



Te Tenehi o Aotearoa

# TENNIS PARTICIPANT PROTECTION REGULATION

Revised November 2025

Participant Protection Regulation related complaints:

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## **PART I WHO THIS REGULATION APPLIES TO**

### **1. Purpose of the Regulation**

- 1.1 Tennis New Zealand (“TNZ”) is a not-for-profit organisation, providing tennis services to New Zealanders of all ages. This Regulation is issued by the Board of TNZ under rule 55 of the TNZ Constitution. Its purpose is to:
- a) protect the health, safety and well-being of those who participate in tennis in New Zealand;
  - b) Inform participants and the community how TNZ seeks to prevent forms of harassment, discrimination and abuse;
  - c) promote positive behaviour and values by all tennis participants;
  - d) apply to those in the activities of TNZ and of Regional Tennis Organisations (RTO’s), Local Tennis Partners (LTP’s), Aotearoa Maori Tennis, Affiliates and tennis clubs (all collectively known as New Zealand Tennis Organisations (“NZTOs”).
- 1.2 All NZTOs have zero tolerance towards any form of harassment, abuse or discrimination against any person by another person involved in tennis.
- 1.3 All NZTOs take seriously their responsibilities to provide a safe environment for those participating in tennis activities, particularly children under the age of 18 years and vulnerable adults. TNZ and all NZTOs have a zero-tolerance approach to child and vulnerable adult abuse.
- 1.4 All persons to whom this Regulation applies have a responsibility to:
- (a) implement screening measures to ensure only appropriate persons work with children and vulnerable adults;
  - (b) report any breach of this Regulation which they become aware of, to TNZ or their NZTO and, where appropriate, to external authorities responsible for child protection or to police, regardless of whether that breach is by personnel within their organisation, or by others within the wider community, including members of a child’s family, their extended network or strangers; and
  - (c) deal appropriately with alleged offending behaviour of harassment, abuse or discrimination.
- 1.5 If anything in this Regulation is inconsistent with any relevant legislation, the legislation will prevail to the extent of the inconsistency. If anything in this Regulation is inconsistent with an equivalent Regulation adopted by another NZTO, then this Regulation will prevail to the extent of the inconsistency. This Regulation is an Other Procedure under rule 58.3 of the TNZ Constitution (and equivalent rule in RTO constitutions).

### **2. Regulation Effect, Promotion and Review**

- 2.1 This Regulation replaces the Tennis NZ Participant Protection Policy <https://tennis.kiwi/assets/Files-pdf-word-docs-etc/Tennis-NZ-Participant-Protection-Policy-Feb-2023.pdf>
- It will come into effect from 1 January 2026. The Participant Protection Policy will apply to all matters up to and including 31 December 2025.
- 2.2 Tennis NZ and other NZTOs will take all reasonable steps to ensure this Regulation is effectively communicated to, and understood by, those to whom it applies.
- 2.3 This Regulation will be reviewed, and amended as required, at least 3 yearly.

### **3. Who does this Regulation Apply to?**

3.1 This Regulation applies to all NZTOs and individuals who participate in tennis in New Zealand, including:

- (a) all persons acting on boards of directors and/or committees (including sub-committees or any similar governance role of an NZTO), office bearers (such as presidents, vice-presidents), treasurers, secretaries and selectors;
- (b) all employees of NZTOs, including Chief Executive Officers and General Managers;
- (c) any person (paid or unpaid) acting in a managerial, support (e.g. physiotherapist) or administrative role in any NZTO or for any team or player;
- (d) Officials appointed or elected by an NZTO;
- (e) tennis coaches (including assistant coaches) who:
  - (i) are appointed and/or employed by an NZTO (paid or unpaid);
  - (ii) are members of a coaching organisation or entity which is a member of or affiliated to an NZTO; or
  - (iii) have an agreement (whether or not in writing) with an NZTO to coach tennis at a facility owned or managed by, or affiliated to, that NZTO;
- (f) tennis players who:
  - (i) enter any tournament, competition, activity or event (including camps and training sessions) which are held or sanctioned by an NZTO; or
  - (ii) are registered with an NZTO as a player and/or member of that NZTO;
- (g) any other person who is a member of or affiliated to an NZTO (including life members); and
- (h) any other person or entity (for example a parent/guardian, spectator or sponsor) who or which agrees, in writing, (whether through membership, on a ticket, entry form or otherwise) to be bound by this Regulation;
  - (i) any person or entity who or which contracts with an NZTO for relevant work or services performed for that NZTO.

3.2 All NZTOs, when entering into agreements or arrangements with other entities which have a direct or indirect involvement in tennis (for example a trust which owns or operates a tennis facility) will encourage that entity to adopt and enforce a Regulation substantively the same as this Regulation.

#### **4. TNZ General Code of Conduct**

- 4.1 TNZ has developed and issued a General Code of Conduct setting out the expected behaviour of all the people participating in the activities of NZTOs, and to which they all agree to be bound. The Code is set out in Appendix A to this Regulation.
- 4.2 The General Code of Conduct requires individuals associated with NZTOs to conduct themselves in a way which is appropriate taking into account community expectations and standards reflected in human rights legislation.
- 4.3 This Regulation should be read in conjunction with the General Code of Conduct.

#### **5. Procedures to guide NZTOs**

- 5.1 All NZTOs must:
- (a) comply with this Regulation;
  - (b) recognise and enforce any penalty imposed under this Regulation;
  - (c) appoint a Safeguarding Lead, whose role is as set out in Appendix E;
  - (d) publish and promote this Regulation (and any amendments made to it from time to time) to their members;
  - (e) promptly deal with any breaches or complaints made under this Regulation in a sensitive, fair, timely and confidential manner; and
  - (f) at all times in relation to the matters covered by this Regulation, act in a manner consistent with the principles of Natural Justice.
- 5.2 In addition, TNZ and each of its Voting Members must:
- (a) appoint a Complaints Manager to fulfil the functions set out in clauses 6 and following of this Regulation, and to publish and display the name and contact details of such person to its Members;
  - (b) establish a group of individuals suitable to perform the duties of a Member Protection Officer to be called upon by the Complaints Manager to fulfil the functions set out in clauses 18,19 and 20 of this Regulation; and
  - (c) establish a group of individuals suitable to perform the duties of a Tribunal in accordance with clause 18 of this Regulation, to fulfil the functions set out in clauses 20 and 21.
- 5.3 All other NZTOs not referred to in clause 5.2 may establish procedures for dealing with Complaints and Hearings under Part IV of this Regulation (and which must be consistent with these Regulations) but are not required to do so. If they do so, they must comply with clause 5.2. If they do not do so, then any Complaint shall be made in accordance with Rule 18.3.
- 6. All NZTO Board/Committee meeting agendas** will have safeguarding as a standing item, to ensure an ongoing focus on the topic. Who to contact

Should a person wish to make any enquiry in relation to this Regulation, he or she should contact the Complaints Manager of the relevant NZTO, at such phone number or email address as shall be advised on the website of the relevant NZTO.

## **PART II RECRUITMENT AND SCREENING**

### **7. When and how to do screening**

- 7.1 Screening is mandatory by NZTOs for Preferred Appointees and Existing Appointees in Positions of Trust.
- 7.2 For the purposes of this Regulation, Screening means:
- (a) checking referees – including making enquiries of the person’s nominated referees (preferably at least two) as to the person’s suitability for the role;
  - (b) Interviewing the person – including questioning the person as to their suitability for the role;
  - (c) obtaining a Police Vetting Check; and/or
  - (d) applying an equivalent or higher standard as may be set under applicable legislation.
- 7.3 If Screening reveals that a person has been found guilty of, or has pleaded guilty to, any criminal offence, then:
- (a) regardless of when the offence occurred, if it involved an offence of violence, abuse or assault against a child or vulnerable adult, murder or a Serious Sex Offence (as defined in clause 7.4) then:
    - (i) in the case of a Preferred Appointee, the person must not be appointed;
    - (ii) in the case of an Existing Appointee, subject to obtaining and following appropriate legal advice beforehand, the appointment of the person should be ended or its terms amended to ensure that the objectives of this Regulation are met.
  - (b) If the offence is one other than an offence identified in clause 7.3(a) then:
    - (i) the Preferred Appointee may, at the discretion of the NZTO, be appointed, subject to satisfaction of any other criteria for the role;
    - (ii) an Existing Appointee may continue in his/her role, subject to any modifications to his/her duties that the NZTO may within its power and discretion make.
- 7.4 All Existing Appointees and Preferred Appointees for Positions of Trust must agree to a Police Vetting Check. Subject to clause 7.2, the Police Vetting Check must be obtained prior to the appointment of a Preferred Appointee and immediately for Existing Appointees. A Police Vetting Check evidenced by original documentation (i.e. the Preferred Appointee or Existing Appointee cannot provide a copy of a Police Vetting Check conducted for an alternate purpose) must be provided to the NZTO and must then be refreshed every three years.
- 7.5 If a Preferred Appointee or Existing Appointee does not agree to Screening, then the NZTO:
- (a) in the case of a Preferred Appointee, shall not appoint that person to the role concerned;
  - (b) in the case of an Existing Appointee, shall take steps within its power to transfer the person to a role which is not a Position of Trust. If no appropriate alternative role exists then, subject to obtaining appropriate legal advice, the appointment of the person should be ended.
- 7.6 All information obtained during Screening, including the Police Vetting Check, must be kept strictly confidential by the NZTO which seeks it. Disclosure of such information should be limited to legal advisers and the persons within the NZTO who have been delegated the task of Screening or making the appointment. All such information must be returned to any Potential Appointee not appointed to the role, or destroyed, unless that person agrees to that information or a part of it being retained by the NZTO. The exception is the Police Vetting Check, a copy of which will remain accessible on the Tennis New Zealand Police Vetting database.

