



## **Safeguarding and Child Protection Policy**

North Harbour Gymnastics is focussed on creating and embedding a safeguarding culture. In creating a safeguarding culture, we trust our revisions will demonstrate child-centred practice and a culture where everyone is safeguarded.

Developed with support from Holistic Safeguarding, we trust our Safeguarding and Child Protection Policy reflects the many steps North Harbour Gymnastics is taking to strengthen our safeguarding solutions and embed our safe and best practice expectations.

Developed with support from



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Safeguarding You  
to Safeguard Children

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## Document Control

Prepared by: North Harbour Gymnastics and Holistic Safeguarding

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CEO Approval Signed:

**Mike Thompson, CEO**

Board Endorsement Signed:

**Richard Wood, Chair**

### 1. North Harbour Gymnastics' Commitment to Safeguarding

North Harbour Gymnastics commits to creating, maintaining and embedding a Safeguarding Culture. We recognise an efficient and effective safeguarding culture is critical to protecting all people:

- Accessing North Harbour Gymnastics' activities and programmes; or
- Serving in North Harbour Gymnastics' activities and programmes.

We acknowledge that being a safe organisation does not just happen, safeguarding is holistic and it requires conscious action to ensure everyone is safeguarded. For North Harbour Gymnastics, it is our moral and mission-driven responsibility to be a safe organisation that protects all people from vulnerability or harm, including risks of possible abuse and/or neglect.

Caring for the well-being and welfare of our members is paramount. This policy focuses on our commitment and responsibilities for children/young people. However, the same considerations are also strongly encouraged when relating to safeguarding adults; particularly those with responsibilities towards dependents.

Safeguarding is a shared responsibility and in order to create a safeguarding culture, North Harbour Gymnastics workforce (all employees, volunteers, consultants and contractors) are required to operate within all North Harbour Gymnastics mandatory and expected safeguarding processes. However, with safeguarding being a shared responsibility across our culture, we need the support from all of our partners. Therefore we also strongly encourage all people engaged with North Harbour Gymnastics (children/young people, parents/guardians or other adults), to adopt and advocate our safeguarding culture. This includes making sure North Harbour Gymnastics is informed of any worries or concerns relating to the safety or well-being of a child(ren) or young person(s).

Everyone has a shared responsibility to:

- Protect children, young people and adults from all forms of known or suspected abuse and/or neglect.
- Uphold North Harbour Gymnastics' safeguarding culture.

## 2. Policy Scope and Principles

### 2.1 North Harbour Gymnastics' Definition of a Child/Young Person

North Harbour Gymnastics defines a child/young person as someone aged from 0-18 years (up to their 18th birthday), who is not married or in a civil union. We recognise:

- A child as being 0-11 years.
- A young person as being between 12-18 years.
- A young adult as being 18 -24 years.

All further definitions for this policy can be found in **Appendix 1**.

### 2.2 North Harbour Gymnastics' Programmes and Facilities

With over 2000 members (and growing), North Harbour Gymnastics programmes are running all day every day in several venues, currently employing more than 80 workers.

Venues North Harbour Gymnastics currently operates:

- |                      |                            |
|----------------------|----------------------------|
| • Eventfinda Stadium | • Glamorgan                |
| • Orewa              | • MiniGym @ Glenfield Mall |
| • Hibiscus Coast     | • Marist College           |
| • Kristin School     | • Glenfield College        |

North Harbour Gymnastics programmes include (but are not limited to):

- |   |                           |
|---|---------------------------|
| • Pre-school and toddler gym  | • School and Kindy visits |
| • Mini Ninjas   | • Rhythmic Gymnastics     |
| • Recreational Gymnastics (after school programme)<br>artistic and rhythmic | • Trampoline              |
|   | • Competitive Gymnastics  |

This policy is applicable to all North Harbour Gymnastics' venues and programmes ensuring:

- All those accessing our programmes are protected;
- All those acting on our behalf, do so within the best interests of children/young people and adults, demonstrating safe and best practice; and
- All engagement is undertaken in accordance with North Harbour Gymnastics' safeguarding expectations that are designed to be respectful of all reasonable steps in safeguarding our children/young people, North Harbour Gymnastics' workforce and North Harbour Gymnastics.

## 2.3 Policy Scope

This policy applies to all North Harbour Gymnastics staff. The importance of advocating North Harbour Gymnastics' safeguarding responsibilities, as noted within this policy, is also applicable to all other personnel being engaged by North Harbour Gymnastics.

It is intended to safeguard and protect all children/young people regardless of age, disability, gender, race, religious belief, sexual orientation or identity that North Harbour Gymnastics may encounter or become aware of (if not directly accessing North Harbour Gymnastics' programmes, e.g. siblings, etc.). It is also designed to safeguard North Harbour Gymnastics' workforce and North Harbour Gymnastics as an organisation.

### 2.3.1 North Harbour Gymnastics' Definition of a Staff

North Harbour Gymnastics defines staff as –

- All employees (paid or voluntary staff).
- Any consultants and/or contractors being commissioned by or engaged by North Harbour Gymnastics.

## 2.4 Policy Principles

North Harbour Gymnastics is committed to:

- Ensuring the safety and well-being of children and young people.
- Ensuring North Harbour Gymnastics' programmes reflect a consistency of practice in promoting safety, well-being and best practice.
- Fulfilling our moral, legal and mission-driven commitment to safeguarding, advocating this as a shared responsibility.
- Ensuring the child's well-being remains the overriding priority, particularly when responding to any suspected or confirmed abuse concerns.
- Protecting any person(s) believed to be suffering from harm, abuse and/or neglect, in working together with child protection services and acting within North Harbour Gymnastics' organisational level of responsibility.
- When responding to well-being concerns, North Harbour Gymnastics' recognises the importance of working together with families when making decisions relating to their child(ren) (unless doing so may result in increasing any risk for the child(ren) and/or any other person).
- Encouraging anyone to report suspected or known child abuse to NZ Police or Oranga Tamariki as guided by North Harbour Gymnastics Safeguarding and Child Protection Policy.

## 3. Legislation and Sector Requirements

North Harbour Gymnastics' Safeguarding and Child Protection Policy and structures are compliant with and reflective of our legislative requirements and applicable sector standards, as well as other associated North Harbour Gymnastics policies and procedures (existing and to come) where applicable. Further information on applicable legislation can be found in **Appendix 2**.

### 3.1 Duty of Care

For all children/young people enrolled in our programmes, our duty of care includes protecting any person from any unnecessary risk of adversity and/or harm. All possible care must be taken to ensure everybody's well-being and safety is met.

North Harbour Gymnastics recognises the parental duty of care is passed from the parent/guardian to North Harbour Gymnastics when a child/young person is engaged within a North Harbour Gymnastics program and that service is being provided independently from their parent/guardian's supervision.

## 4. North Harbour Gymnastics' Safeguarding Culture

Creating and achieving a Safeguarding Culture is an ongoing evolving commitment and one North Harbour Gymnastics is proud to have committed to.

### 4.1 Leadership and Governance

North Harbour Gymnastics recognises that establishing and embedding a Safeguarding Culture requires the commitment, modelling and leadership of our Leaders and Governance. North Harbour Gymnastics' Leadership commits to demonstrating their commitment to safeguarding via their:

- Own professional practice;
- Taking ownership for North Harbour Gymnastics strategic safeguarding needs and expectations within their areas of responsibility.
- Using their position of influence to positively guide the thinking and behaviours of others throughout North Harbour Gymnastics.

Our leaders also commit to supporting ongoing safeguarding improvements, ensuring continuous development against North Harbour Gymnastics current and upcoming needs.

#### 4.1.1 Safeguarding Staff - Designated Person

North Harbour Gymnastics' has created a Designated Safeguarding Person position. This position holds specific safeguarding responsibilities to operationally drive and manage North Harbour Gymnastics' internal safeguarding and child protection requirements, including those identified under legislation and known best practice.

A core element of this role is supporting staff and members with any safeguarding and/or child protection advice, guidance and/or support needs. This includes responding to any reports of concern relating to a child's well-being and/or an allegation against a staff member.

Our Designated Safeguarding Person can be contacted via:

Email - [safety@nhgym.co.nz](mailto:safety@nhgym.co.nz)

## 5. Safe Workforce

### 5.1 Safer Recruitment

North Harbour Gymnastics is proud to be progressing from legislated safety checks to implementing best practice Safer Recruitment, which exceeds our legal Children's Act 2014 requirements. North Harbour Gymnastics safer recruitment is inclusive of both risk assessment and police screening processes. It is to be undertaken for those:

- Employed or engaged by North Harbour Gymnastics - paid position or as an unpaid/Volunteer position; or
- Undertaking unpaid work that is undertaken as part of an educational or vocational training course; or
- Being engaged by North Harbour Gymnastics as a Contractor when their work involves engaging with or working within environments serving children/young people.

**Omitting or ignoring any of North Harbour Gymnastics' safer recruitment due diligence requirements will be reviewed as serious misconduct and may result in disciplinary action, up to and including dismissal.**

#### 5.1.1 Risk Assessment Processes

North Harbour Gymnastics will be applying safer recruitment risk assessment processes to enable a thorough checking of an applicants' suitability for the role, responsibilities and to be in contact with children, young people and their families. Key processes include:

- All position adverts reflecting North Harbour Gymnastics as a safe organisation and one that adopts safer recruitment processes.
- All positions being based against a Position Description that incorporate safeguarding responsibilities.
- An Application Form (CV's may accompany an application form).
- Interview processes that include safeguarding components.
- Identification verification and verification of the right to work in New Zealand.
- Police Screening to appropriate position requirements.
- Information verification of qualifications, certificates and registrations (if applicable).
- References (minimum of two and include safeguarding questions) and verification of references.

#### 5.1.2 Police Screening

North Harbour Gymnastics values support structures, such as police screening. However, we also recognise any background check is only as suitable as the day it was completed and the data known at that time. Therefore, in addition to police screening upon appointment, we will also renew staff police checks. We aim for this to be bi-annually and at no stage exceed the legal requirement of every 3 years.

- All offers of employment and/or engagement are subject to a satisfactory police screen.
- Police screening is to be completed prior to any employment or engagement commencing.
- Police checks conducted under the Children's Act 2014 are exempt from the Criminal Records (Clean Slate) Act 2004.
- All applicants must inform those managing their recruitment and/or HR directly, at the time of recruitment, of any criminal conviction(s) or charge(s) that are pending and/or any past convictions.
- Upon employment and/or at any time during North Harbour Gymnastics employment and/or engagement, the applicant must inform their Manager and/or HR directly, of any criminal conviction(s) or charge(s) that are pending and/or any past convictions not previously disclosed.



### 5.1.3 Negative Results

If a police record check reveals a history or any criminal conviction(s) that is unsatisfactory or has failed to be declared by the applicant during any stages of recruitment, the matter will be discussed with the applicant and a determination will be made as to the appropriate course of action.

