

# Child Protection Policy



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## 1. What is this policy for?

Hamilton City Gymnastics is committed to creating a positive culture within the club 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 appendix is to:

- protect children and young people from abuse and neglect and to safeguard their wellbeing
- outline Hamilton City Gymnastics's commitment to protecting children and young people involved with this club in any activity.
  - 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 and volunteers 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

It replaces three previous policies:

- Suspected Child Abuse Policy (undated)
- Child Discloses Abuse by a Staff Member (undated)
- Child Protection Policy dated May 2022.

## 2. Who does this policy apply to?

This policy applies to anyone involved with Hamilton City Gymnastics whether they are in a paid or unpaid/voluntary capacity

This includes (but is not limited to) the following people:

- all children and young people up to the age of 18 associated with the club.
- 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
- 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 Hamilton City Gymnastics including child protection agencies

### 3. Organisations' Responsibility Statement

3.1 The overall responsibility for safeguarding children and young people at Hamilton City Gymnastics rests with the Hamilton City Gymnastics Management Committee and sits within the portfolio of the Centre Manager (CM)). The CM in collaboration with the HCG Child Safeguarding Representative is charged with the implementation and embedding of this policy.

3.2 Hamilton City Gymnastics accepts the responsibility to create a culture where the safety and wellbeing of children and young people is prioritised and will implement and embed robust procedures to safeguard and protect children and young people.

3.3 Hamilton City Gymnastics is accountable for having in place arrangements that reflect the importance of safeguarding and promoting the welfare of children and young people including

- ensuring that the 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 unsupervised 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 organization.
- 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. Definitions

| Term                     | Definition   |
|--------------------------|--|
| Appropriate agency       | This may include any of the following agencies:<br>a) the Ministry for Children/Oranga Tamariki<br>b) the Ministry of Health<br>c) the Ministry of Social Development<br>d) the Ministry of Education<br>e) the Ministry of Justice<br>f) the New Zealand Police   |
| 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              | 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:<br>a) is the only child or young person worker present; or<br>b) is the child or young person worker who has primary responsibility for, or authority over, the child or young persons present.<br><br>This definition is adopted from the Children’s Act 2014. |

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| 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.<br>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.<br>Harassment can include threats, derogatory jokes, racial slurs, personal insults, or unwanted touching.  |

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| Neglect              | <p>Any act or omission that results in impaired physical/emotional functioning, injury or development of a child or young person and can include:</p> <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 getting the child or young person help if they are injured or in pain due to their sport.</li> <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       | <p>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 overtraining, training, or competing with existing injuries; unsafe equipment or facilities; poor technique; and violent or aggressive behaviour.</p>   |
| 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.  |

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| 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> . |

## 5. Child Safeguarding Representative

5.1 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 undue bias and influence.

## 6. Confidentiality and Information Sharing

6.1 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.

6.2 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.

6.3 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.

6.4 When gathering, storing, or disclosing personal information about individuals, workers must comply with the Information Privacy Principles set out in the Privacy Act 2020

Principle 5 which states that organisations must ensure there are safeguards in place that are reasonable in the circumstances to prevent loss, misuse or disclosure of personal information.

6.5 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.

6.6 Where a safeguarding concern is external to the club, advice about whether sharing is appropriate can be sought from an appropriate agency without disclosing any personal information in the first instance.

## 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. Gymnastics New Zealand Safeguarding and Child Protection Policy 22
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.