- 7.7 If a successful Preferred Appointee or Existing Appointee is charged with any criminal offence subsequent to the initial Police Vetting Check, he or she must provide immediate, written notification of that to the Complaints Manager (or, in their absence, their nominee) of the NZTO that appointed them.
- 8. When to seek a participant declaration**
- 8.1 In addition to Screening, NZTOs must obtain a Member Protection Declaration (refer Appendix B) from Preferred Appointees to Positions of Trust during the appointment process. In the case of Existing Appointees, a declaration should be obtained annually. In addition to the specified annual declaration, the NZTO must request Existing Appointees to submit additional declarations immediately prior to assuming a Position of Trust (e.g. coach / manager travelling as adult supervision of children that involves sleeping away from home).
- 8.2 If a Participant Protection Declaration reveals that a person has something relevant to disclose, the relevant NZTO will:
- (a) provide an opportunity for the person to respond/provide an explanation; and
  - (b) make an assessment as to whether the person may pose a risk to, or otherwise be unsuitable to work with, children under the age of 18 years or vulnerable adults.
- 8.3 If not satisfied that a Preferred Appointee or Existing Appointee is appropriate to hold a Position of Trust, then the NZTO will:
- (a) in the case of a Preferred Appointee, not appoint that person to the role concerned;
  - (b) in the case of an Existing Appointee, take steps within its power to transfer the person to another role which is not a Position of Trust. If no appropriate alternative role exists, subject to obtaining and following appropriate legal advice, the appointment of the person should be ended.



### **PART III RULES RELATING TO HARASSMENT, ABUSE, DISCRIMINATION AND SOCIAL NETWORKING**

#### **9. How to deal with Harassment, Abuse and Discrimination**

9.1 Harassment, Abuse and Discrimination are unlawful and prohibited and constitute a breach of this Regulation.

9.2 **Harassment** is any unwelcome behaviour or pattern of behaviour which is offensive, abusive, belittling or threatening to a person. It can be express or implied, physical, verbal or non- verbal.

9.3 Whether or not behaviour is Harassment is determined from the point of view of the person receiving the behaviour, assessed objectively. That is, it must be behaviour that a reasonable person in that position would find unwelcome. It does not matter whether or not the person harassing intended to offend or not.

#### **9.4 Harassment includes:**

- (a) Sexual Harassment (see clauses 9.5 to 9.7 below);
- (b) Abuse (see clauses 9.8 to 9.10 below);
- (c) Discrimination, including Vilification (see clauses 9.13 to 9.19); and
- (d) Harassment as defined in Section 3 of the Harassment Act 1997.

#### **9.5 Sexual Harassment means:**

- (a) an unwelcome sexual advance;
- (b) an unwelcome request for sexual favours; and
- (c) unwelcome conduct of a sexual nature (including oral or written statements of a sexual nature),

in circumstances where a reasonable person would have anticipated that the person receiving the behaviour would be offended, humiliated or intimidated.

#### **9.6 Examples of Sexual Harassment include:**

- (a) uninvited touching, kissing, embracing, massaging;
- (b) staring, leering, ogling;
- (c) smutty jokes and comments;
- (d) persistent or intrusive questions about another person's private life;
- (e) repeated invitations to go out, especially after prior refusal;
- (f) unwanted sexual propositions;
- (g) use of promises or threats to coerce someone into sexual activity;
- (h) display of sexually explicit material e.g. internet use, computer screen savers, calendars, posters;
- (i) getting undressed in front of others of the opposite sex;
- (j) invading the privacy of a person while that person is showering or toileting;
- (k) photographing a person while that person is undressing, showering or toileting;
- (l) use of sexually offensive emails, letters, faxes or notes; and
- (m) sexual insults and name-calling.

9.7 Sexual Harassment may be a criminal offence, for example indecent assault, rape, sex with a minor, photography including "upskirting", obscene telephone calls or letters. If you suspect that a criminal offence may have been committed, you should notify the police and/or seek legal advice.

9.8 **Abuse** is a form of Harassment. It includes:

- (a) **Physical abuse:** this occurs when a person subjects another person to a non- accidental physically aggressive act. The abuser may inflict an injury intentionally, or unintentionally as a result of physical punishment or other aggressive treatment. Physically abusive behaviour includes (but is not limited to) shoving, hitting, slapping, shaking, throwing, punching, biting, burning, kicking; or excessive physical training that causes harm.
- (b) **Sexual abuse:** this occurs when a person involves another person in any unwelcome or unconsented sexual activity. It includes both contact and non-contact behaviour, and when a person is encouraged or forced to watch or engage in a sexual activity, or any other inappropriate conduct of a sexual nature. Examples include sexual intercourse, masturbation, kissing or fondling, oral sex, making sexual comments, engaging a person in sexual conversations in-person or via social media, voyeurism (i.e. observing a person in an action that is considered to be of a private nature, such as undressing in a change room), nudity (i.e. an abuser exposing themselves or another person) touching a person's genitals or breasts, encouraging a person to view pornography including child pornography or other inappropriate touching or conversations; and exploiting a person through prostitution.
- (c) **Emotional abuse** or **psychological abuse:** this involves humiliating, terrorising, name-calling, belittlement, inappropriate symbolic acts, taunting, sarcasm, yelling, negative criticism, placing unrealistic expectations on a person or continual coldness from any person, to an extent that results in significant damage to the person's emotional wellbeing and development. Often there is a pattern of emotional or psychological abuse, rather than a single incident.
- (d) **Neglect:** this is a persistent failure to provide, or deliberate denial of, the basic necessities of life, for example adequate food, clean water, supervision, medical attention, shelter, clothing or to protect a person from danger or foreseeable risk of harm or injury.
- (e) **Abuse of power:** which the harasser holds over the harassed. For example, relationships that involve a power disparity such as a coach-player, adult-child, manager-player, employer-employee, doctor-patient have the potential for abuse of that power. People in such positions of power must be careful not to exploit that power, particularly around children.
- (f) **Grooming:** this is when a perpetrator builds a relationship with a vulnerable person with a view to abuse them at some stage. Grooming does not necessarily involve any sexual activity or even discussion of sexual activity – for example, it may only involve establishing a relationship with a child, parent or carer (e.g. giving special attention, providing favours or giving gifts) for the purpose of facilitating sexual activity at a later time.
- (g) **Family violence:** occurs when a person is forced to live with violence between people in his or her home. It can include witnessing violence or the consequences of violence. Family violence is defined as violence between members of a family or extended family or those fulfilling the role of family in a person's life. Exposure to family violence places people, in particular children, at increased risk of physical injury and harm and can have a significant impact on their wellbeing and development.

- 9.9 Examples of abusive behaviour include:
- (a) bullying and humiliation of players by coaches;
  - (b) abuse and insults directed by players or parents at opposing participants;
  - (c) Child Abuse;
  - (d) abuse of Officials by players, coaches or parents;
  - (e) bullying, humiliation and physical intimidation of other players in competition; and
  - (f) practical jokes which cause significant embarrassment or which endanger the safety of others.

Some forms of abuse may constitute a criminal offence, for example common assault. If you suspect that a criminal offence may have been committed, you should immediately notify the police.

- 9.10 **Discrimination** is treating or proposing to treat a person less favourably than another person, on the basis of an attribute or personal characteristic as described below and as prohibited under the Human Rights Act 1993. Requesting, assisting, instructing, inducing or encouraging another person to engage in Discrimination is also considered Discrimination.

The personal attributes or characteristics against which a person must not be discriminated against are:

- (a) sex, which includes pregnancy and childbirth;
  - (b) marital status – which means being single; or married, in a civil union, or in a de facto relationship; or the surviving spouse of a marriage or the surviving partner of a civil union or de facto relationship; or separated from a spouse or civil union partner; or a party to a marriage or civil union that is now dissolved, or to a de facto relationship that is now ended;;
  - (c) religious belief;
  - (d) ethical belief, which means the lack of a religious belief, whether in respect of a particular religion or religions or all religions;
  - (e) colour;
  - (f) race;
  - (g) ethnic or national origins, which includes nationality or citizenship;
  - (h) disability – which means physical disability or impairment; physical illness; psychiatric illness; intellectual or psychological disability or impairment; any other loss or abnormality of psychological, physiological, or anatomical structure or function; reliance on a disability assist dog, wheelchair, or other remedial means; the presence in the body of organisms capable of causing illness:
  - (i) age;
  - (j) political opinion, which includes the lack of a particular political opinion or any political opinion;
  - (k) employment status;
  - (l) family status – which means having the responsibility for part-time care or full-time care of children or other dependants; or having no responsibility for the care of children or other dependants; or being married to, or being in a civil union or de facto relationship with, a particular person; or being a relative of a particular person: or
  - (m) sexual orientation, which means a heterosexual, homosexual, lesbian, or bisexual orientation.
- 9.11 Discrimination also includes victimisation. **Victimisation** occurs when one person subjects, or threatens to subject, another person to some form of detriment or harm, because that person has asserted a right; for example, that person has exercised a right to lodge a harassment complaint, or supported someone else's complaint of a similar nature.
- 9.12 TNZ and NZTOs will take all reasonable steps to ensure that people involved in a complaint are not victimised by anyone for making a complaint or for providing assistance in relation to a complaint. Conduct which amounts to victimisation is a breach of this Regulation.

9.13 **Exemptions** under New Zealand law may permit certain forms of Discrimination. These may include Discrimination:

- (a) in relation to the selection of a team for competition or entry to a competition, where the strength, stamina and physique of the competitor is relevant;
- (b) if it is necessary to protect the health and safety or property of any person or of the public generally.

NZTOs are strongly advised to obtain independent legal advice or consult the Human Rights Commission if such Discrimination is considered.