For a police screening check result that does hold an offence(s), but that offence(s) **does not meet** with the Children Act 2014 Schedule 2 Specified Offences (which require Ministry exemption), North Harbour Gymnastics will take into consideration the below factors when making decisions regarding workforce suitability:

- The applicant's openness and honesty throughout the recruitment process.
- Any police screening advice, guidance and/or recommendations (if applicable).
- The seriousness of the offence.
- The age of the individual at the time.
- Offence timeframes.
- Any mitigating circumstances and/or influencing societal conditions relating to the offending and/or timeframe.
- The probability of risk relating to the same or similar behaviour reoccurring.
- The individual's commitment to rehabilitation and changing their perspectives and behaviour in question.

In certain circumstances, if the police check is unsatisfactory or if the applicant has provided fraudulent information or failed to declare relevant information, an offer of employment or engagement will not be made or may be rescinded.

Likewise, if an employee has an unsatisfactory police check result or if the staff member has provided fraudulent information or failed to declare relevant information, their employment or engagement could be terminated immediately.

### 5.1.4 Renewed Police Vetting

By demonstrating best practice, North Harbour Gymnastics will be seeking to exceed our Children Act 2014 requirements and will be renewing our staff police checks bi-annually (every 2 years) from their last check. At no stage will renewal periods exceed our legal requirement of every 3 years.

Additionally, North Harbour Gymnastics can at any time conduct a police check on a workforce member because of the nature of the organisation, the individual's work and/or changes in their position that require a revised police check.

## 5.2 Safeguarding Induction/Training

As part of North Harbour Gymnastics safeguarding culture, we will be introducing a mandatory safeguarding induction process for all new and existing staff. Our induction will be compliant with all requirements embedded within provision sector standards and other relevant North Harbour Gymnastics Policies and Procedures.

Our safeguarding induction will be aligned to ensuring all staff are familiar with the below until they are able to access further safeguarding guidance via other safeguarding support elements, e.g. their safeguarding training, etc.

- North Harbour Gymnastics' safeguarding and child protection policies and procedures.
- How to access any relevant resources and/or subsequent information.
- Our safeguarding staff structures.
- Safe practice expectations.
- Mandatory safeguarding and child protection training and refresher training requirements.

## 6. Safe Ways of Working

### 6.1 Staff Safeguarding Responsibilities

Safeguarding is a shared responsibility and all North Harbour Gymnastics staff are expected to:

- Recognise safeguarding as a shared responsibility.
- Adhere to our safeguarding policies and procedures, including new mandatory requirements.
- Ensure all child/youth engagement is within a safe and inclusive environment (this includes physical and online environments).
- Demonstrate their Position of Trust and safe practice by abiding by North Harbour Gymnastics Code of Conduct and ensure any breaches are reported as required.
- Be alert to identifying any possible concerns, including those that may relate to a staff member.
- Abide by mandatory internal reporting processes for any child or staff safeguarding and/or child protection concerns.
- Complete all required safeguarding learning and development within any identified timeframes.
- Ensure all practice promotes inclusivity.
- Be an advocate for North Harbour Gymnastics' safeguarding culture.

For those staff in designated safeguarding positions and/or holding specific safeguarding responsibilities, all additional safeguarding responsibilities will be reflected within their Position Description.

### 6.2 Position of Trust

The fact that someone is regarded as part of North Harbour Gymnastics workforce, particularly when engaging and/or working with children/young people shows that North Harbour Gymnastics trusts them and has effectively endorsed them having a level of authority. All of these components reflect what is known as a 'Position of Trust'.

This describes the relationship where an adult (18 years or older) or a peer (e.g. Young Leader) has or is perceived to have, power, influence or authority towards a child/young person's (under 18 years) life or well-being, by the nature of their role or duties within or associated to the programme and/or North Harbour Gymnastics.

As with all elements of power, there is potential for this power or position of influence, to be misused, to persuade and encourage or intimidate a child/young person into certain behaviours or activities. The potential for exploitation and harm means that staff have a responsibility to ensure that an unequal balance of power is not used for personal advantage or gratification. It is vital for staff/individuals to understand this power and be a positive role model for our children/young people. Staff should always maintain North Harbour Gymnastics Safeguarding Code of Conduct and appropriate professional boundaries, to help avoid any engagement and/or behaviour that could be open to an alternative interpretation and/or perceptions of grooming and/or abuse.

Due to the imbalance of power and risks of exploitation, North Harbour Gymnastics regards any person **using their Position of Trust or trusted association to us**, to instigate and/or engage in a sexual relationship and/or conduct (directly or indirectly) with someone under 18 years of age, as a serious breach of this Position of Trust. This is inclusive of and irrelevant to whether the young person is of a legal consent age.

All staff will be provided with a copy of North Harbour Gymnastics' Safeguarding Code of Conduct to ensure they have the awareness needed to promote and implement safe practice.

**Conduct in breach of our Position of Trust may be subject to disciplinary action up to and including dismissal. Any breaches of the law will be referred to New Zealand Police and/or other applicable welfare services.**

### 6.3 Safeguarding Code of Conduct

North Harbour Gymnastics will ensure our Safeguarding Code of Conduct (**6.5**) is communicated widely, so all those serving on behalf of or accessing North Harbour Gymnastics programmes know what is expected of North Harbour Gymnastics personnel.

The Safeguarding Code of Conduct is mandatory for all North Harbour Gymnastics Staff.

In developing our safeguarding culture, North Harbour Gymnastics will be promoting and communicating our Safeguarding Code of Conduct to staff through a range of channels including but not exclusive to:

- North Harbour Gymnastics Safeguarding Policies and Procedures.
- North Harbour Gymnastics Safeguarding Induction and Training.
- North Harbour Gymnastics Website.
- North Harbour Gymnastics Signage and Service Information.

North Harbour Gymnastics' Safeguarding Code of Conduct is designed to avoiding any engagement and/or behaviour that could be open to interpretation, perceptions of grooming and/or abuse or conflict with any expected professional conduct. Our Safeguarding Code of Conduct is part of our Safeguarding and Child Protection Policy and interpretations should be in conjunction with this policy.

North Harbour Gymnastics' appreciates that on a rare occasion, an unforeseen circumstance may arise that could require practice outside of an expected conduct element, e.g. an emergency situation. All circumstances should be managed to the best interests of the child/young person and as safely as possible for all involved. Should a breach of our policies or code occur, our Policy Breach Protocol should be followed. This ensures all breaches are managed in an honest and transparent manner. All incidents should be reported and recorded as noted within the Policy Breach Protocols.

Similarly, it is important that staff make sure all children and young people are aware of any programme ground rules/behavioural expectations, etc. This helps to support the enjoyment and safety of all children/young people and the safe practice of our staff.

#### 6.3.1 Physical Contact

Gymnastics is a sport that requires a certain level of physical contact for instructional and/or safety related reasons. All physical contact can be and is to be managed safely and in a manner that is respectful of and mindful to not all people liking or feeling comfortable with physical contact. At no stage should any physical contact with a child/young person:

- Cause pain, distress, harm and/or be of a sexual nature.
- Be touch that has been declined, voiced and/or otherwise indicated as being unwanted touch (e.g. body language, movement, etc.).
- Be unnecessary, e.g. something the child can perform on their own.
- Reflect a personal nature or be inappropriate affection towards a child/young person, e.g. sitting a child on laps, unnecessary/unwanted hugging/cuddling, etc.
- Promote or permit unnecessary physical contact, e.g. rough, boisterous play, etc.

Physical contact by staff should only be used when doing so meets the needs of the child/young person and the sport, e.g. to protect the child from injury, to provide first aid, treat an injury, provide instructional/technique development etc. Should a child/young person be in a clear need of emotional comfort, particularly if young of age (physically or

mentally) their needs should come first, staff can and should continue to respond to their needs while being mindful of aiming to keep practice as safe as possible.

When using contact, contact should replicate advocated techniques making sure there is a consistency of practice and conduct expectations are demonstrated. This is to help safeguard children and staff as supports minimising any practice that could otherwise be open to interpretation and/or perceptions of grooming. It is best practice for staff to check with the person before making any physical contact and for any programmes/activities requiring physical contact to be in open environments, in the line of sight of others.

North Harbour Gymnastics will be ensuring that all programmes requiring physical contact are represented within our service information, and parental awareness of our ways of working is clarified, and consent is obtained where applicable. This will be particularly applicable to any provisions representing 1:1 working between a staff member and a child/young person.

### **6.3.2 Verbal Engagement**

All verbal engagement should be positive and age/developmental level appropriate in language, topic and relevance to the child/young person's engagement with gymnastics. When promoting sport development, any instructional engagement should be mindful of continuing to encourage the young person's participation and belonging within gymnastics. Any correction should be offered respectfully, with encouragement and free from unrealistic pressure and/or expectations.

At no stage should any verbal engagement with a child/young person contain:

- Abusive, violent or sexually suggestive comments.
- Sexual flirting, innuendo or any other engagement that is open to perceptions of grooming.
- Any form of emotional abuse including threats, favouritism, bias, exclusion, swearing, reference to diversity differences and/or withdrawal of basic care necessities.
- Any form of communication that ignores, permits or enables physical abuse, this includes expectations upon a child/young person to continue engaging in the sport when there has been a clear disclosure and/or indicator of physical pain and/or injury.
- Any form of engagement that could be considered cruel, frightening or degrading, including the exploitation of any personal appearance factors, personal insecurities or sporting achievements/goals.

Should a young person instigate any verbal engagement that challenges or has the potential to challenge a staff member's expected professional boundaries, the staff member should immediately, politely but firmly reaffirm professional boundaries and as soon as possible record the incident with the Designated Safeguarding Person.

### **6.3.3 ICT Communication and Social Media**

To help maintain professional boundaries, all ICT and Social Media communication between North Harbour Gymnastics' staff and children/young people, where possible will be reflective of using official North Harbour Gymnastics channels and resources (e.g. North Harbour Gymnastics social media platforms), as opposed to staff's personal resources. Our Safeguarding Code of Conduct encompasses ICT and social media expectations. Any breaches of these concerns should be managed in accordance with North Harbour Gymnastics' Policy Breach Protocol.

Where possible, we will aim to ensure all ICT communication with children/young people is via or inclusive of their parent/guardian. For any of our services requiring direct ICT communication between staff and the child/young person, this will be reflected within our service information and parental consent is required for this practice.

### 6.3.4 Imagery

North Harbour Gymnastics only permits staff to capture the imagery (photos or videos) of children/young people accessing our services upon receipt of written parental/guardian consent and with a clear organisational purpose. Any consent must be reflective of an agreement to take imagery, as well as confirm to the parent/guardian the purpose of use and potential sharing of imagery, e.g. marketing/social media, etc. Staff must avoid using any personal identifying information for the child/young person unless permission to do so has been reflected within the consent obtained (e.g. for media coverage, etc.). Depending on our current and future systems, consent may be obtained via service registration processes and/or in subsequent consent forms, either hard copy or electronic formats.

### 6.3.5 Changing Rooms

North Harbour Gymnastics do differ between settings and are mostly designed for use by all members and visitors. This includes our changing rooms. Therefore changing rooms may be utilised by other members/visitors (for changing and showering) during the times of us delivering child/youth programmes. Where possible North Harbour Gymnastics will aim to:

- Allocate specific facilities for children and young people to use.
- Where specific allocation is not possible, restrict facility access for the children and young people at the beginning and end of programme sessions.
- Access during programmes may also reflect a process of children being in pairs.

