policy.

3. Follow up with the candidate's referees

Candidates should provide contact details of at least one referee who can be contacted to discuss their suitability for the role. This is particularly important for roles that potentially carry a higher risk.

4. Screening applicants – police vetting

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

Roles and Responsibilities

The New Zealand Cheer Union will appoint a Child Protection Officer (or another suitable role with responsibility for child protection issues) and recommend our members also have a point of contact within their own organizations. This person is your supporter for child protection and can lead the implementation of this Child Protection Policy. They can also act as a positive role-model for the creation of a safe environment for children and the adults that work with them.

Their main responsibilities would include:

- Ensuring that child protection procedures are understood and adhered to by all members
- Organising promotional activities and training, and raising awareness within the organisation
- Establishing and maintaining the complaints procedure
- Reporting to the Board, Executive, Committee, or 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.

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 volunteers 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, and compare them against the Code of Conduct and Good Practice Guidelines – this helps minimise the risk of allegations or complaints against that person
- Respond in a positive way to concerns raised about staff or volunteers i.e. via training to improve practices.

This Policy is designed to support the education and training of staff and volunteers. New staff and volunteers should be given a copy of this Child Protection Policy and be able to demonstrate an understanding of the Code of Conduct and Good Practice Guidelines.

It is good practices to have the Child Protection Officer (or equivalent person) take new staff and volunteers through this policy and have them sign a copy of the Code of Conduct.

Misconduct, Complaints and Investigative Process

This section of the Policy outlines how concerns should be reported.

The New Zealand Cheer Union and member organizations should be prepared to deal with the following situations:

- When a child discloses that harm has occurred - the appropriate way to respond is to stay calm, reassure the child, listen, keep questions to a minimum, record the information, take immediate action if the child is unsafe;
- Reported or suspected concerns should be brought to the attention of the Child Protection Officer or NZCU Board as soon as reasonably possible;
- Disciplinary action will be taken when this policy is breached or good-practice guidelines are not followed;
- An investigative process will be followed when an allegation or complaint is made or harm has occurred;
- Where harm, in the form of physical or sexual abuse is suspected or reported, Police and/or Child, Youth and Family are to be contacted immediately.

What is Misconduct?

Misconduct occurs when a code of conduct is breached. Serious misconduct occurs when there are serious or repeated breaches of the code of conduct. When dealing with misconduct there is an escalating scale of options that could be employed. These range 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.

Addressing Concerns Over Poor Practice, Allegations and Complaints

Where concerns about poor practice or breaches of codes of conduct are identified or reported, proactive action should be taken to reduce the risk of harm.





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

If a complaint or allegation of harm is made then the investigative process to be followed is outlined below.

A process of addressing concerns and complaints is as follows:

- Initial concerns should be discussed with our Child Protection Officer, or nominated person, to determine if a breach or potential breach has occurred.
- Child Protection Officer to address person involved to remind them of the good practice guidelines and code of conduct.
- Child Protection Officer to formally talk to the person concerned about specific breaches of the code of conduct.
- Where there is an ongoing and legitimate concern, or a complaint has been received and investigated by the Child Protection Officer, then this should be raised by the Child Protection Officer with the board or committee to consider appropriate disciplinary action (refer to the Potential Disciplinary Outcomes section).
- 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 this organisation.
- Serious allegations may require immediate formal action.

Responding to Suspected Harm in the Nature of Physical or Sexual Abuse

Alleged physical or sexual abuse is very serious and requires an immediate response. In responding to suspected physical or sexual child-abuse there are a few key principles that should be applied immediately:

- Ensure the child is safe from immediate harm. The welfare and interests of the child is the first thing to be considered.
- Immediately notify the Child Protection Officer or nominated person-in-charge.
- Suspected and actual incidences of reported harm should be responded to, and recorded accurately and appropriately, as soon as possible. Records should be factual (not opinion or hearsay), concise, and include:
 - The nature of the allegation
 - Who noticed/disclosed the harm and their relationship to the child
 - Details of any witnesses
 - Signs and symptoms noted (including behavioural change)
 - Any particular incidents with dates, times and places (if possible)
- Notify *Child, Youth and Family* (0508FAMILY) if you are worried about suspected physical or sexual abuse or, if you think the child is at immediate risk, notify the Police.

A more detailed process in relation to suspected or reported physical or sexual abuse is provided in Appendix1.





Other Considerations

Arrange of other factors may be relevant when managing a potential-harm situation.

- **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, privacy for example. They also have a reputation and families of their own, so it is important to carefully investigate any complaints and follow a robust and fair process.
- **Managing media interest**
This is very important because you are dealing with the reputations of people within our sport and the sport of cheerleading itself. As such this needs to be carefully managed and you may need to seek professional assistance.

Support the Child and the Family Should a Child be Harmed

When a child has been harmed, there is a range of people and places that can provide support. It may help the child and their family if the sports club can provide some support.

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

Other agencies/organisations that can provide support:

- **ACC** by providing financial support where a child has been physically harmed, or by providing approved counselors 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.
- **Kids Line** 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** By providing social services run by iwi, hapu and Māori organisations working with people in their rohe (tribal area).