9.14 **Vilification** is a form of Discrimination and involves a person inciting hatred towards, serious contempt for, or severe ridicule of, a person or group of persons by a public act, including any form of communication to the public and any conduct observable by the public. Vilification is a breach of this Regulation where it is based on any of the attributes or characteristics set out in clause 9.10.

9.15 Some forms of Vilification may constitute a criminal offence, for example where harm is threatened. If you suspect that a criminal offence may have been committed, you should notify the police and/or seek legal advice.

9.16 **What is not a breach of this Regulation:** the following will not constitute a breach of this Regulation:

- (a) one-off or occasional instances of forgetfulness, rudeness or tactlessness;
- (b) friendly, occasional banter, light-hearted exchanges, non-sexual mutually acceptable jokes and compliments;
- (c) issuing reasonable instructions, in a reasonable way, and expecting them to be carried out;
- (d) warning or disciplining someone in line with policies and procedures;
- (e) insisting on high standards of performance in line with agreed upon expectations;
- (f) legitimate feedback about activity/sporting or work performance (not expressed in a hostile, harassing manner);
- (g) expressing opinions that are different from others;
- (h) targeted diversity policies or reasonable accommodation and provision of work aids for disabled people;
- (i) queries reasonably made to determine eligibility to participate in competitive sporting events or activities a single incident of low-level unreasonable behaviour.

## 10. How to manage Social Networking

10.1 Social Networking refers to any website or technology that enables persons to communicate and/or share content via the internet. This includes social networking websites such as Facebook and X (formerly Twitter).

10.2 Persons bound by this Regulation must conduct themselves appropriately when using social networking sites to share information related to Tennis. In particular, social media activity including, but not limited to, postings, blogs, status updates and tweets:

- (a) must not contain material which is, or has the potential to be, offensive, aggressive, defamatory, threatening, discriminatory, obscene, profane, harassing, embarrassing, intimidating, sexually explicit, bullying, hateful, racist, sexist or otherwise inappropriate;
- (b) must not contain material which is inaccurate, misleading or fraudulent;
- (c) must not contain material which is in breach of laws, court orders, undertakings or contracts;
- (d) should respect and maintain the privacy of others; and
- (e) should promote Tennis in a positive way.

## **PART V PARTICULAR PROVISIONS RELATING TO CHILD ABUSE**

**11. Child Abuse** means any Abuse where the offending conduct is against a child, and includes, but is not limited to:

- (a) physical abuse by hurting a child or a child's development, for example hitting, shaking or other physical harm, giving a child alcohol or drugs, or training that is excessive for a child's development or maturity;
- (b) sexual abuse by an adult or other child, where a child is encouraged or forced to watch or engage in sexual activity or where a child is subject to any other inappropriate conduct of a sexual nature, for example sexual intercourse, masturbation, oral sex, pornography including child pornography or inappropriate touching or conversation;
- (c) emotional abuse by ill-treating a child, for example humiliation, taunting, sarcasm, yelling, negative criticism, name calling, ignoring or placing unrealistic expectations on a child; and
- (d) neglect (e.g. failing to give food, water, shelter or clothing or to protect a child from danger or foreseeable risk of harm or injury).

Child Abuse is unlawful and prohibited and constitutes a breach of this Regulation.

- 11.1 If a person suspects, or has been provided with information that indicates, that Child Abuse has or may have occurred then that person must notify a Complaints Manager, the police and any relevant government agency.
- 11.2 If the suspected Child Abuse has been referred to a Complaints Manager, the Complaints Manager must immediately report that to the police (if that has not already happened) and any other relevant government agency. Oranga Tamariki – Ministry for Children must be contacted for advice if there is any doubt about whether the complaint should be reported.

### **12. Sharing Information about concerns and protecting privacy**

- 12.1 Under the provisions of the Oranga Tamariki Act 1989, NZTOs must share information about a child or young person with appropriate people or organisations if:
  - (a) it has concerns about a child or young person's safety and well-being; and
  - (b) it believes that doing so will:
    - (i) increase the safety of a child or young person, or
    - (ii) help assess the risk for a child or young person.

The information provided will be concise and relevant to the concern held about the child or young person.

- 12.2 NZTOs will, except where it would pose a risk to a child or young person, always inform a child or young person (if appropriate) and parent / caregiver before sharing information; or, if that is not possible, after sharing the information. The child or young person's parent / caregiver will not be informed about the sharing of information if that would place the child at greater risk of harm.
- 12.3 NZTOs can always legally share information with Oranga Tamariki and the Police when concerned about a child or young persons wellbeing or safety.
- 12.4 NZTOs will collect personal information from their members, staff, participants, etc. as needed to perform their functions or where required by law. This may include health or medical information.

- 12.5 In collecting personal information, NZTOs will adhere to the Privacy Act 2020 and maintain all reasonable protections against the loss, misuse or inappropriate disclosure of personal information and maintain processes to prevent unauthorised use or access to that information.
- 12.6 NZTOs will share personal information only with those who need it for the purposes of their work/for their members' well-being or to comply with law. This may include outside organisations (e.g. Sport NZ, Drug Free Sport NZ), staff, volunteers or contractors. Such access to information will be limited to what is necessary. NZTOs will never sell members' personal information.
- 12.7 NZTOs will not disclose information about children and young people to a family/whānau unless there is clear, legal right for them to access that information.
- 12.8 Further information about reporting Allegations of Abuse is contained in Appendix D, and contact details for advice or to report an allegation of abuse are contained in Appendix F.

### **13. Use of Media -Photography and Film**

- 13.1 Where possible, NZTOs will obtain consent (from parents/caregivers) in writing prior to filming or photographing children and ensure children and young people are happy to participate as well.
- 13.2 If parental consent is not given, NZTOs will inform approved photographers and staff of any children and young people who must not be photographed.
- 13.3 Where written consent has not been obtained, NZTOs will, where reasonably practicable, take steps to ensure parents and children are aware that photography or recording is taking place. They will be informed of the purpose(s) for which the photographs/recording is being taken, the intended recipients of the photographs/recording and their rights to access any such photos or recordings.
- 13.4 NZTOs will not publish photographs with the full name(s) of children and young people unless they have received written parental consent and have informed the children, young people, parent, caregivers how the photograph will be used.
- 13.5 NZTOs will ensure that any filming or photography of children is appropriate, fair and does not intrude to an unreasonable extent on the personal affairs of the individual concerned.
- 13.6 Children and young people must be dressed in clothing related to the sport and which does not expose them inappropriately.
- 13.7 If engaging with an external photographer, NZTOs will ensure that person has been screened (refer section 7).
- 13.8 Photographs or recordings of children and young people must be kept secure and only shared for the purpose the image was taken (in accordance with the signed parental consent form) and will not be kept for longer than necessary.
- 13.9 Photographs and recordings must only be shared with approved staff members (e.g. the person responsible for marketing, social media or newsletters).

#### **14. Transportation of Children & Young People**

- 14.1 All drivers and chaperones must be/have been screened before driving children and young people (refer section 7). This must be a full Police Vetting Check, as the purpose is to determine suitability to be responsible for children and vulnerable adults, as well as a clean driving record (i.e. no drink driving, speeding convictions).
- 14.2 All drivers must have a current full New Zealand driver's licence or approved equivalent. Any new penalties (since completing the screening form) must be disclosed.
- 14.3 NZTOs will request written parental consent before transporting children in a vehicle and ensure the vehicle is insured, has appropriate child safety seats, has a current Warrant of Fitness and Registration, and has sustained no damage subsequent to its last Warrant of Fitness that means it is no longer roadworthy.
- 14.4 Drivers must ensure that seat belts are worn by children and young people, traffic laws are adhered to and weather conditions taken into account.

#### **15. Overnight Accommodation**

- 15.1 If NZTOs provide billeting or overnight accommodation for children and young people, they will abide by the conditions set out in this section.
- 15.2 Where possible, accommodation other than billeting will be selected, due to the increased level of risk associated with billeting.
- 15.3 Sleeping arrangement standards in both accommodation and billeting will be mandated: no sharing of a room with an adult; no bed sharing; no mixed-gender room sharing; and privacy is provided for changing purposes and using the bathroom.
- 15.4 Children and young people will be made aware of these standards, as will hosts, parents and caregivers.
- 15.5 If billeting:
  - (a) all adults who live at the billeting property will be Police vetted, and the results viewed before any child or young person is billeted;
  - (b) any potential host who refuses or challenges a Police Vet will not be considered;
  - (c) if a Children's Act 2014 Schedule 2 offence is revealed, no child or young person will attend the property and details of the offer to billet may be given to the Police for further investigation;
  - (d) the NZTO will complete a risk assessment on the billeting information and reject any unsafe or inappropriate household. Information relating to the safety and appropriateness of the property will be obtained – such as smoke alarms;
  - (e) at least two children or young people will be billeted at each location at a time;
  - (f) parents, caregivers or whānau will be informed of all the details of the billet:
    - who is in the household
    - address
    - contact number of the host
    - contact number of the Safeguarding Lead;
    - outcome of the risk assessment and Police Vet;
  - (g) throughout the billeting period, the Safeguarding Lead will keep in regular contact with the child/young person, as well as the billet host. If there is concern at any time for the safety and well-being of the child/young person, they will be immediately removed and placed in other alternative safe accommodation. Parents, caregivers or whānau will be informed of any changes to original plans.

## **16. Safe use of Change Facilities**

- 16.1 For mixed-gender activities, separate changing facilities must be available for boys and girls. Where possible, a separate, non-binary changing room should also be provided.
- 16.2 Changing facilities must not be used by adults and children/young people at the same time.
- 16.3 During child/young person-orientated activities (e.g. a school holiday programme), parents, caregivers and whānau must be discouraged from entering changing facilities unless it is truly necessary. In such circumstances, only a parent of the same sex as the children/young people may enter the changing facility and they must let the supervising adult know about this in advance.