### 6.3.6 Transport

Unless part of an identified and managed North Harbour Gymnastics' provision, it is not the responsibility of North Harbour Gymnastics staff to transport children and young people to and from programmes, events, activities, tournaments, etc. All transport needs must be managed by the child/young person's parent/guardian directly. Any need that differs from this expectation will need to be discussed with the Designated Safeguarding Person.

In circumstances where North Harbour Gymnastics is responsible for providing transport, staff must make certain transport provisions are compliant with New Zealand legislative requirements and the children/young people are in the supervised care of staff and other adults (if applicable) who have undertaken Police and/or Ministry of Justice screening. Children/young people are only to be included within any North Harbour Gymnastics transport arrangements upon the receipt of written consent from their parent/guardian.

## 6.4 Policy Breaches

North Harbour Gymnastics' Safeguarding Policies and Code of Conduct must be applied consistently.

- Any safeguarding policy breaches must be recorded and reported as per our Policy Breach Protocol.
- North Harbour Gymnastics' expects staff to have high standards of ethical and professional conduct at all times.
- Where a staff member's on or off duty conduct, negatively influences their ability to carry out normal duties or is detrimental to the best interests or reputation of North Harbour Gymnastics' (this could include inappropriate or adverse commentary online), such actions will be treated as breaches of North Harbour Gymnastics' Safeguarding and Child Protection Policy and Safeguarding Code of Conduct and may be subject to disciplinary action.

**Conduct in breach of North Harbour Gymnastics' Safeguarding and Child Protection Policy and/or Safeguarding Code of Conduct may be subject to disciplinary action up to and including dismissal. Any breaches of the law will be reported to New Zealand Police and/or other applicable welfare services.**

### 6.5 – North Harbour Gymnastics' Staff Safeguarding Code of Conduct (Includes Volunteers and Contractors)

OUR STAFF MUST	OUR STAFF MUST NOT
<ul style="list-style-type: none"> <li>✓ Only start active duties upon conclusion of ALL Safer Recruitment elements.</li> <li>✓ Reflect safeguarding as a shared responsibility.</li> <li>✓ Uphold all expected requirements including but not exclusive to:               <ul style="list-style-type: none"> <li>○ Always operating to the best interests of the child or young person.</li> <li>○ Maintain a duty of care, ensuring all environments and provisions reflect safeguarding requirements.</li> <li>○ Uphold child rights, including their right to be free from harm and abuse.</li> <li>○ Promote and uphold inclusivity.</li> <li>○ Wear North Harbour Gymnastics uniform.</li> </ul> </li> <li>✓ Demonstrate their Position of Trust by -               <ul style="list-style-type: none"> <li>○ Only using positive, encouraging and age/developmental level appropriate language when with or in the vicinity of children/young people.</li> <li>○ Only using North Harbour Gymnastics behaviour support processes when addressing any challenging behaviour.</li> <li>○ Using North Harbour Gymnastics ICT resources for communication needs.</li> <li>○ Be within the line of sight and sound of others.</li> <li>○ Adhere to all mandatory safeguarding requirements.</li> </ul> </li> <li>✓ Obey mandatory reporting processes, ensuring any safeguarding or child protection concerns are shared with North Harbour Gymnastics.</li> <li>✓ Ensure written parental consent is obtained for any applicable programme elements, this includes but is not exclusive to:               <ul style="list-style-type: none"> <li>○ Any child imagery (photography and/or videography).</li> <li>○ Transporting a child/young person.</li> <li>○ Taking a child/young person to any off-site programme activities, events, excursions, etc.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>✗ Leave a child or young person unattended or alone with an unauthorised adult.</li> <li>✗ Perform any conduct that may question their motivation, intentions or be open to perceptions of grooming. Includes but is not exclusive to:               <ul style="list-style-type: none"> <li>○ Exploiting their Position of Trust.</li> <li>○ Giving of personal gifts.</li> <li>○ Encouraging out-of-service/social contact and/or taking a child or young person to out-of-service facilities, e.g. personal home, etc. This includes online, e.g. social media, etc.</li> <li>○ Being secretive or encouraging secrecy amongst others.</li> <li>○ Demonstrating any form of preference, favouritism, bias or exclusion towards a child or young person.</li> <li>○ Exploit a person's appearance, insecurities or sport goals, achievements or abilities.</li> </ul> </li> <li>✗ Initiate or perform any physical contact that is               <ul style="list-style-type: none"> <li>○ unnecessary to the child's needs or the sport;</li> <li>○ that is not consented to; and/or</li> <li>○ that is unnecessary, e.g. relates to a task the child can do on their own.</li> </ul> </li> <li>✗ Use any form of physical discipline or communication that ignores, permits or enables physical abuse. This includes expecting a child/young person to continue engaging in the sport when there has been a clear disclosure and/or indicator of physical pain or injury.</li> <li>✗ Engage with any person in a manner that may be deemed as shameful, oppressive, humiliating, belittling or degrading.</li> <li>✗ Undertake any form of sexual engagement or behaviour (includes contact/non-contact behaviours) in the presence of, between or with an under 18 accessing North Harbour Gymnastics.</li> <li>✗ Attend work in possession of or under the influence of drugs or alcohol.</li> </ul>

**Any breach of these requirements may be subject to disciplinary action up to and including dismissal.**



## 7. Identifying Child/Young Person Welfare Concerns

Sadly, the prevalence of child abuse in New Zealand is shockingly high. Abuse has no boundaries and can be perpetrated by anyone, to anyone, and within any environment, this includes within sport. North Harbour Gymnastics, therefore, recognises that safeguarding and abuse concerns may relate to –

- A child or young person's well-being; and/or
- An allegation against a staff member.

**Should a concern relate to any of the below, these would be considered a safeguarding concern/allegation against staff and not a complaint.** Safeguarding concerns should be reported as identified within this policy (Section 9. Reporting/Referring Concerns).

- A child/young person or staff member is in a vulnerable position.
- A person's conduct towards a child/young person is or is potentially of concern.
- Staff conduct is against our Safeguarding Code of Conduct.
- An allegation has been made against a staff member.

Staff are to be alert to all possible indicators abuse and/or neglect and recognise our safeguarding remit includes protecting the children, young people and adults to whom we provide a service, whether concerns are within or outside of North Harbour Gymnastics. Hence the below guidance is not exclusive to recognising concerns within a gymnastics environment only.

### 7.1 Identifying Child Protection Concerns

**Section 2, Oranga Tamariki Act 1989** defines child abuse as:

*“child abuse means the harming (whether physically, emotionally, or sexually), ill-treatment, abuse, neglect, or deprivation of any child or young person”.*

As with child protection services, North Harbour Gymnastics recognises the following as categories of abuse:

- Physical Abuse;
- Neglect; and
- Emotional Abuse;
- Sexual Abuse.

For all categories, we recognise possible indicators could be physical or behavioural. When concerns, whether known or suspected, meet the below definitions, they are to be considered as child protection concerns.

### 7.3 Physical Abuse

#### Physical Abuse

Physical abuse is when a child is injured or has been placed at serious risk of being injured or suffering significant harm as a result of a physically aggressive act(s). Injuries may result from a single incident, or combine with other circumstances and may be deliberately inflicted or the unintentional result of behaviour, e.g. shaking an infant, physical discipline.

Physically abusive behaviour includes (but is not limited to) hitting, punching, shaking, throwing, slapping, shoving, kicking, biting, burning or scalding, drowning and suffocating. Faking or deliberately inducing an illness within a child may also be a form of physical abuse and this would include giving children harmful substances such as drugs, alcohol or poisons.

Physical indicators may include:

- Head injuries.
- Unexplained bruises, welts, scratches, cuts and abrasions (specifically regular, multiple, clustered and/or historic).
- Injuries in areas that are soft tissue, hidden and/or unusual places, e.g. face, back, tummy, buttocks, backs of legs, inner thighs, soles of feet, etc.
- Unexplained fractures, sprains, dislocations and broken bones. Particularly to the face, hip or shoulder dislocations. Especially in young babies or immobile children.
- Burn or scald marks (including cigarette burns, stove ring, iron, rope).
- Injuries with particular patterns, e.g. bite marks, belt mark; fingertip bruising (e.g. being forcefully held).
- Strangulation or suffocation marks.
- Poisoning and the ingestion of alcohol and drugs.
- Shaken Baby Syndrome – vomiting, signs of bleeding in their eyes, appear floppy and unresponsive.

Behavioural indicators may include:

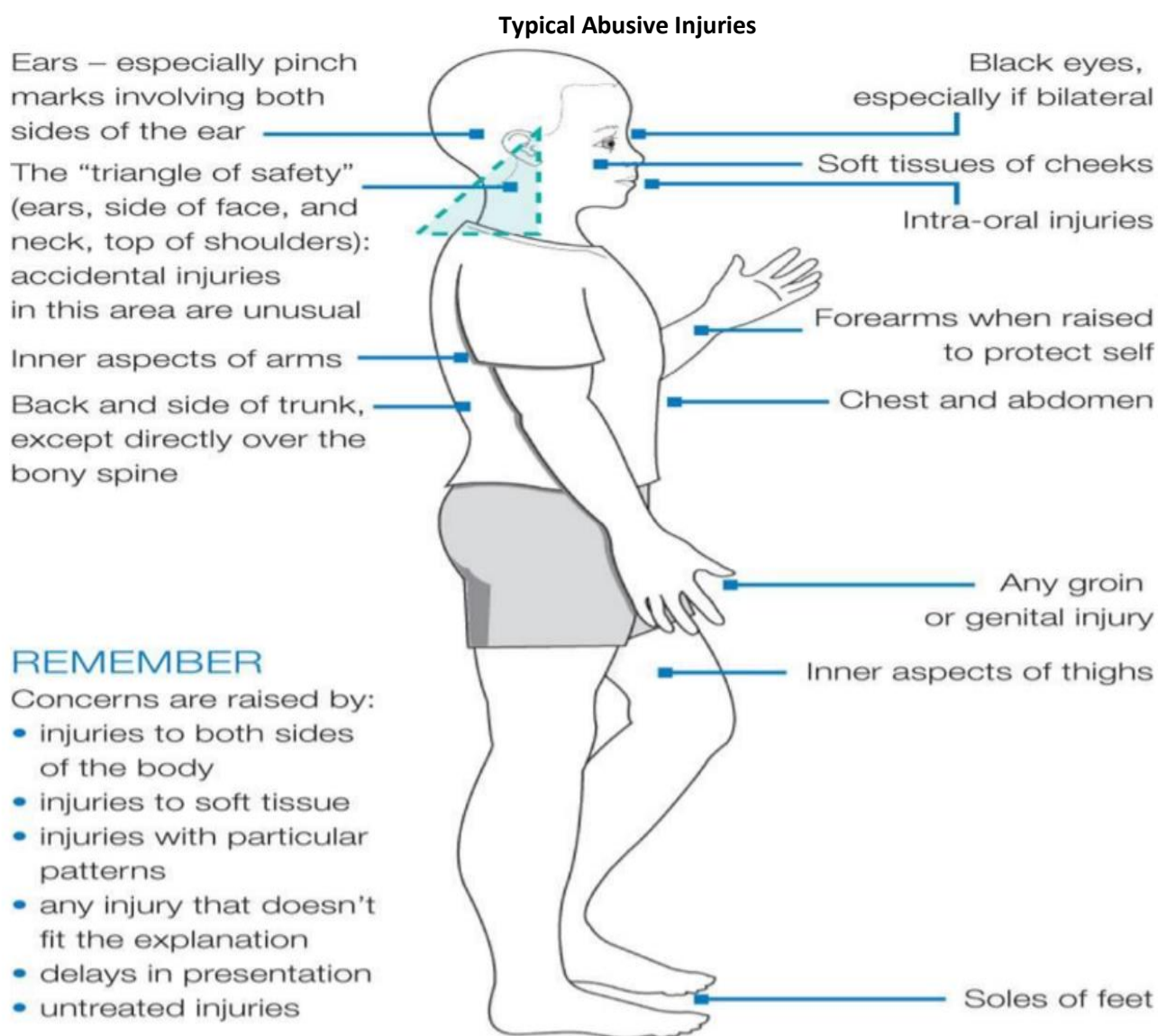
- Disclosing that physical harm has or may have occurred.
- Unlikely explanations for injuries (particularly if against the child's age/developmental level).
- Explanations not making sense, changing or differing (e.g. between parents, parent and child, siblings/friends, etc.) and/or not fitting with presented injuries.
- Refusal to discuss/access medical help and/or delayed access to treatment.
- No explanation or child or parent can't recall how the injuries occurred.
- Reluctance to have parent/guardian contacted.
- Mistrust of adults/demonstrating fear of particular adults/caregivers/peers.
- Fear of going home and/or to a particular location, including running away.
- Being bullied and/or bullying others, and/or displaying controlling behaviour towards others.
- Patterns of illness/claims of illness surrounding contact with a particular person.
- Withdrawn, depression, moods or acting out behaviours.
- Aggressive behaviour, disruptive nature or severe temper outburst.
- Anxious, nervous, restlessness, jittery, flinching when approached or touched.
- Expressing little or no emotion when hurt.
- Being fearful when other children cry or shout.
- Being excessively friendly to strangers, relationship difficulties.
- Being passive and compliant.
- Reluctance to undress and/or inappropriately dressed, e.g. wearing long-sleeved clothes/remaining.