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

One of the exercises that our member organisations should go through is to make a list of local agencies and note their contacts.





Allegations or Complaints that are Frivolous or Malicious

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

This policy set out how this situation will be managed. 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, we will consider any contractual/ employment rules and requirements. We will also allow an opportunity for the person to be heard in response to any allegations made.

Potential Disciplinary Outcomes

This section sets out the possible outcomes of an investigative process. Outcomes may include:

- 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.

Actions or penalties that could potentially result from a breach of the policy include:

- Verbal warnings
- 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
- Refer the matter to an appropriate authority i.e. *Child, Youth and Family* or Police.

Further Information

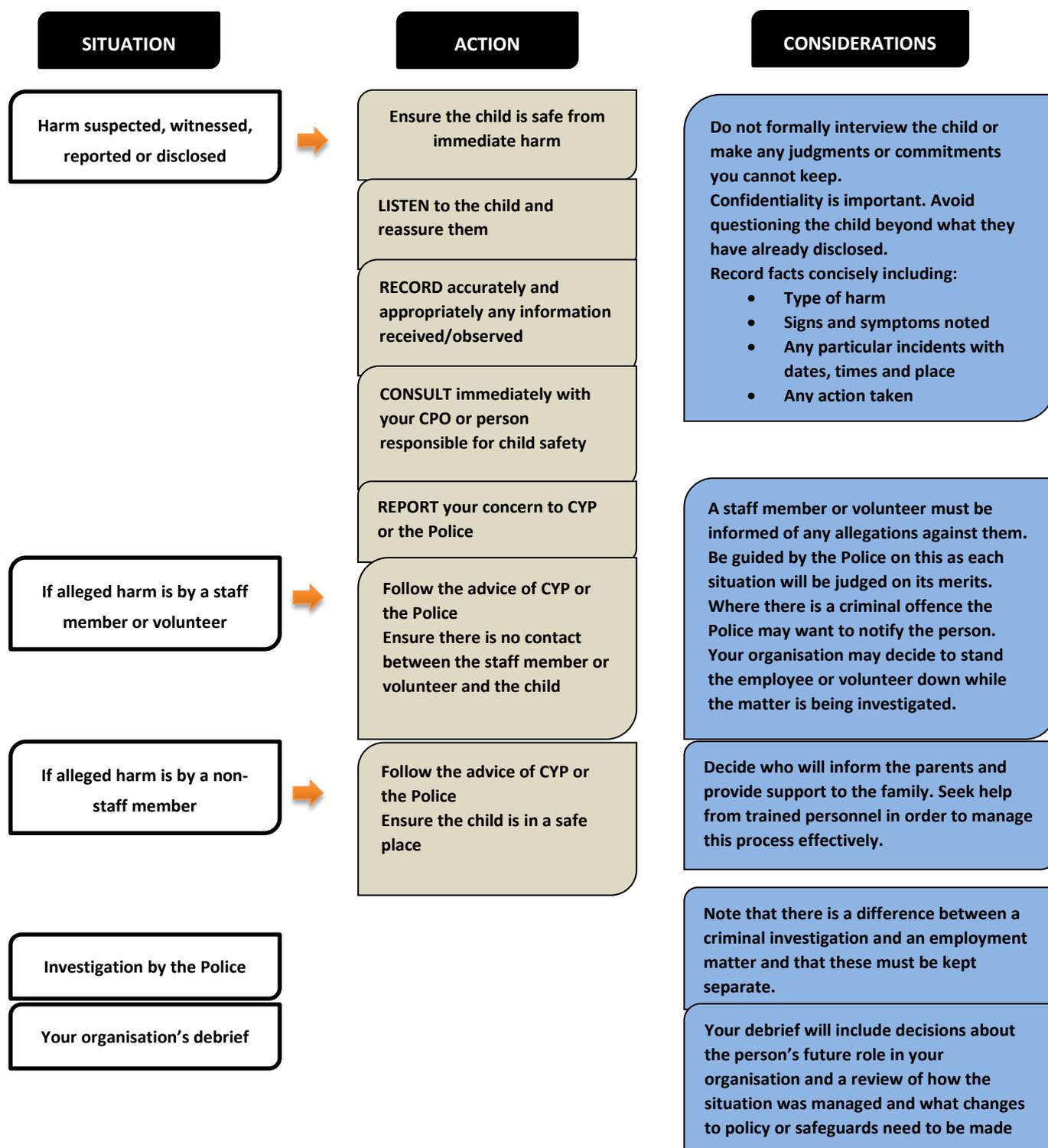
This policy guide is developed from resources provided by Sport New Zealand and the New Zealand Government. Additional information and resources are available from:

- Sport New Zealand: www.sportnz.org.nz –(Safe Sport For Children)
- New Zealand Government: www.childrensactionplan.govt.nz

The New Zealand Cheer Union will continue to update and improve the resources we provide, if you have any questions or suggestions please contact us - admin@nzcu.org.



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.