## **17. Induction & Training**

- 17.1 All those who this Regulation applies to (refer section 3), must be informed of the Regulation and where it can be found, as part of their induction in the first two (2) weeks of them being employed or engaged.
- 17.2 All those who are employed, contracted or otherwise engaged to work with or in any way supervise children under 18 years of age or vulnerable adults, as coaches, team managers, tournament directors, officials and umpires (paid or volunteer); and any role in which they are likely to have unsupervised contact with children under 18 years of age or vulnerable adults must complete Free Child Protection Training available through Sport NZ / the Sport Integrity Commission at:

<https://sporttutor.nz/ilp/pages/description.jsf?client=sportNZ#/users/@self/catalogues/4312901/programmes/4891945/description>

- 17.3 All those in Safeguarding Lead positions must complete E-learning Child Protection Training as above, and at least yearly child protection training required to enable them to complete their roles with confidence.



## PART IV COMPLAINTS PROCEDURE

### 18. Making a complaint

- 18.1 If any person considers that this Regulation has been breached, he or she may make a complaint (“**Complaint**”). A Complaint must be in writing and made to the relevant authority as outlined in clause 18.2 (“the Complaint Recipient”) within 14 days of the alleged breach. The Complaint Recipient may, in his or her discretion, extend or waive the time for making a complaint, when s/he is of the reasonable belief that the circumstances warrant it, taking into account the nature of the Complaint, age of the Complainant at the date of the alleged breach and such other factors as it in its discretion deems appropriate. A Guide to making, and managing, Complaints is set out in the Decision Trees in Appendix G.
- 18.2 A Complaint must be made to:
- (a) a Complaints Manager of the NZTO (if any) which the alleged offender has his/her primary membership e.g. Club or, if the alleged offender is not a member of any NZTO, then to the NZTO where the conduct the subject of the complaint occurred (“Relevant NZTO”), if that NZTO has established procedures for dealing with Complaints in accordance with clause 5.3; or
  - (b) the Complaints Manager of the relevant Regional Tennis Organisation (or, in his or her absence, the CEO or General Manager of the relevant Regional Tennis Organisation); or
  - (c) when the conduct complained of occurred at a tournament, event or activity operated or conducted primarily by TNZ, the Complaints Manager of TNZ,
- provided that if for any reason an NZTO is unable or unwilling to take responsibility for addressing a Complaint, or if the TNZ Complaints Manager considers in his or her discretion that a Complaint should be referred to another NZTO (including TNZ), the TNZ Complaints Manager shall determine which NZTO is to take responsibility for addressing the complaint.
- 18.3 Where a Complaint is referred to an NZTO and that NZTO has not established a procedure for dealing with Complaints in accordance with clause 5.3 of this Regulation, then the Complaint shall be referred as set out in clause 18.2 above.
- 18.4 When a Complaint is received, the Complaints Manager who received it must:
- (a) Take appropriate action to ensure that any repeat incident(s) do not occur while the Complaint is under investigation. This must be done as discretely as possible, such as engaging with a trusted representative who can be in attendance, to prevent any further incidents.
  - (b) Identify a suitable Member Protection Officer to manage the complaint. This process must include confirming that no conflict of interest exists for the selected Member Protection Officer. If there is a conflict, then an alternate Member Protection Office must be identified.
  - (c) Advise the Complainant who has been appointed the Member Protection Officer, by email, copying the appointed Member Protection Officer to that email.
  - (d) Be available to support the Member Protection Officer through the process by regularly checking in with them to confirm that the Complaint is progressing in a manner consistent with the processes outlined in this Regulation.

- 18.5 Once appointed, the Member Protection Officer must:
- (a) Engage with the Complainant by:
    - (i) sharing a copy of this Regulation;
    - (ii) advising the Complainant about the options for resolving the Complaint, and answering any questions about the process outlined in this Regulation;
    - (iii) if the Complaint relates to a matter that should be referred to the police, assist the Complainant to engage with the police;
    - (iv) if the Complaint relates to discrimination and the Complainant wishes, assist the Complainant to engage with the Human Rights Commission;
    - (v) assisting the Complainant to identify their desired resolution outcomes to the Complaint; and
    - (vi) ensuring that the Complainant understands that, unless the Complaint is being referred to a governmental authority (e.g. police, Human Rights Commission), that the Respondent has the right to know who the Complainant is under the rules of Natural Justice
  - (b) Having determined the Complainant's wishes in accordance with clause 18.5(a), the Member Protection Officer shall:
    - (i) act in accordance with the Complainant's wishes;
    - (ii) keep the matter confidential and only discuss it with people the Complainant has authorised him or her to speak to about the Complaint or as permitted under this Regulation;
    - (iii) inform any relevant governmental authority, if required by law.
- 18.6 If the Complaint is to be addressed in accordance with this Regulation (i.e. is not to be referred to any relevant government authority), then the Complainant should be invited to review their written Complaint and permitted to edit it in the knowledge that it will be forwarded to the Respondent.
- 18.7 Once the finalised Complaint has been received from the Complainant, the Member Protection Officer shall:
- (a) immediately notify the person(s) complained of (**Respondent**), in writing, that a Complaint has been made and provide him or her with a copy of the written Complaint;
  - (b) engage with the Respondent by:
    - (i) sharing a copy of this Regulation;
    - (ii) advising the Respondent about the options to resolve the Complaint, and answering any questions about the process outlined in this Regulation;
    - (iii) assisting the Respondent to understand that the Complainant owns the Complaint and also the manner in which the Complaint is resolved;
    - (iv) advising the Respondent that they are entitled to provide a written Response to the Complaint, which could include admitting parts or all of the Complaint, denying parts or all of the Complaint and/or making a counter-Complaint. The Response will be shared with the Complainant and also any other parties that become involved in resolving the Complaint (i.e. Tribunal members).
- 18.8 If the Respondent considers that the Complaint is frivolous, vexatious or malicious, then:
- (a) the Respondent may set that out in writing, and the reasons for that view;
  - (b) the Complainant will be given a copy of the Respondent's statement, and an opportunity to respond, in writing;
  - (c) as soon as the Tribunal Chair has been appointed, it will (sitting alone) determine whether or not the complaint is frivolous, vexatious or malicious, and advise the parties of its determination;
  - (d) that determination shall be made as soon as practicable and in whatever manner the Tribunal Chair considers appropriate in the circumstances, provided that it shall do so in accordance with the principles of Natural Justice;
  - (e) The decision of the Tribunal Chair under this clause 18.8 may not be appealed.

- 18.9 Upon receiving the written Response from the Respondent (or advice that no Response will be provided), the Member Protection Officer will immediately notify the Complainant, in writing, and provide him or her with a copy of the written Response. In all circumstances other than that identified in clause 18.8, the Member Protection Officer shall then engage with the Complainant to determine the next steps. The options are:
- (a) informal resolution;
  - (b) mediation;
  - (c) formal resolution (tribunal hearing); or
  - (d) withdraw the Complaint.

The decision as to which option is selected rests solely with the Complainant as owner of the Complaint. However, if the Respondent has made a counter-Complaint in the Response, then both the Complainant and Respondent will agree on the resolution process. If they cannot agree, then formal resolution by way of Tribunal Hearing is the default option.

## **19. Informal Resolution and Mediation**

- 19.1 If the Complainant wishes (or the parties agree, as the case may be) to attempt to resolve the Complaint through an informal mechanism such as facilitation/ discussing the complaint in a safe environment, then the Member Protection Officer will advise the Complainant and the Respondent accordingly.
- 19.2 If resolution is achieved through an informal mechanism (as recorded in writing), then the resolution will be put into place (this may include putting in place specified risk management measures and/or imposing sanctions) and the Complaint considered closed. The Member Protection Officer shall advise the Complaints Manager accordingly.

### ***Mediation***

- 19.2 If the Complainant wishes (or the parties agree, as the case may be) to attempt to resolve the Complaint through mediation (either without attempting informal resolution or after an unsuccessful attempt at informal resolution), then the Member Protection Officer will advise the Complainant and the Respondent that Mediation will be employed and that the Complaint and Response will be provided to the Mediator.
- 19.3 The Member Protection Officer shall also advise the Complaints Manager that Mediation has been identified as the means by which the parties will attempt to reach a resolution. The Complaints Manager will appoint a Mediator.
- 19.4 Once a Mediator has been appointed, the Complaints Manager will advise the Member Protection Officer the name of the Mediator. The Member Protection Officer will, in turn, advise both the Complainant and Respondent, and that the Mediator will be in contact to establish a date and time for the mediation.
- 19.5 The Mediator will engage with the Complainant and the Respondent, establishing a date and time for the Mediation, an outline of how the Mediation will be conducted, and that the Complainant and Respondent are each permitted to have a support person in attendance.
- 19.6 At conclusion of the Mediation, the Mediator will table a Mediation Report (a summary of the Mediation process and any outcomes), to be signed by the Complainant and the Respondent and copied to the Member Protection Officer.

### ***Successful Mediation***

- 19.7 If resolution is achieved at mediation (as recorded in a written mediation report), then the resolution will be put into place and the Complaint considered closed.
- 19.8 Once the resolution has been put in place, the Member Protection Officer will confirm that in writing to the Complainant and Respondent, and copy the confirmation to the Complaints Manager. The outcome is confidential to the parties and no further action may be taken under this Regulation (except by agreement between the parties). This does not prevent action being taken under legislation or criminal or civil law.

### ***Unsuccessful Mediation***

- 19.9 If mediation does not result in the complaint being resolved, the Member Protection Officer will advise both parties in writing that he or she will engage with the Complainant to decide how the Complaint will progress. The options available to the Complainant are:
- (i) formal resolution (tribunal hearing); or
  - (ii) withdraw the Complaint.