It's important to remember we can all hurt ourselves accidentally and sometimes within activities such as gymnastics injuries may match some of the points/areas noted below. Staff are to be mindful that while partaking in gymnastics may be a plausible reason; they are NOT to automatically assume that injuries have occurred via gymnastics.

Staff are still to respond to any injuries that could indicate a concern. Factors that can help identify non-accidental injuries often relate to the context and/or behaviours surrounding that injury:

- Does the injury fit with the explanation given?
- Is the injury plausible to the child's age and/or developmental level?
- Is there a variance in explanations between those around the child and/or between them and the child?
- Are injuries in unusual places or have any particular patterns?
- Does there appear to be a delay in seeking assistance?
- Are the injuries appearing to be untreated?



Source: UK Department of Health

## 7.4 Emotional Abuse

### Emotional Abuse

Emotional abuse is where behaviour towards a child, has a damaging impact on the child's psychological, physical, social, intellectual and/or emotional functioning or development. Often the result of the child being exposed to persistent negative experiences and treatment that causes a severe and long-lasting impact on their well-being and development.

Emotional abuse includes persistently failing to give a child the love, affection or attention they need for healthy emotional, psychological and social development. Conveying to the child they are worthless, unloved, inadequate, or any other form of degrading, isolating and/or rejecting the child. Overprotection that significantly limits a child's exploration, learning and participation in normal social interaction, is another form of emotional abuse. As is age or developmentally inappropriate expectations being imposed on and/or expected of a child that is beyond their capability. Exposing children to seeing and/or hearing the ill-treatment of another may also constitute emotional harm.

Emotional abuse is associated with all categories of abuse. However, it may also be the only form of abuse suffered by a child.

Physical indicators may include:

- Frequent physical complaints, e.g. real or imagined such as headaches, nausea and vomiting, and abdominal pains (may coincide with the child being underweight or dehydrated).
- Delays in physical development.
- Sleep problems like bedwetting or soiling with no medical cause, nightmares, poor sleeping patterns, being tired, lethargic, falling asleep at inappropriate times.
- Talking about hurting themselves or ending their lives (suicide threats, attempts, self-harm).
- Eating disorders.
- Sudden speech disorders.
- Stunted growth, failure to thrive (non-organic).

Behavioural indicators may include:

- Excessive lack of self-esteem or confidence.
- Overly compliant and apologetic, including an excessive fear of making mistakes.
- Difficulty developing normal relationships, including poor peer relationships.
- Lacks trust in other people demonstrating fear, of a parent, caregiver or another adult.
- Reluctance to attend an activity at a particular programme or setting.
- Staying at school or other activities outside hours and not wanting to go home.
- Inability to cope with praise, unable to express views when asked, unable to cope in social settings.
- Slow development or regression.
- Aggressive behaviour (active or passive).
- Very 'clingy', possessive, attention-seeking, sometimes obsessive or risk-taking behaviour.
- Depression, habitually frightened, anxious and/or nervous.
- Habit disorders – hair twisting, sucking, biting, rocking, etc.
- Indiscriminate with affection. ▀ Stealing (particularly food) or destroying property.
- Abuse of alcohol or drugs.

## 7.5 Neglect

### Neglect

Neglect is the persistent failure or deliberate denial of providing a child with the basic necessities of life. Neglect is the failure to provide and/or meet a child's basic physical (sufficient food, clothing, a safe home), medical (including dental), supervisory (leaving a child home alone or in unsafe care), emotional (lack of emotion or attention) and/or educational needs (failure to enrol or chronic non-attendance at school). Neglect may also occur during pregnancy as a result of maternal substance abuse.

Neglect can be a one-off incident but mostly represents a pattern of persistently failing to act or meet a child's needs, all to the extent that the child's health and development is, or is likely to be, significantly harmed.

Physical indicators may include:

- Persistently showing noteworthy levels of being uncared for, extremely dirty, wearing inappropriate clothing, e.g. for weather, activities, etc.
- Non-organic failure to thrive, e.g. underweight, small for their age.
- Persistent nappy rash or skin disorders.
- Non-medical related reasons for indicators such as – frequent hunger, malnutrition or obesity.
- Having poor hygiene, constantly dirty or smelly and no understanding of basic hygiene.
- Unattended health and/or dental problem, including a lack of proper medical or dental attention.
- Poor speech or other developmental delays.

Behavioural indicators may include:

- Stealing/hoarding (particularly food or clothing).
- Inappropriately dressed, i.e. extremely dirty, not the right clothes to keep dry or warm.
- Unsupervised for long periods, spending lots of time outside of the home, e.g. streets, neighbours, at school or other activities beyond usual hours.
- Experiences of abandonment by parents/guardians.
- Falling behind in educational work and/or attendance.
- Reluctance to attend a particular activity, programme or setting.
- Indiscriminate attachment to adults, affection seeking or severe lack of attachment to their own parent(s).
- Tired or falling asleep at inappropriate times.
- Abuse of alcohol or drugs.
- Aggressive behaviour, destructive tendencies and/or offending behaviour.
- Poor peer relationships, having few friends.
- Indiscriminate with affection and/or desire for adult affection.
- Poor emotional response/lack of expression or enthusiasm, Low self-esteem, dull, unsmiling.
- Poor social skills or other developmental delays.
- Anxiety about being left, frequent rocking and sucking behaviour.
- Running away.

## 7.6 Sexual Abuse

### Sexual Abuse

Sexual abuse is any action where any person (adult or peer (other children)) uses any perceived or actual power, authority or position they may have over a child for sexual purposes. This includes whether or not the child is aware of what is happening.

Sexual abuse does not always involve physical contact (penetrative or non-penetrative acts), exposure to inappropriate sexual situations or comments can also be forms of sexual abuse, whether touching is involved or not. Engaging children to behave sexually, or participate in and/or look at sexually explicit material, images or activity (including over the internet) is also sexual abuse, as is grooming a child for abuse.

Physical indicators may include:

- Bruising, lacerations, bite marks including injuries to areas such as breasts, buttocks, thighs and genitalia.
- Unusual or excessive itching, redness, swelling or bleeding in the genital area.
- Inappropriate clothing, e.g. keeping body covered in hot weather.
- Frequent complaints of headaches and/or stomach pains.
- Discomfort when walking or sitting down.
- Signs of being sexually active, STIs, pregnancy, stained or bloody underclothing (particularly if under 16 years).
- Compulsive eating or dieting. Anxiety-related illnesses, e.g. eating disorders and/or sudden changes in eating habits - Refuses to eat, loses or drastically increases appetite, has trouble swallowing, anorexia, bulimia, significant weight gain.
- Nightmares/other sleep problems without explanation.
- Exposure to or involvement in pornography or prostitution.
- Vaginal, penis, scrotum or anal injury or scarring.
- Chronic urinary tract infections or difficulty/pain when urinating or blood in urine or stools.
- Self-injury (cutting, burning) and suicide attempts.
- Depression, anxiety, persistent crying, etc

Behavioural indicators may include:

- New words for body parts.
- Resists removing clothes or wearing inappropriate clothing, e.g. keeping their body covered in hot weather.
- Trying to feel clean through obsessive washing.
- Sexually explicit or age-inappropriate play, interest, drawings, stories, talking about sex.
- Persistent and/or age-inappropriate sexual activity
- Asks other children to behave sexually or play sexual games.
- Exposure to or involvement in child sexual abuse material (photos/videos, etc.).
- Sexual promiscuity or exploitation.
- Fear of intimacy or closeness.
- Purposefully making themselves unattractive.
- Running away from home.
- Fear of people, of a particular person, gender, attending a particular activity, club/ organisations, place, etc.
- Significant difficulty in relating to adults and/or peers.
- Significant change in status or quality of relationships with friends and/or parents.
- Problems with school-work or unexplained changes in behaviour or school results.
- Sudden mood swings: rage, fear, insecurity or withdrawal.
- Challenging and aggressive behaviour.
- Drug or alcohol abuse.
- Risk-taking behaviour, such as starting fires.
- Cruelty to animals.

## 8. Responding to Child/Young Person Welfare Concerns

### 8.1 Disclosures of Abuse and/or Neglect

A disclosure is when a person talks about something relating to vulnerability, abuse and/or neglect. There are 3 main types of disclosure:

**A. Direct Disclosure:** Sometimes, a person will tell you directly they are being abused or neglected. They might begin with one example and see how you react before sharing their whole story.

**B. Indirect Disclosure:** This is when a person doesn't tell you directly, but consciously or subconsciously communicates what they have experienced indirectly. For example, via their behaviours, emotions, art, writing, appearance, enquiries or discussions, and/or via the identification of abuse/neglect indicators.

**C. Third Party Disclosure:** This is when someone else (e.g. parent/guardian, friend, another professional, another parent) shares a concern about another person. Sometimes (more commonly when coming from a child) they are initially portrayed as a third party, although transpire to be indirect disclosures, e.g. "my friend's parent is hurting them" when it is actually them/their situation.