## **20. Formal Resolution (Tribunal Hearing)**

- 20.1 If the Complainant wishes to refer the Complaint for Formal Resolution (Tribunal Hearing), then the Member Protection Officer will advise the Complainant and the Respondent accordingly, and the Complaint and Response will be provided to the Tribunal Members.
- 20.2 The Member Protection Officer will advise the Complaints Manager that Formal Resolution (Tribunal Hearing) has been identified as the means by which the Complaint will be resolved.
- 20.3 The Complaints Manager will determine the composition of the Tribunal, which shall be comprised of:
- (a) a lawyer or, if after reasonable attempts have been made to obtain one without success, a person with considerable previous experience in the legal aspects of a tribunal (who shall be the Chair);
  - (b) a person with a thorough knowledge of tennis; and
  - (c) one other person with experience and skills suitable to the function of the Tribunal.

However, the following cannot be Tribunal members: a person who is a member of the Board of Directors or Committee (however described) of the NZTO which appoints the Tribunal; or a person who would or might, by reason of his or her relationship with the Complainant or the Respondent, or otherwise, be reasonably considered not to be impartial.

- 20.4 Once a Tribunal Chair has been appointed, the Complaints Manager will advise the Member Protection Officer the name of the Tribunal Chair. The Member Protection Officer will in turn advise the Complainant and Respondent, and that the Tribunal Chair will be in contact to establish a date and time for the Tribunal Hearing.
- 20.5 The Tribunal Chair will contact the Complainant and the Respondent separately in writing, copied to the Member Protection Officer, advising the date and time of the Tribunal Hearing, the names of the members of the Tribunal Panel, an outline of the way in which the Tribunal Hearing will be conducted, the expectation that any supporting witnesses are to appear in person (which includes the option of video conference or phone) and that both the Complainant and Respondent are permitted to have a support person in attendance ("Collectively referred to as a Hearing Notice").

- 20.6 The Tribunal shall hear and determine the alleged breach or offence in whatever manner it considers appropriate in the circumstances (including by way of teleconference, video conference or otherwise) provided that it does so in accordance with the principles of Natural Justice. The purpose of the hearing shall be to determine whether the Respondent is in breach of this Regulation and, if so, what consequences should follow. The Tribunal may not discuss and consider any prior relevant behaviour or conduct at the Hearing. If the Tribunal finds the Complaint proven on the balance of probabilities, it may impose any one or more of the penalties set out in clause 22 and may then take into account prior behaviour and conduct.
- 20.7 The Complainant, Respondent and any witnesses sent a Notice to Attend will be required to attend the hearing before the Tribunal at the time and place notified to them (however it is conducted). If within 30 minutes of the notified time for commencement of the hearing, the Respondent or any witness is not present, the Tribunal may elect to conduct the hearing in the absence of that person or adjourn the hearing and reconvene at a later date advised to the Complainant, Respondent and witnesses.
- 20.8 The parties to the hearing shall include the Complainant, the Respondent and the Relevant NZTO, whose role shall be to assist the Tribunal by presenting evidence, including material facts, and to make any submissions on behalf of the NZTO on appropriate penalty.
- 20.9 If at any stage the Tribunal considers that the safety and welfare of the Complainant or any other person is or may be in jeopardy, it may order that the Respondent be:
- (a) suspended from any role he or she holds within the relevant NZTO;
  - (b) banned from any event or activities held by or sanctioned by the relevant NZTO;
  - (c) required not to contact or in any way associate with the Complainant or other person to whom the alleged breach or offence relates pending determination of the Complaint
- 20.10 There is no right of appeal against an order of the Tribunal under clause 20.9, except on the grounds of breach of Natural Justice.
- 20.11 Any party to the hearing may be represented by a lawyer or other person who is not a lawyer.
- 20.12 Each party to the hearing shall bear his or her own costs in relation to the hearing.

- 20.13 The Tribunal shall give its decision in writing as soon as practicable after the hearing and will include in that written decision a statement of its reasons (together with information regarding the appeal process) to the following:
- (a) the Complainant;
  - (b) the Respondent;
  - (c) any other party represented at the hearing;
  - (d) the Member Protection Officer;
  - (e) the Complaints Manager;
  - (f) the Chair of any NZTO that has an obligation to enforce the rulings of the Tribunal.
- 20.14 The Tribunal shall give an anonymised version of the decision to the Tennis NZ Chief Executive and Tennis NZ Complaints Manager. There shall be a presumption that anonymised decisions will be published, except only when there is a good reason to depart from the principle of open justice e.g. to protect a vulnerable individual, safeguard national security or preserve confidentiality. In such case, the Tribunal will advise the Chief Executive of any prohibition, restriction or condition on publication. Except as so advised, the Chief Executive will publish all (anonymised) Tribunal decisions on the Tennis NZ website.
- 20.15 Each member of a Tribunal established under this Regulation shall be indemnified by the NZTO which appointed them, from any claim or action for loss, damages or costs made against them arising out of or in connection with their function as a member of the Tribunal under this Regulation (except for fraud or deliberate misfeasance).
- 20.16 Except as otherwise provided in this Regulation, all members of a Tribunal and others present at the Hearing shall keep all matters relating to the hearing, other than the decision, including but not limited to the nature of the Complaint, information obtained before and during the hearing, confidential.
- 20.17 A Complainant may seek anonymity in relation to the process under this clause 20 and, if sought, no particulars of the Complainant such as name, address or other information which might identify the Complainant is to be disclosed or published in any form in the Tribunal Report.
- 20.18 The Tribunal outcome is final and no further action may be taken under this Regulation (except by agreement between the parties). This does not prevent action being taken under legislation or criminal or civil law.
- 20.19 **Application of other Tribunal decisions:** in making a decision, a Tribunal shall apply the following principles:
- (a) Tribunals shall aim for consistency and predictability in their rulings, and previous relevant published decisions published should therefore be considered.
  - (b) decisions made by a Tribunal of the same level e.g. established by a Club, are not binding on another Tribunal at the same level, but should be considered.
  - (c) A decision of a Tribunal at a higher level e.g. a Tribunal established by an RTO is binding on a Tribunal established by a Club:
    - on a point of law; or
    - the decision resolves a common or related issue of law or fact.

## **21. Making enquiries about potential breaches of this Regulation**

- 21.1 If a Complaints Manager receives information which suggests on reasonable grounds that this Regulation may have been breached, then he or she shall:
- (a) Investigate whether or not it appears to him or her that, prima facie, there has been a breach of this Regulation. The Complaints Manager may request copies of relevant documents and all persons bound by this Regulation shall comply with all reasonable requests for relevant information by the Complaints Manager and co-operate in the conduct of the investigation.
  - (b) If the Complaints Manager determines that, prima facie, there has been a breach of this Regulation, then the Complaints Manager will write a Complaint and refer the matter to a Member Protection Officer to engage with the Respondent in accordance with the process outlined in clauses 18.8 and 18.9. insofar as they are applicable, as if a Complaint had been received.
- 21.2 Upon receiving a Response, the Member Protection Officer will follow the process set out in clause 18.8, with the Complaints Manager considered to be the Complainant in that case. If the Complaints Manager wishes to progress with either Informal Resolution (Mediation) or Formal Resolution (Tribunal Hearing), the Complaints Manager will appoint the Complaints Manager of another NZTO to assume the role of Complaints Manager for the Complaint, thereby permitting the original Complaints Manager to now be the Complainant on behalf of their NZTO and hold no other role in relation to the Complaint.

## **22. Penalties that can be imposed**

- 22.1 If a Tribunal considers that a person or an NZTO, to whom this Regulation applies, has breached this Regulation, it may impose any one or more of the following penalties:
- (a) direct that the Respondent attend counselling to address their conduct;
  - (b) recommend that the relevant NZTO terminate the appointment of any role which the Respondent holds with it;
  - (c) impose a monetary fine for an amount determined by the Tribunal;
  - (d) impose a warning;
  - (e) in the case of a Coach, direct an NZTO to suspend or cancel the person's accreditation or affiliation for a period or indefinitely;
  - (f) withdraw any ranking points, awards, placings, records won in any tournaments, activities or events held or sanctioned by an NZTO;
  - (g) direct the Respondent to repay all or part of any financial assistance (excluding any fee for service, wages or expenses) given to them by Sport New Zealand, any national or regional funding agency, the New Zealand Olympic Committee, the New Zealand Commonwealth Games Committee, or an NZTO or any other organisation which has provided funding to the Respondent;
  - (h) suspend the Respondent from competition for such period as the Tribunal sees fit;
  - (i) orders as to future conduct of the respondent (which may be accompanied by an order for education/training/rehabilitation);
  - (j) orders requiring the respondent to have conditions or be monitored when undertaking specific activities (which may be with or without the complainant) or for as specific period of time;
  - (k) orders for apology, compensation and/or reparation to the victim;
  - (l) payment of the complainant's costs and expenses in the proceeding;
  - (m) community service within the sport;
  - (n) removal of awards/honours that have been granted;
  - (o) impose a fully or partially suspended sentence on the Respondent with a period of good behaviour; and
  - (p) any other such penalty that the Tribunal considers appropriate, including any of the remedial actions and sanctions set out in Part IV of the Code of Integrity for Sport and Recreation <https://sportintegrity.nz/assets/integrity-code/code-of-integrity-for-sport-and-recreation---202506.pdf>.



- 22.2 If a Respondent commits a second or subsequent breach of this Regulation, then the Tribunal shall have regard to the previous breach, the penalty imposed and any other relevant factors, in imposing a penalty for the second or subsequent breach.
- 22.3 If a penalty is imposed by the Tribunal under clause 22.1, the President or Chair (or nominee) of the NZTO that established the Tribunal shall, as soon as possible, notify any and all NZTOs of which the Respondent is a member.
- 22.4 Every NZTO required to adopt this Regulation shall recognise and enforce any decision and penalty imposed by a Tribunal under this Regulation.

### 23. Rights of Appeal

- 23.1 Subject to Rule 20.10, a party to a hearing held under clause 20 (**Appellant**) may appeal a decision of a Tribunal (**Original Tribunal**) in one or more of the following circumstances:
- (a) the Appellant's ability to earn his or her primary source of income is substantially affected by the decision of the Original Tribunal; or
  - (b) new evidence is available that, despite reasonable diligence, was not able to be presented to the Original Tribunal and which may, if accepted, have affected the decision of the Original Tribunal; or
  - (c) an alleged breach of Natural Justice.
- 23.2 Subject to clause 23.3, an appeal shall be made to the Tribunal established by the next highest NZTO in the TNZ constitutional hierarchy ("**Appeal Body**").
- 23.3 Any appeal against a decision of a Tribunal established by TNZ shall be made to the Sports Tribunal of New Zealand ("STNZ") (also referred to as the "**Appeal Body**").
- 23.4 There is only one right of appeal following the decision of the Original Tribunal. Any appeal must be solely and exclusively resolved by the Appeal Body and the decision of such Appeal Body is final and binding on the parties.
- 23.5 The process for such appeal is as follows:
- (a) The Appellant shall within 72 hours of the Original Tribunal delivering its decision:
    - (i) notify the Member Protection Officer in writing of the next highest NZTO of the Appellant's intention to appeal (Notice of Intention to Appeal);
    - (ii) in the case of an appeal to STNZ, complete and file an application to appeal with STNZ in accordance with its procedures and the TNZ Constitution.
  - (b) For all appeals except those to STNZ, as soon as possible after receipt of the Notice of Intention to Appeal, the Member Protection Officer of the next highest NZTO shall:
    - (i) in the case of an appeal under clause 23.1, refer the matter to the Chair of the Appeal Body to determine in his or her sole discretion whether the Appellant has satisfied the criteria for an appeal under clause 23.1. If satisfied the Chair shall direct the Member Protection Officer to convene a Tribunal to hear and determine the appeal; or
    - (ii) in the case of an appeal under clause 23.3(b), the Chair shall direct the Member Protection Officer to convene a Tribunal to hear and determine the appeal.
  - (c) The Appeal Body shall comprise of persons who comply with clause 20.2 of this Regulation and were not members of the Original Tribunal.



- (d) Within 7 days of lodging the Notice of Intention to Appeal, (or such shorter time as determined by the Appeal Body if there is urgency) the Appellant shall:
  - (i) pay any stipulated appeal fee to the Appeal Body, or in the case of an appeal to STNZ the relevant fee which shall be as per the Code of Sports-related Arbitration applicable to STNZ; and
  - (ii) submit to the Chair of the Appeal Body or STNZ (as the case may be) the grounds of the appeal in writing, copies of which will be provided to the complainant, the Chair of the organisation which established the Original Tribunal and the Chair of the next highest NZTO.
- 23.6 If either of the requirements in clause 23.5(a) or (d) are not met by the due date, then the appeal shall be deemed to be withdrawn.
- 23.7 The Appeal Body may withhold all or part of the appeal fee to cover the costs of the appeal.
- 23.8 On completion of the procedures in clause 23.5 (a) to (c) above, the Chair of the Appeal Body shall, unless the Tribunal considers that the matter can be decided on the papers) determine a place, time and date for the hearing of the appeal and as soon as possible thereafter notify all parties to the appeal in writing of such details (or advise that the matter has been or will be decided on the papers). The procedure for the appeal shall be the same as the procedure for the Original Tribunal set out in clause 11, except where the Appeal Body is STNZ, in which case the Rules of the Sports Tribunal of NZ shall apply.
- 23.9 Upon hearing the appeal, the Appeal Body may do any one or more of the following:
  - (a) dismiss the appeal, in whole or in part;
  - (b) grant the appeal, in whole or in part;
  - (c) impose any of the penalties set out in clause 21, and/or
  - (d) reduce, increase or otherwise vary any penalty imposed by the Original Tribunal.
- 23.10 The Appeal Body has no power to award costs and each party shall bear his or her own costs in relation to any appeal.
- 23.11 All members of an Appeal Body and others present at the Appeal hearing shall keep all matters relating to the hearing confidential.

## **24. Employment Law**

Where a complainant, or a person who is a subject of a complaint, is an employee of an NZTO, the relevant employment agreement and employment law generally shall prevail over this Regulation to the extent of any inconsistency.

## 25. Definitions

The following terms have the following meanings in this Regulation:

**Abuse** is as defined in clause 9.8.

**Affiliate** means an Affiliate under the Tennis New Zealand Constitution.

**Affiliate Member** means an entity (other than a Tennis Region or a Tennis Association and their Members) which is a member of or affiliated to an Affiliate under the TNZ Constitution.

**Child** is a person aged 17 or under.

**Child Abuse** is as defined in clause 11.

**Child Protection** is a set of actions to respond to concerns for children who may have suffered or may be at risk of suffering from significant harm.

**Complaint** is a complaint made under Rule 18.

**Complaints Manager**

**Club** means a tennis club, which is a member of, or affiliated to, a Tennis Region, a Tennis Association or a Sub-association (also referred to as a member club).

**Discrimination** is as defined in clause 9.10 and section 21 of the Human Rights Act 1993.

**Existing Appointee** means a person currently elected, appointed or holding a position in any NZTO whether by way of employment, contract or otherwise and whether paid or unpaid.

**Harassment** is as defined in clause 9.2.

**Member Organisation** means as defined in the Tennis NZ Constitution.

**Natural Justice** includes the following principles:

- (a) a person who is the subject of a complaint must be fully informed of the allegations against him or her;
- (b) a person who is the subject of a complaint is entitled to respond to the allegations and raise any relevant matters in his or her own defence;
- (c) all parties are entitled to be heard and to have their relevant submissions considered; and
- (d) a decision maker/s must be unbiased, fair and just.

**NZTO** refers to Tennis New Zealand Member Organisations and comprises TNZ, all Regional Tennis Organisations, all Local Tennis Partners, Aotearoa Maori Tennis, all Affiliates (each as defined in the Constitution of TNZ) and all member clubs of each such entity (as also defined in clause 1.1(d))

**Officials** include referees, court supervisors, chair umpires, lines people and other related tournament officials.

**Police Vetting Check** means a current national police check conducted by the New Zealand Police obtained no earlier than the date of application for the relevant position, such check being defined in the TNZ Police Vetting Regulation and Procedure (Appendix C).

**Position of Trust** is a position in respect of which a person is appointed or seeking appointment (whether employed, contracted or otherwise):

- (a) to work with or in any way supervise children under 18 years of age or vulnerable adults, as coaches, team managers, tournament directors, officials and umpires (paid or volunteer); or
- (b) in which they are likely to have supervised or unsupervised contact with children under 18 years of age or vulnerable adults.

**Preferred Appointee** means a person short listed for a position in any NZTO whether by way of employment, contract or otherwise and whether paid or unpaid.

**Member Protection Officer** is a person appointed under clause 5.2(b). Refer also Appendix E.

**Recipient of the Complaint** is one of the persons or entities described in clause 18.1.

**Respondent** is a person about whom a complaint is made under clause 18.1

**Safeguarding** refers to the actions(s) taken to ensure all children and adults are safe from harm when involved in TNZ activities.

**Safeguarding Lead** is a person with the role set out in Appendix E.

**Screening** has the meaning as set out in clause 7.2.

**Serious Sex Offence Moved here from s**(refer clause 7.4) means an offence involving sexual activity or act of indecency including but not limited to:

- (a) indecent assault (s 135 of the Crimes Act 1961);
- (b) sexual violation and attempted sexual violation (s 128B & s 129 of the Crimes Act 1961);
- (c) assault with intent to commit sexual violation (s 129) of the Crimes Act 1961;
- (d) incest (s 130 of the Crimes Act 1961);
- (e) sexual conduct with a child under the age of 12 (s 132 of the Crimes Act 1961);
- (f) sexual conduct with a young person under the age of 16 (s 134 of the Crimes Act 1961);
- (g) meeting a young person following sexual grooming (s 131B of the Crimes Act 1961);
- (h) sexual offence against a person with impaired mental functioning (including s 138 of the Crimes Act 1961);
- (i) abduction and detention (sections 208 and 210 of the Crimes Act 1961);
- (j) sexual conduct with consent induced by certain threats (s 129A of the Crimes Act 1961);
- (k) sexual conduct with dependent family member (s 131 of the Crimes Act 1961);
- (l) bestiality (s 143 of the Crimes Act 1961);
- (m) compelling indecent act with an animal (s 142A of the Crimes Act 1961);
- (n) indecency with an animal (s 144 of the Crimes Act 1961);
- (o) soliciting acts of sexual penetration or indecent acts, other than conduct not prescribed as an offence after the Homosexual Law Reform Act 1986 came into force on 11 July 1986;
- (p) offences involving objectionable or restricted publications under the Films, Videos and Publications Classification Act 1993;
- (q) sexual conduct with children and young persons outside New Zealand (s 144A of the Crimes Act 1961) and party or accessory to such sexual conduct (s 144AB of the Crimes Act 1961);
- (r) organising or promoting child sex tours;
- (s) any other sexual offences under New Zealand law; and
- (t) any earlier statutory enactment of any sexual offences under New Zealand law including earlier offences under the Crimes Act 1961 now repealed.