### 8.2 Handling A Disclosure

The moment information is shared that indicates possible abuse and/or neglect; this becomes a disclosure. Upon receiving/identifying a disclosure, staff's primary role is to **LISTEN** and allow the disclosure to continue for as long as the person disclosing feels comfortable. All 'normal' conversation methods such as asking questions, interrupting, offering an opinion/solution, etc. are not to be used. Using these practices, whilst unintended could result in increasing the risk of harm to the person disclosing and/or jeopardise any possible criminal investigations (if applicable).

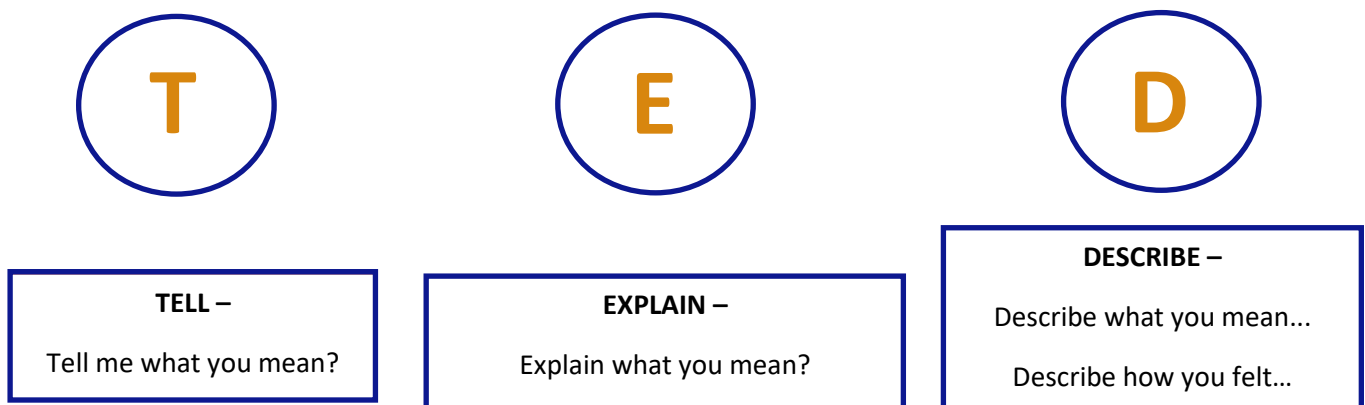
**North Harbour Gymnastics Staff are not to investigate or inappropriately question a person making a disclosure.**

The below guidance adopts best practice and should support staff in handling a disclosure safely.

DO	DON'T
<ul style="list-style-type: none"> <li>✓ Believe the person and take what they say seriously.</li> <li>✓ Be accessible.</li> <li>✓ Listen carefully.</li> <li>✓ Reassure the person, e.g. they are right to tell; it's not their fault.</li> <li>✓ Thank them for telling you.</li> <li>✓ Tell them you will try to get help and if necessary, explain this may involve telling another staff member.</li> <li>✓ Consult immediately with your Supervisor, Manager or Safeguarding Staff.</li> <li>✓ Make a careful record as soon as possible, of what was said in a Safeguarding Incident Form.</li> </ul>	<ul style="list-style-type: none"> <li>✗ Do not say anything critical, e.g. 'why didn't you tell me sooner.'</li> <li>✗ Do not jump to conclusions, especially about the abuser. It may be someone still trusted, liked and/or loved by the person.</li> <li>✗ Do not investigate any concerns suspected or raised, or ask leading questions, e.g. did this happen at home?</li> <li>✗ Do not make promises or tell them you will keep anything a secret.</li> <li>✗ Do not stop them when they are speaking freely (just listen) and do not feel the need to fill any silences.</li> <li>✗ Do not let anyone who may be involved in the abuse know the child/person has said anything to you (if the abuser is unknown we are to assume this may involve the child's parents or guardians).</li> </ul>

### 8.3 T.E.D – Tell, Explain, Describe

TED is a helpful structure to use when trying to gain more information without risking asking leading questions.



## 9. Reporting/Referring Safeguarding Concerns

### 9.1 Confidentiality and Information Sharing

Staff are to remember when concerns relate to a person's safety or well-being; this information can be shared with or without parental consent and doing so is not a breach of our Privacy Laws (as per our Privacy Act 1993, Section 6\*).

All staff should seek guidance from North Harbour Gymnastics' Designated Safeguarding Person before sharing any safeguarding or child protection concerns with a child's parent/guardian. Sharing information with a child's parent/guardian when it is unsafe or inappropriate to do so, may expose the child and/or others to further risks of harm. It may also impact on any potential child protection case investigation, e.g. via Oranga Tamariki or the Police.

In responding to and/or managing any child/young person safeguarding concerns, information is to be treated in confidence. Details are only to be shared on a 'need to know' basis, with those who can help with the management of the concern and are identified within the responding framework detailed within this policy.

Concerns and/or allegations against staff are to be kept strictly confidential to those in the reporting framework. Sharing information with the person concerned and/or others may negatively influence any case investigations dynamics and/or potential safeguarding solutions and/or place the staff member concerned at risk of further vulnerability.

*\*North Harbour Gymnastics is aware New Zealand's Privacy Act 1993 is currently under Government review and a revised version is due to be implemented from 1<sup>st</sup> December 2020. Any critical changes from this legislation or any other legislative reviews, which hold a significant relevance to this policy may prompt an earlier policy review. Alternatively, any non-critical amendments will be incorporated within the scheduled policy review.*

### 9.2 Sharing Information with Children/Young People and their Families

**Unless it is unsafe or inappropriate to do so**, North Harbour Gymnastics will aim to be open and honest with young people (when age/developmental level appropriate) and parents/guardians about any concerns we may have or have become aware of. This could be purely sharing that we are concerned and under our safeguarding and child protection policies and procedures, we are required to share these concerns internally and/or externally. When it is appropriate to share information with parents/guardians, North Harbour Gymnastics will seek to:

- Do so as soon as possible.
- Be open and honest about why and what we are concerned about.



- Explain whether the concerns hold:
  - A level of only requiring North Harbour Gymnastics support.
  - A potential for information needing to be shared with others. If so, who, what information may be shared and how.
  - Explaining and reassuring, this process is about seeking support for the child/family and North Harbour Gymnastics will support them throughout the process.
  - Seek their consent/agreement to information being shared.

If consent is refused, this in itself may escalate our concerns. In these circumstances, North Harbour Gymnastics would then inform parents/guardians that due to concerns being welfare related, staff are still required to report their concerns and, where possible, North Harbour Gymnastics will keep them informed throughout any safeguarding processes.

### 9.3 Not Sharing Information with Children/Young People and their Families

It would be unsafe or inappropriate to share concerns with parents/guardians or the young person directly:

- When doing so may increase the risk of harm to the person concerned, staff or others.
- When it is unclear who is/has caused any suspected abuse.
- When doing so may impact on any possible child protection investigation.
- When specialist child protection services have advised North Harbour Gymnastics not to share concerns at that stage.

### 9.4 Reporting Child/Young Person Welfare Concerns

North Harbour Gymnastics operates a mandatory internal safeguarding reporting process. This means all staff are expected to report any safeguarding and/or child protection concerns to our Designated Safeguarding Person. This includes, but is not exclusive to, whether concerns are in the context of:

- Peer-to-peer interactions;
- The child or young person's family/home environment;
- In places/organisations outside of the family or North Harbour Gymnastics;
- Via the course of their engagement and/or involvement with North Harbour Gymnastics;
- Allegations against North Harbour Gymnastics staff; or
- Allegations against any other professional.

Concerns must be shared immediately with the Designated Safeguarding Person or if unavailable their Manager. In exceptional circumstances, where this is not possible, concerns must be shared no later than before the staff person's shift or session of work within North Harbour Gymnastics ends.

However, any person, at any time, unsatisfied with decisions/actions taken and/or who believes a child/young person to be at risk of suspected and/or known abuse or neglect, may contact Oranga Tamariki or Police directly.

#### 9.4.1 Child/young person, Parent/guardian or Others Reporting Safeguarding Concerns

North Harbour Gymnastics encourages parents/guardians to report any concerns relating to the safety or well-being of their own or another child(ren) or young persons in a North Harbour Gymnastics facility. Children and young people are also encouraged to report any concerns relating to their own safety or that of another child(ren) or young persons in a North Harbour Gymnastics facility. This can be done by:

1. Speaking to our staff in person.
2. Contacting North Harbour Gymnastics Designated Safeguarding Person via [safety@nhgym.co.nz](mailto:safety@nhgym.co.nz)
3. Contacting Oranga Tamariki and/or the Police directly. We do politely ask to be informed of any direct referrals.

North Harbour Gymnastics Designated Safeguarding Person will aim to respond to all concerns as soon as possible. All initial responses to concerns will be no later than 3 working days from the initial contact with Designated person being made.

#### 9.4.2 North Harbour Gymnastics Staff Reporting Child Safeguarding Concerns

##### Emergency/Immediate Assistance Incidents

If emergency/immediate assistance is required, action should be taken and not delayed for reporting purposes. Reporting processes become applicable as soon as possible during or after the immediate assistance has been provided. Emergency assistance should be sought from emergency services (e.g. Police, Ambulance, Fire) via dialling 111. Police would be the key agency if there is immediate danger and/or an immediate response is required, including for child welfare concerns.

##### Non-emergency child welfare concerns

For all concerns relating to child welfare, particularly those when abuse and/or neglect is known or suspected should be reported in accordance with the following flow chart.

#### 9.4.3 North Harbour Gymnastics Staff Reporting Concerns and/or Allegations Against North Harbour Gymnastics Staff

North Harbour Gymnastics' Safeguarding Policies, Procedures and Safeguarding Code of Conduct are designed to support best practice and reflect the expected engagement and behaviours required of North Harbour Gymnastics staff. North Harbour Gymnastics safeguarding practices for concerns and/or allegations against staff become applicable when disclosures and/or indicators relate to:

- Staff being in a vulnerable position.
- Staff conduct being of or potentially being of concern and/or inappropriate.
- Staff conduct is against North Harbour Gymnastics Safeguarding Code of Conduct.
- An allegation has been made against the staff member.