**Sexual Harassment** is as defined in clause clauses 9.5 and 9.6.

**Social Networking** is as defined in clause 10.1.

**Tennis Region** means a Region established under the TNZ Constitution.

**Tennis New Zealand** or **TNZ** means Tennis New Zealand Incorporated (215373).

**Tribunal** is a tribunal established under Rule 5.2(c) and Rule 5.3 and includes a National Protection Tribunal and a Regional Protection Tribunal.

**Vilification** is as defined in clause 9.14.

## Appendix A

### Tennis New Zealand General Code of Conduct

As a member of a New Zealand Tennis Entity (“NZTO”) or a person required to comply with TNZ’s Participant Protection Regulation, you must meet the following requirements in regard to your conduct during any activity held or sanctioned by TNZ and any NZTO and in any role you hold within TNZ or an NZTO.

1. Respect the rights, dignity and worth of others.
2. Be fair, considerate and honest in all dealing with others.
3. Be professional in, and accept responsibility for, your actions.
4. Make a commitment to providing quality service.
5. Be aware of, and maintain an uncompromising adherence to, TNZ’s standards, rules, regulations and policies.
6. Operate within the rules of the sport including national and international guidelines which govern TNZ and NZTOs.
7. Do not use your involvement with TNZ or an NZTO to promote your own beliefs, behaviours or practices where these are inconsistent with those of TNZ and NZTOs.
8. Demonstrate a high degree of individual responsibility especially when dealing with persons under 18 years of age, as your words and actions are an example.
9. Avoid unaccompanied and unobserved activities with persons under 18 years of age, wherever possible.
10. Refrain from any form of harassment of others.
11. Refrain from any behaviour that may bring TNZ and NZTOs into disrepute.
12. Provide a safe environment for the conduct of the activity.
13. Show concern and caution towards others who may be sick or injured.
14. Be a positive role model.

## Appendix B

### Member Protection Declaration

Tennis New Zealand has a duty of care to its members and to the general public who interact with its employees, volunteers, members and others involved with Tennis New Zealand's activities. As part of this duty of care and as a requirement of Tennis New Zealand's Participant Protection Regulation, Tennis New Zealand and NZTOs must enquire into the background of:

- persons who are appointed or seeking appointment (whether employed, contracted or otherwise) as a coach, team manager, tournament director or umpire, or any role (paid or volunteer) that has regular contact with children or vulnerable adults; and
- persons appointed or seeking appointment to a role in which they are likely to have individual and unsupervised contact with players under 18 years of age or vulnerable adults

I, ..... (name)

..... (address) Date of Birth ...../...../..... SINCERELY declare:

1. I do not have any criminal charge pending before the courts.
2. I do not have any criminal convictions or findings of guilt for, or related to, violence, child abuse, serious sexual offences or offences related to children.
3. I have not had any disciplinary proceedings brought against me by an employer, sporting organisation or similar body involving child abuse, sexual misconduct or harassment, acts of violence, intimidation or other forms of harassment.
4. To my knowledge there is no other matter that Tennis New Zealand or any New Zealand Tennis Entity may consider to constitute a risk to its members, employees, volunteers, athletes or reputation by engaging me.
5. I will notify the President or appointed person within the New Zealand Tennis Entity engaging me immediately upon becoming aware that any of the matters set out in clauses [1. to 4.] above has changed for whatever reason.

Declared at (location): .....

On (date) ...../...../..... Signature .....

**OR**

I, ..... (name)

Of ..... (address) Date of Birth ...../...../.....

SINCERELY declare:

That, I have the following to disclose [please provide details of the offence for which you are unable to make the above declaration, including the nature of the offence, when it was conducted, and any disciplinary action or penalty imposed as a result of the offence]

Parent/Guardian Consent (in respect of person under the age of 18 years)

I have read and understood the declaration provided by my child or ward. I confirm and warrant that the contents of the declaration provided by my child or ward are true and correct in every particular.

Name: .....

Signature: ..... Date: ...../...../.....

## Appendix C

### Tennis NZ Police Vetting Procedure

#### INTRODUCTION

In line with the Tennis Participant Protection Regulation and in conjunction with all NZTOs, Tennis New Zealand takes all practicable steps to verify the suitability of individuals involved or about to be involved in tennis activities requiring regular or overnight contact with children or vulnerable adults.

Coaches, leaders, volunteers, and other individuals interacting with children and vulnerable adults in sport are in a position of trust and influence. They should ensure that everyone is treated with integrity and respect and that the self-esteem of the person is enhanced.

Everyone involved in delivering tennis, especially to children and vulnerable adults, has a role to play in creating the best possible environment for them.

#### SCOPE

This Procedure applies to all Tennis NZ and NZTO employees, contractors, board members, clubs and their members, volunteer workers, tennis coaches, Affiliate organisations and their members that have regular or overnight contact with children or vulnerable adults.

*Regular or Overnight Contact means the person has contact (other than merely incidental contact) with a child, children, or vulnerable adults:*

- *Overnight; or*
- *At least once per week; or*
- *On at least 4 days per month*

*This Procedure also applies to those involved in organising, running, delivering, or officiating at tournaments, competitions, and events for children or vulnerable adults throughout the year.*

#### DEFINITIONS

In relation to this Regulation:

A child is defined as a person under the age of 18 (Children's Act 2014).

A vulnerable adult is an adult who is unable, by reason of detention, age, sickness, mental impairment, or any other cause, to withdraw themselves from the care of another person. (NZ Crimes Act 1961)

A vulnerable adult might be someone who has an intellectual or physical disability, has mental health needs, has a learning disability, is blind or visually impaired, is deaf or has a hearing impairment or has communication difficulties.

## REGULATION

NZTOs all have a responsibility to comply with the following Police Vetting Procedure by ensuring that all relevant employees, contractors, volunteers, and members are police vetted. Tennis NZ has an active role and provides a National Police Vetting Service to process police vets on behalf of all NZTOs.

To contribute to a safe and secure tennis environment, Tennis New Zealand **requires all people who have regular contact with children or vulnerable adults, to undergo a police vetting check.**

This relates, but is not limited, to the following groups of people:

- Club volunteer, club or coach helper, or paid club administrator
- Professional (paid) coach
- Individuals attending a Tennis NZ coaching qualification course
- Umpires or officials
- Tournament organiser or staff (paid or voluntary)
- Region/Association Team Manager
- National/Region/Association/Affiliate staff or representative
- Tennis NZ contractors

All appointments of individuals who have sole or joint responsibility for children or vulnerable adults are subject to the individual applicant receiving a police vet result either confirming a 'no result', or a 'released with results' deemed not serious enough to preclude the individual from involvement with tennis in New Zealand.

In addition, Tennis New Zealand may undertake further police vetting at any time it considers appropriate, subject to fresh consent by the individual. If the procedure reports a previously undisclosed incident or behaviour relevant to this Procedure, the future of the individual's continued involvement with Tennis New Zealand or other NZ Tennis Entity will be reviewed and may, if appropriate, be terminated.

Tennis New Zealand reserves the right to provide the details of any police vet report 'released with results' to relevant personnel at the applicant's delivery location/s, organisation/s and their governing NZTO.

The specifics of the report or record will be kept confidential to the Tennis New Zealand senior leadership team, and any NZTOs that engage the services of the applicant.

For the sake of clarity, neither Tennis New Zealand nor any NZTO have any obligations under the Vulnerable Children Act 2014 or its amendments.

## PROCEDURE

Police Vetting Step by Step (a flow chart is also provided below)

1. Tennis NZ provides templated communication to all NZTOs to forward to people in its organisation that require a police vet to work or volunteer with children or vulnerable adults. The communication will include a link to the online Request And Consent Form.
2. NZTO communicates its safeguarding and police vetting requirements and asks relevant individuals to complete the police Request And Consent Form provided by Tennis NZ.
3. The NZTO follows all other safeguarding guidelines and best practice recommendations.
4. The individual completes the online Request And Consent Form.
5. Tennis NZ submits the form to NZ Police and expect results back within 20 days.
6. Tennis NZ sends the individual the General Code of Conduct, and the Member Protection Declaration documents and ask them to complete and return to Tennis NZ.
7. The individual completes and returns the General Code of Conduct and Member Protection Declaration documents for Tennis NZ to file securely.
8. Tennis NZ receives Police Vet information and pass on to the individual and relevant location/s and organisation/s.
9. Tennis NZ and NZTOs follow up with individuals who have not completed any of the required steps



- Tennis New Zealand qualifies as an 'approved agency' by the New Zealand Police. This entitles Tennis New Zealand to request a police vetting check to be carried out on any individual engaged by any NZTO which has regular or overnight contact with children or vulnerable adults or is involved in tournament, competition and event delivery to children or vulnerable adults.
- A police vetting report will provide information regarding any convictions, dates of those convictions, types of offences and the sentence imposed. The report will also advise whether the Police recommend that an individual does not have access to children, young people or vulnerable members of society due to behaviour of a violent or sexual nature (that may not, for whatever reason, have resulted in a conviction).
- Tennis New Zealand requires the subject of the report (individual) to authorise the request of a police vetting report by completing an official Request and Consent Form. Part of this form requires the individual to agree to authorise Tennis New Zealand with the right to pass on any police vet report 'released with results' to relevant personnel at the applicant's delivery location/s or NZTO.