##### What constitutes an allegation?

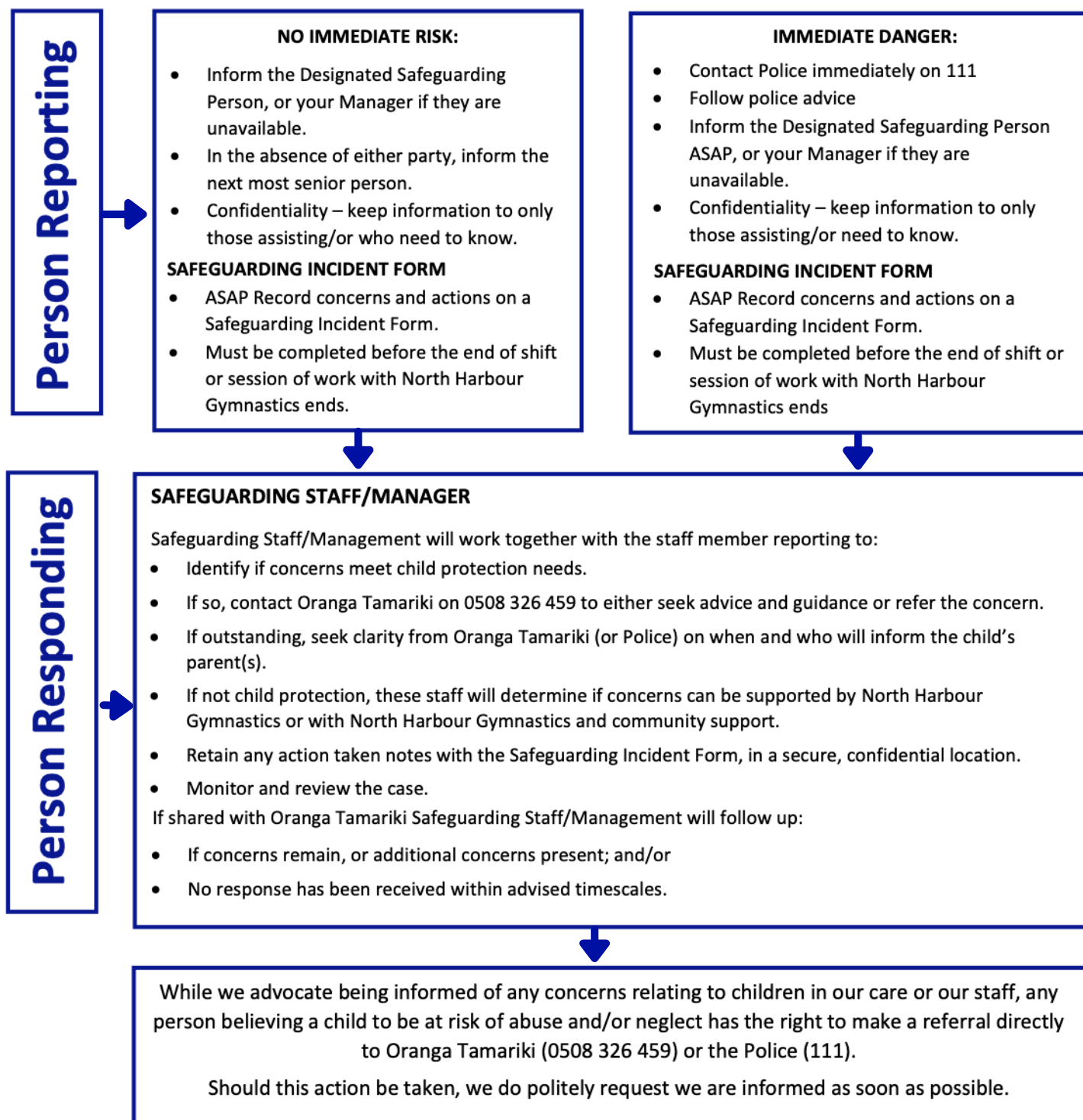
An allegation generally relates to 3 key areas:

- Staff have behaved in a way that has harmed or may have harmed a child/young person.
- Staff have possibly committed a criminal offence in relation to a child/young person.
- Staff have behaved towards a child/young person in a manner that indicates they are unsuitable to work with children.



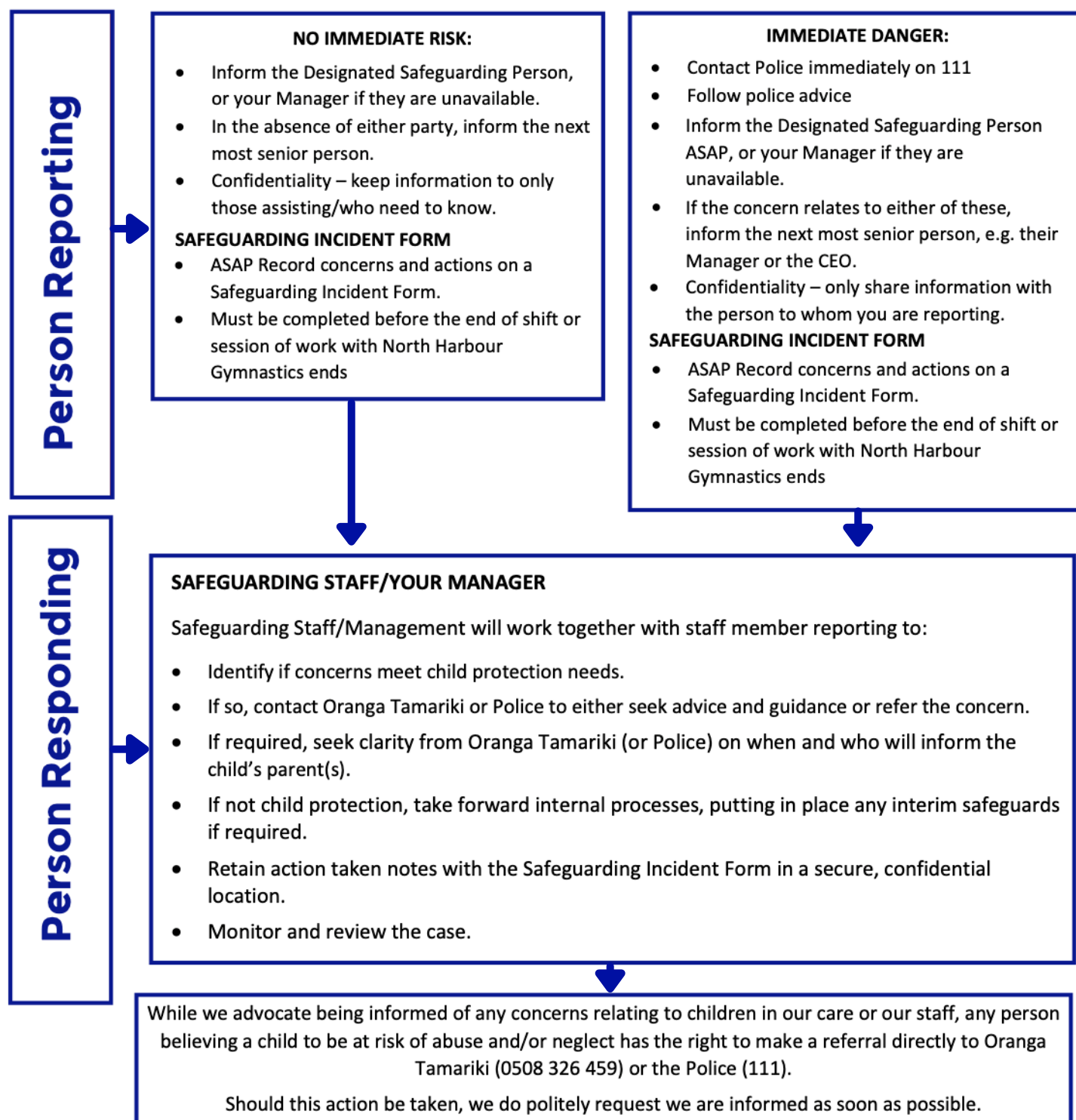
#### 9.4.4 Worried about a child/young person?

- Stay Calm.
- Ensure the child's and any other person's immediate safety.
- Listen to, believe and reassure the person they did the right thing in telling someone.
- If appropriate, use open-ended prompts (Tell/Explain/Describe) to help gain more information.
- Explain to the person that you are going to try and help and will need to tell a colleague who is trained in knowing how to help children in their situation



#### 9.4.5 Worried about a North Harbour Gymnastics Staff Member?

- Stay Calm.
- If applicable, ensure the person and any other person's involved immediate safety.
- Listen to and take the concern/allegation seriously.
- If appropriate, use open-ended prompts (Tell/Explain/Describe) to help gain more information.
- Explain to the person that you are going to try and help and will need to tell a colleague, so together you can try to get the help needed.



## 9.5 North Harbour Gymnastics Response to North Harbour Gymnastics Staff Safeguarding Concerns

North Harbour Gymnastics takes seriously any information questioning the ability or suitability of North Harbour Gymnastics staff working safely with children and young people. Any information of this nature will be investigated, no matter if concerns are current, historic, known or suspected, direct or via a third party.

This may include us working together with child protection services (Oranga Tamariki, Police) for support and/or case management where applicable.

### 9.5.1 Managing Concerns and/or Allegations Against A North Harbour Gymnastics Staff Member

- North Harbour Gymnastics will use its best endeavours to ensure our initial response to all concerns/allegations against staff is preferably within 24hrs but no greater than 3 working days from the concern/allegation being received by our Designated Safeguarding Person.
- Any concerns/allegations requiring specialist service support and/or investigation will be referred directly to those specialist services, e.g. Police, Oranga Tamariki. In these circumstances, if North Harbour Gymnastics is aware of the staff member serving as an employee, volunteer or in any other role, for another child facing organisation; this information will be then shared with Child Protection Services. They can then determine if and how any information is taken forward and/or conveyed to that/those organisation(s) if applicable.
- Concerns not meeting those thresholds will be investigated within North Harbour Gymnastics' internal processes.
- In the interests of safeguarding all those involved, it can be common practice when responding to safeguarding concerns/allegations, for the initial meeting with the staff member(s) concerned to be held without the staff member receiving advanced notice.
  - Advance notice of the initial meeting with the staff member concerned will only occur when North Harbour Gymnastics is confident that doing so poses no risk to any involved persons and/or the investigation.
  - Advanced notice will not be provided, when it is unclear whether, or it is known that, providing advanced notice, becomes a potential or apparent risk, or increases any risks, to those involved and/or the investigation (e.g. allows an opportunity for potential witnesses, victims to be contacted, influenced and/or evidence removed).
  - North Harbour Gymnastics will use its best endeavours to ensure this initial meeting is held, preferably within 3 working days but no greater than 5 working days, from the concern/allegation being received.
- Upon being informed of the concern and/or allegation, the staff member concerned will be:
  - Informed of their right to have legal or other representation throughout the process;
  - Advised of any immediate safeguards being implemented and/or requested (if applicable);
  - Where appropriate, requested to return any club resources, e.g. laptops, mobile phones, etc. until the matter is resolved.
- To safeguard the child/young person, or other children or young people **and** the staff member concerned from any possible further vulnerability, North Harbour Gymnastics may adopt any of the following immediate safeguards for an identified timeframe or until the matter is resolved:
  - Additional supervision of the staff member concerned.
  - Redeploying the staff member concerned with alternative non-child/family facing duties.
  - Suspension of the staff member concerned from duty.
- All safeguarding actions taken are done so in the interests of protecting **all** of those involved and in the interests of maintaining a fair investigation. No action should be interpreted as anything other than a precautionary safeguarding measure while the matter is under investigation.

- Should internal investigations start to reflect an escalation in the case threshold or require specialist support, North Harbour Gymnastics will at those stages refer concerns to specialist services, e.g. Police, Oranga Tamariki.
- All meetings will be minuted, and where applicable, these may be shared with meeting representatives.
- As much as possible North Harbour Gymnastics will assist in supporting all persons impacted by the concerns and/or allegation –
  - The child and/or their family;
  - The staff member concerned;
  - Other personnel impacted by the allegations.
- Where applicable, North Harbour Gymnastics CEO may also need to make North Harbour Gymnastics Board and possible relevant external bodies aware of any serious staff allegations/investigations (e.g. Sport NZ, International gymnastics partners, etc.).
- Upon completion of the investigation, the staff member will receive writing confirmation of the investigation outcome.

#### **9.6 Deliberately False Allegations Against North Harbour Gymnastics Staff**

In the event a safeguarding concern(s) and/or allegation(s) is shown to have been deliberately false, North Harbour Gymnastics would view this as a serious matter that may result in:

- Disciplinary action up to and including dismissal.
- North Harbour Gymnastics engaging NZ Police to identify appropriate action against the person responsible.

#### **9.7 Monitoring and Reviewing Safeguarding Concerns**

- For an active case, the Designated Safeguarding Person will review ongoing concern(s) on a weekly basis.
- All review records will be retained by the Designated Safeguarding Person.
- The Designated Safeguarding Person will consider whether any further actions or referrals are required.
- If concerns remain, new or additional concerns present, these will also be reported to Oranga Tamariki.
- If there are no further concerns, the record will be archived.
- If a matter is under review and the child ceases to be involved with North Harbour Gymnastics, Designated Safeguarding Person will ensure any relevant information is passed on to Oranga Tamariki.

#### **9.8 No Settlement Agreements**

North Harbour Gymnastics is committed to not using 'settlement agreements' where these are contrary to our culture of safeguarding. Should a staff member resign or cease to provide their services to us, this will not prevent any staff concern and/or allegation that has been received against them from being investigated in accordance with our safeguarding policies and procedures.

It is important for all involved that every effort is made to reach a conclusion in all cases of staff concerns and/or allegations bearing on the safety or welfare of children and/or young people, particularly when the person concerned may have continued access to children and/or young people outside of North Harbour Gymnastics and/or the gymnastics sector.

## 9.9 Rights to Refer Directly to Oranga Tamariki

North Harbour Gymnastics would encourage all personnel to share any safeguarding concerns with North Harbour Gymnastics in the first instance. However, North Harbour Gymnastics acknowledge that all personnel, including North Harbour Gymnastics staff, have the right to report any child abuse/neglect concerns directly to Oranga Tamariki and/or the Police.

We believe sharing concerns with North Harbour Gymnastics initially is supportive to working together, as the person with concerns may be unaware of whether North Harbour Gymnastics has already taken forward any actions; including having already shared concerns with child Protection services, e.g. Oranga Tamariki and/or the Police.

Should any person decide to refer their concerns directly, North Harbour Gymnastics would welcome being notified of all reports made to external services relating to North Harbour Gymnastics children and/or staff.

## 10. Working Together

### 10.1 Responding to and/or Referring Safeguarding Concerns

In being part of the children's workforce sector, North Harbour Gymnastics is proud to accept and advocate safeguarding as a shared responsibility. We appreciate that we too hold a responsibility to support children/young people, their families and/or any of our staff experiencing vulnerability.

#### 10.1.1 Early Intervention and Community Support

Most support needs will not require child protection intervention. In these circumstances, North Harbour Gymnastics will seek to work together with families, to offer any internal support needed and/or help with any signposting and/or referrals to community support services as applicable. The below can offer assistance in identifying local support available:

- Family Services Directory <http://www.familyservices.govt.nz/directory/>
- Oranga Tamariki Children's Teams <https://www.orangatamariki.govt.nz/support-for-families/childrens-teams/>
- Strengthening Families <http://www.strengtheningfamilies.govt.nz/>

#### 10.1.2 Child Protection Services

In accordance with North Harbour Gymnastics' organisational welfare responsibilities, any concerns that indicate known or suspected abuse or neglect will be referred to specialist child protection services. We may escalate lower level (e.g. early intervention/community support) concerns to child protection services when:

- The Parent/Guardian fails to acknowledge and/or engage with North Harbour Gymnastics with regards to the identified concerns, particularly when external support needs have been identified.
- Current support measures are failing to address concerns and concerns are continuing to impact on the child and/or other children or escalating.
- The necessary support and/or multi-agency community structures are not available.

North Harbour Gymnastics Safeguarding Incident Form has been designed to reflect all the information that may be sought by these services.

**Oranga Tamariki:** New Zealand's child protection service, who are responsible for investigating and managing concerns relating to suspected or known child/young person abuse or neglect. Referrals are made via the Contact Centre (0508 326 459) or email at [contact@mvcot.govt.nz](mailto:contact@mvcot.govt.nz). Lines are open 24/7. After 5pm and on weekends social workers are only available for emergency situations. However, calls are encouraged as all case needs will be assessed.



**Police:** Police are the other child protection service. They have Child Protection Units, which are divisions specifically designated to investigating child abuse/neglect cases. They work closely with Oranga Tamariki to support the child's welfare, although their specific responsibilities relate to those cases where criminal charges and/or prosecutions may be applicable.

- Dial 111 - For concerns relating to immediate danger
- Dial 105 - For non-emergencies, and ask for the child protection unit.

**Potential Partner Agency Notification:** Where North Harbour Gymnastics identifies and/or is presented with a serious case concern that has been referred to and/or is being managed by child protection services; North Harbour Gymnastics may be under:

- Programme standards requiring us to notify those standard providers, e.g. Ministry's, etc. (this would also be applicable for any serious injury or illness or incident involving a child/young person); and/or
- Other partner agencies (e.g. sport governing bodies).

**Online Safeguarding Concerns:** For online concerns, Netsafe is a support service. Netsafe is an independent, non-profit organisation focused on online safety. They provide online safety education, advice and support. Netsafe's free and confidential helpline is set up to help with online bullying, abuse and harassment. Open from 8am-8pm Monday to Friday and 9am-5pm on weekends and public holidays. Netsafe – 0508 NETSAFE (0508 638 723) or email [queries@netsafe.org.nz](mailto:queries@netsafe.org.nz)

### 10.1.3 Child Protection Services Information For North Harbour Gymnastics

When engaging Child Protection Services, North Harbour Gymnastics reporting staff should where possible be provided with the following information:

- Clarity on what will happen next.
- If outstanding, how will the child's family be informed of the referral and by when?
- Clarity on how North Harbour Gymnastics will receive feedback on relevant information and/or the progress of the investigation (within case remits).

### 10.2 Escalating Concerns

In responding to concerns, should any of the below be presented, the case will be escalated for CEO and/or Board awareness and/or involvement.

- There is potential of concerns having occurred and/or escalated due to significant North Harbour Gymnastics practice errors.
- There are any significant errors in practice from partner agencies (e.g. Oranga Tamariki/ Police) that may impact on the case, North Harbour Gymnastics or gymnastics' reputation.
- The case requires North Harbour Gymnastics disciplinary actions.
- The case requires being shared with external partner agencies.
- There may be or is a risk of media interest in the case and/or the case has similarities to previous gymnastics or sport sector cases covered by NZ and/or international media.

### 10.3 Supporting Those Involved

#### 10.3.1 Child/Young Person/Parents/Guardians

All safeguarding concerns requiring parental consent will reflect working together with the child and their family.

For concerns relating to child protection being managed in conjunction with statutory services, the sharing of information and support structures for the child/young person and their parent/carer will be managed under guidance from these specialist services. Where possible and appropriate, North Harbour Gymnastics will aim to ensure the parent(s)/guardian of any child/young person, who is the subject of or subject to any concerns, are kept informed on the case progress.

#### 10.3.2 Involved Staff Member

North Harbour Gymnastics will ensure any staff member who is the subject of safeguarding concerns and/or allegations is, as appropriate, kept informed of the concerns raised and the investigation progress as much as possible. North Harbour Gymnastics can also arrange for the staff member concerned to seek support

Depending on the circumstances, including the duration of any investigation, any safeguarding requirements that involve the staff member needing to be absent from work pending the completion of an investigation, North Harbour Gymnastics may exercise its discretion for some or all of the period of absence to be unpaid. If absence, is applicable, North Harbour Gymnastics will make arrangements to ensure the staff member is kept informed of all role, responsibility and workplace developments during their absence.

All processes will be in accordance with statutory responsibilities and North Harbour Gymnastics employment policies and procedures.

All safeguarding actions taken are done so in the interests of protecting **all** of those involved and in the interests of maintaining a fair investigation. No action should be interpreted as anything other than a precautionary safeguarding measure while a concern/allegation is under investigation.

#### 10.3.3 Other Staff Members

Should a case identify support needs for any other staff impacted by a safeguarding case, North Harbour Gymnastics will where possible, arrange to provide appropriate support, including that which may be provided via internal and external structures.

### 11. Recording Concerns

North Harbour Gymnastics Safeguarding Incident Form has been designed to reflect all information that may be needed by North Harbour Gymnastics or sought by child protection services if needed.

- All safeguarding concerns are to be recording on a Safeguarding Incident Form as soon as possible.
- Completion may be electronic or in hard copy.
- Completed forms should be forward to the Designated Safeguarding Person or the Manager to whom the safeguarding concern has been reported.
- Incident forms may be shared after reporting the concern, but they must be forwarded within 24hrs of the incident having occurred.
- Where applicable staff are to try and record **word for word** anything stated by the child/person disclosing, as well as what they have said in response, and any actions taken.
- Physical indicators should be recorded on a Safeguarding Incident Form Body Map.
- All information will be kept securely and in accordance with New Zealand's Privacy Act data requirements.

Records should:

- **Be specific** – what is the exact nature of the concern, which category of abuse does it suggest?
- **Reflect the evidence** – what was seen, heard, who said what, when, how?
- **Be precise** – with responses displayed, actions taken, by who, when.
- **Be factual** – what has happened, been said or is supported by evidence, they should avoid containing any opinions. If included, records should clearly reflect these points as an opinion.

## 12. Policy Monitoring and Review

North Harbour Gymnastics will utilise all induction, training evaluation, case learnings and staff/customer communication systems to support monitoring and reviewing this policy.

North Harbour Gymnastics will review this policy annually. Some circumstances may trigger an early review; this includes but is not limited to legislative changes, organisational changes, case outcomes and other matters. The review will be mindful to any developments and/or changes within North Harbour Gymnastics, North Harbour Gymnastics activities, child/young and/or vulnerable adult engagement, laws and sector standards, etc. that may have relevance to this policy and associated procedures.

## 13. Other Applicable Policies and Procedures

- North Harbour Gymnastics' Safeguarding Code of Conduct
- North Harbour Gymnastics' Employee and Volunteer Policies and Procedures
- North Harbour Gymnastics' Policy Breach Protocol
- North Harbour Gymnastics' Complaints Policy



## 14. Appendix 1 – Glossary of Terms

The Board	The Board hold overall responsibility and accountability for North Harbour Gymnastics and are to whom the Chief Executive Officer reports.
Categories of Abuse	The title given to the main components that the different forms of abuse may fall under. The four main categories are - Physical Abuse, Emotional Abuse, Sexual Abuse and Neglect.
Child Abuse	<b>Section 2, Oranga Tamariki Act 1989</b> defines child abuse as: "...the harming (whether physically, emotionally, sexually), ill-treatment, abuse, neglect or deprivation of any child or young person".
Child Protection	Child Protection refers to the activity undertaken to protect specific children who are suffering or likely to be suffering significant harm. Source: Adapted from UK National Society for Prevention of Cruelty to Children (NSPCC).
Child Safe	North Harbour Gymnastics believes children have the right to be protected from being harmed both physically and mentally. North Harbour Gymnastics aims to ensure children are properly cared for and protected from violence, exploitation, abuse and neglect.
Child/Young Person	North Harbour Gymnastics defines a child/young person as someone aged from 0-18 years (up to their 18th birthday), who is not married or in a civil union. We further recognise: <ul style="list-style-type: none"> <li>• A child as being 0-11 years</li> <li>• A young person as being between 12-18 years.</li> <li>• A young adult as being 18 -24 years.</li> </ul>
Disclosure	The term used when referring to the act of making something relating to vulnerability, abuse and/or neglect known. Disclosures can be direct or indirect and may be provided with or without understanding of what has been disclosed (e.g. knowing or not knowing they are indicating abuse may have/has occurred).
Early Intervention	Early Intervention is about reducing the prevalence and severity of risk factors that have already occurred or are known risk factors that will occur without intervention.
Harm	Harm, to a child/young person, is any detrimental effect of a significant nature on the person's physical, psychological or emotional well-being. It is immaterial how the harm is caused. Source: adapted from UK Government, Working Together to Safeguard Children, July 2018
Indicator	Something either physical, behavioural or environmental that could signify a child/young person may be or is suffering from vulnerability, abuse and/or neglect.
Ministry of Social (MSD)	The Ministry of Social Development helps New Zealanders to be safe, strong and independent. They work towards this through providing a number of government support services (e.g. income support) and resources (e.g. funding, housing assistance, etc.) and setting childcare services standards, e.g. before and after school care standards.
Oranga Tamariki	The Ministry dedicated to supporting any child in New Zealand whose Ministry for Children well-being is at significant risk of abuse or neglect, now, or in the future. They also work with young people who may have offended or are likely to offend.
Parent/Guardian or Extended Guardianship	A person who has legal parental responsibility to provide care for a child/young person. This includes biological parents, foster parents, guardians and those assessed by the court as legal carers.

Police	Police are the legal agency responsible for responding to situations where there are immediate concerns for the safety of a child/young person, or anyone else in immediate danger, and/or a criminal act has taken place.
Position of Trust	Any person who is in a professional position to engage and/or work with children/young people and/or vulnerable adults.
Safeguarding	<p>Is promoting the welfare of children and young people by:</p> <ul style="list-style-type: none"> <li>• Protecting children from maltreatment</li> <li>• Preventing impairment of children's health or development</li> <li>• Ensuring children are growing up in circumstances consistent with the provision of safe and effective care</li> <li>• Taking action to enable all children to have the best outcomes</li> </ul> <p>Source: adapted from UK Government, Working Together to Safeguard Children, July 2018</p>
Designated Safeguarding Person	Designated Person to serve North Harbour Gymnastics' safeguarding needs. For the purpose of this policy, staff refers to those engaged by or working for North Harbour Gymnastics, whether on a paid, voluntary or contractual basis.
Staff	<p>North Harbour Gymnastics defines staff as –</p> <ul style="list-style-type: none"> <li>• All employees (paid or voluntary staff)</li> <li>• Any consultants and/or contractors being commissioned by and/or engaged by North Harbour Gymnastics</li> </ul>
Statutory Service	A statutory services is a government-mandated provision to the public, e.g. protection services via Police, Oranga Tamariki.
Vulnerability	<p>North Harbour Gymnastics defines vulnerability as "...Vulnerable children are children who are at significant risk of harm to their well-being 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. Environmental factors that influence child vulnerability include not having their base emotional, physical, social, developmental and/or cultural needs met at home or within their wider community". Source: The White Paper for Vulnerable Children Volume 1 (October 2012) definition</p>
Vulnerable Adult / Adult at Risk	In addition to the Crimes Act 1961, s2 definition of a vulnerable adult – someone who because of their age, sickness or mental impairment, or because they are in detention is completely unable to remove themselves from the care or charge of another person. North Harbour Gymnastics also recognises a vulnerable adult as any person over 18 years who is at risk from or suffering vulnerability, abuse and/or neglect.
Workforce	For the purpose of this policy, workforce represents all employees, volunteers, consultants and contractors and any other person serving on behalf of North Harbour Gymnastics.
North Harbour	This includes any North Harbour Gymnastics venue, programme or service Gymnastics organised by North Harbour Gymnastics.

## 15. Appendix 2 – Legislation and Guidance

### te Tiriti o Waitangi/the Treaty of Waitangi

Te Tiriti/the Treaty is New Zealand's founding document. Signed in 1840, it is an enduring, living document, its principles recognised in legislation and interpreted by the courts. It is part of the fabric of New Zealand society. It is the foundation of a bicultural partnership between Māori and Tauīwi (non-Māori New Zealanders) in Aotearoa. The Treaty is articulated in law through an evolving set of principles.

### Children's Act 2014

In accordance with the Children Act 2014:

- Our Safeguarding and Child Protection Policy is as a minimum available on our intranet.
- We operate to required workforce safety checks and where possible implement best practice. These checks include risk assessment and police screening (initial and refresher checks) elements.
- This policy and all police checks are revised within a maximum every 3 years.
- Staff are supported in expectations to recognise and respond to abuse concerns.

In accordance with the Children Act 2014, we also note 'contact' as encompassing:

- Physical contact;
- Oral communication (in person or by phone);
- Communication through any electronic medium, including by way of writing or visual images

### Crimes Amendment Act 2011, Section 195 and 195A

Failure to protect a child or vulnerable adult - Under section 195 and 195A of this Act, a child is defined as a person under the age of 18 years.

Everyone is liable to imprisonment for a term not exceeding 10 years who, being a person described in subsection (2), has frequent contact with a child or vulnerable adult (the **victim**) and "*knows that the victim is at risk of death, grievous bodily harm, or sexual assault ....fails to take reasonable steps to protect the victim*".

2)The persons are—

"(a)a member of the same household as the victim; or

"(b)a person who is a staff member of any hospital, institution, or residence where the victim resides."

### Crimes Act 1961, s 2

A vulnerable adult is someone who because of their age, sickness or mental impairment, or because they are in detention, is completely unable to remove themselves from the care or charge of another person. They may still have the mental capacity (in terms of the 3PR Act) to make or communicate decisions.

### The Harmful Digital Communications Act 2015

The Harmful Digital Communications Act (HDCA) aims to deter, prevent and lessen harmful digital communications. Digital communications are any form of electronic message, including texts, emails, photos and recordings. The HDCA has 10 communication principles, which say a digital communication should not:

1. Disclose sensitive personal facts about a person.
2. Be threatening, intimidating or menacing.
3. Be grossly offensive.
4. Be obscene or indecent.

5. Be used to harass a person.
6. Make a false allegation.
7. Break confidences.
8. Incite or encourage anyone to send a deliberately harmful message.
9. Incite or encourage a person to harm themselves or commit suicide.
10. Denigrate a person's colour, race, ethnic or national origins, religion, gender, sexual orientation or disability.

### **Health and Disability Commissioner Act 1994**

The purpose of this Act is to protect the rights of health and disability customers and provide them with fair and efficient complaint resolution when those rights have been breached. This is achieved through the application of the Code of Health and Disability Services Consumers' Rights. The Code is a regulation under the Act therefore has the force of law. The Code of Rights gives 10 rights to those who use the service:

1. To be treated with respect.
2. To be treated fairly without pressure or discrimination.
3. The right to dignity and independence.
4. To receive quality service and to be treated with care and skill.
5. To be given information that can be understood in a way that helps them communicate with the person providing the service.
6. To be given the information needed to know about their health or disability; the service being provided and the names and roles of the workers; as well as information about any tests and procedures they need and any test results. In New Zealand, people are encouraged to ask questions and to ask for more information to help them understand what is going on.
7. To make their own decision about their care, and to change their mind.
8. To have a support person with them.
9. To have all these rights apply if they are asked to take part in a research study or teaching session for training workers.
10. To have the right to complain and have their complaint taken seriously.

### **Health and Safety at Work Act 2015**

Our duty of care means we have the primary responsibility for the health and safety of our staff and any others who may be influenced by our work. Our duty of care includes protecting any person from any unnecessary risks of harm. All possible care must be taken to ensure everybody's well-being and safety is met, ensuring North Harbour Gymnastics acts without negligence.

### **Human Rights Act 1993**

The Human Rights Act governs the work of the New Zealand Human Rights Commission. The Human Rights Act outlaws discrimination on the basis of:

- |                              |  |
|------------------------------|--|
| • Age                        | • Marital status                           |
| • Colour                     | • Political opinion                        |
| • Disability                 | • Race                                     |
| • Employment Status          | • Religious belief                         |
| • Ethical belief             | • Sex (including pregnancy and childbirth) |
| • Ethnic or national origins | • Sexual orientation                       |
| • Family Status              |  |

## **Oranga Tamariki Act 1989 (Children's and Young People's Well-being Act 1989)**

Section 2, Interpretation, notes:

- Child means a person under the age of 14 years.
- Young person means a person under the age of 18 years.

Section 2, defines child abuse as:

"...the harming (whether physically, emotionally, sexually), ill-treatment, abuse, neglect or deprivation of any child or young person".

Section 15, Reporting of concerns to chief executive or constable: Any person who believes that a child or young person has been, or is likely to be, harmed, ill-treated, abused, (whether physically, emotionally, or sexually), neglected, or deprived, or who has concerns about the well-being of a child or young person, may report the matter to the chief executive or a constable. Section 15: replaced, on 1 July 2019, by section 18 of the Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017 (2017 No 31).

### **Privacy Act 1993, Section 6 – Principle 11 - Limits on disclosure of personal information:**

An agency that holds personal information shall not disclose the information to a person or body or agency unless the agency believes, on reasonable grounds..., that the disclosure of the information is necessary to prevent or lessen a serious threat to - Public health or public safety; the life or health of the individual concerned or another individual.

We are aware New Zealand's Privacy Act 1993 is currently under Government review and a revised version is due to be implemented from 1<sup>st</sup> December 2020. Any critical changes from this legislation or any other legislative reviews, which hold a significant relevance to this policy may prompt an earlier policy review. Alternatively, any non-critical amendments will be incorporated within the scheduled policy review.

Information sharing is also permitted under the Family Violence Act 2018 and Oranga Tamariki Act 1989 (Children's and Young People's Well-being Act 1989) with the Ministry of Justice and the Ministry for Children - Oranga Tamariki, having published guidance explaining these elements.

### **Summary Offences Act 1981, Section 10B – Leaving a child without reasonable supervision and care**

Every person is liable to a fine who, being a parent or guardian or a person for the time being having the care of a child under the age of 14 years, leaves that child without making reasonable provision for the supervision and care of the child, for a time that is unreasonable or under conditions that are unreasonable having regard to all the circumstances.

### **United Nations Convention on the Rights of the Child 1989 (UNCROC)**

The UNCRC is a human rights treaty that is a legally-binding international agreement setting out the rights of every child. New Zealand ratified the Convention on 6 April 1993, meaning the NZ Government agreed that the best interests of the child must come first where decisions, laws or services involve children. Every child has basic fundamental rights which include the right to:

- Life, survival and development.
- Protection from violence, abuse or neglect.
- An education that enables children to fulfil their potential.
- Express their opinions and be listened to.