### **Refusal To Consent**

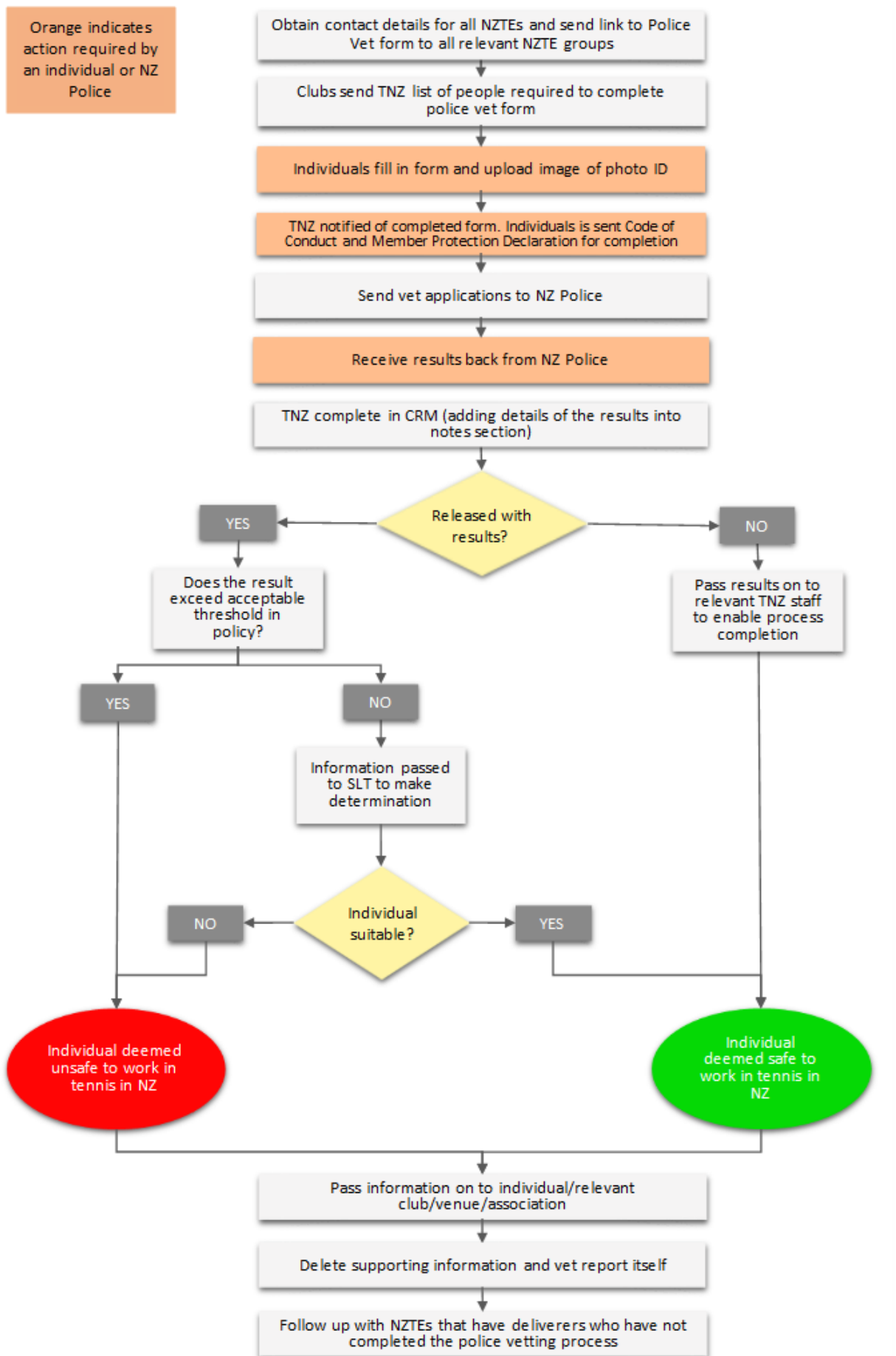
If an individual does not authorise Tennis New Zealand to obtain a police vetting report, then the applicant must cease involvement in tennis activities that require regular or overnight contact with, or tournament, competition and event delivery to, children or vulnerable adults.

### **Administration**

- In some cases, it will be necessary to obtain the equivalent of a police vetting report or a copy of a criminal conviction record from another country where the individual concerned has resided.
- The individual concerned is entitled to request a copy of the Police vetting report obtained by Tennis New Zealand
- A nominated staff member at Tennis NZ will receive and review the Police vetting report. If it is a 'no result' the individual's involvement can continue, or engagement can proceed.
- If the Police vetting report is returned 'released with results' Tennis New Zealand will decide if the individual is suitable to be involved with tennis delivery in New Zealand. If an NZTO already engages the individual, it may decide to suspend the individual pending the decision to either cease or continue their involvement with tennis delivery in New Zealand.
- If the individual is applying to take part in Tennis New Zealand coach development or National Participation programmes for the first time, or applying for a role with Tennis NZ, their application will be placed on hold pending the decision. When making this decision Tennis New Zealand may consider the following when assessing the results of a vetting report:
  1. The offence is listed as one of the following 'Specified Offences'
    - (a) Murder
    - (b) Sexual Offences
    - (c) Indecency Offences resulting in imprisonment
    - (d) Kidnapping
    - (e) Offences connected to child prostitution
    - (f) Possession or publication of child pornography
    - (g) Assault and/or violence towards a child
    - (h) Assault or violence towards a spouse or partner
    - (i) Possession of drugs for supply resulting in imprisonment
    - (j) Recidivist drink driving resulting in imprisonment
    - (k) Any other serious offence resulting in imprisonment for over 2 years
  2. The nature of the offence and relevance to involvement with tennis in New Zealand.
  3. Length of time since a crime was committed.

4. Age and maturity now as compared to when the crime was committed, the seriousness of the crime e.g., length of sentence, use of a weapon, the circumstances at the time of violent behaviour.
5. Pattern of offending, e.g., a short spate may indicate a 'phase' but a regular pattern may indicate continued inappropriate behaviour.
6. Any other factors deemed relevant.

Tennis New Zealand will work in conjunction with the individual to provide the details of any police vet released 'with results' to relevant personnel at their delivery location/s or NZTO.



## Appendix D

### Information for Reporting Allegations of Child Abuse

**If you believe a child or vulnerable adult is in immediate danger or in a life-threatening situation, contact the Police immediately on 111.**

We will treat any allegation of abuse or neglect promptly, seriously and with a high degree of sensitivity.

All people working with an NZTO in a paid or unpaid capacity have a duty to report any concerns to the appropriate authorities, following the steps outlined below.

#### Step 1: Receive the allegation

If a child or vulnerable adult raises with you an allegation of abuse or neglect that relates to them or to another child/vulnerable adult, it is important that you listen, stay calm and be supportive.

DO	DON'T
Make sure you are clear about what the child or vulnerable adult has told you	Do not challenge or undermine the child or vulnerable adult
Reassure the child or vulnerable adult that what has occurred is not their fault	Do not seek detailed information, ask leading questions or offer an opinion
Explain that other people may need to be told in order to stop what is happening	Do not discuss the details with any person other than those detailed in these procedures.
Promptly and accurately record the discussion in writing	Do not contact the alleged offender.

#### Step 2: Report the allegation

- a) Immediately report any allegation of child abuse or neglect, or any situation involving a child or vulnerable adult at risk of harm, to the police and/or the relevant child protection agency. You may need to make a report to both.
- b) Contact the relevant child protection agency or police for advice if there is any doubt about whether the allegation should be reported.
- c) If the allegation involves a person to whom this Regulation applies, then also report the allegation to the NZTO Complaints Manager so they can manage the situation.

#### Step 3: Protect the child or vulnerable adult, and manage the situation

- d) The Complaints Manager will assess the immediate risks to the child or vulnerable adult and take interim steps to ensure their safety and the safety of any other children/vulnerable adults. This may include redeploying the alleged respondent to a position where there is no unsupervised contact with children or vulnerable adults, supervising the alleged respondent or removing/suspending him or her until any investigations have been concluded. Legal advice should be sought before any interim steps are made if the person is in paid employment with an NZTO.
- e) The Member Protection Officer, in consultation with the Complaints Manager, will consider what services may be most appropriate to support the child or vulnerable adult and their parent/s or guardian/s.
- f) The Member Protection Officer, in consultation with the Complaints Manager, will consider what support services may be appropriate for the alleged respondent.
- g) The Complaints Manager will put in place measures to protect the child or vulnerable adult and

the alleged respondent from possible victimisation and gossip.

#### **Step 4: Take internal action**

- h) Different investigations could be undertaken to examine allegations that are made against a person to whom this Regulation applies, including:
  - a criminal investigation (conducted by the police)
  - a child protection investigation (conducted by the relevant child protection agency)
  - a disciplinary or misconduct enquiry/investigation (conducted by Tennis New Zealand or an NZTO).
- i) Regardless of the findings of the police and/or child protection agency investigations, the NZTO will assess the allegations to decide whether the alleged respondent should return to his or her position, be dismissed, be banned or face any other disciplinary action.
- j) A Complaints Manager of the NZTO will consider all information relevant to the matter – including any findings made by the police, the child protection authority and/or court – and then set out a finding, recommend actions and the rationale for those actions.
- k) If disciplinary action is recommended, the NZTO will follow the procedures set out in the Participant Protection Regulation.
- l) The NZTO will provide the relevant government agency with a report of any disciplinary action taken, where this is required.

## **Appendix E**

### **Safeguarding Lead Position Description**

Every NZTO is to have a Safeguarding Lead.

The Safeguarding Lead can be any person within the NZTO.

The role of the Safeguarding Lead is:

- Co-ordinate and oversee the screening processes within the NZTO
- Be the named individual at the NZTO that anyone with a concern about participant protection can approach for guidance on how to address the matter within the Regulation guidelines.
- Engage with a NZTO Complaints Manager if there is a need to have them approach a possible Complainant or investigate an incident that has come to light.

## Appendix F

### CONTACT DETAILS FOR ADVICE OR TO REPORT AN ALLEGATION OF ABUSE

<b>NEW ZEALAND POLICE</b>	<b>If you believe a child is in immediate danger call 111</b>
<b>Oranga Tamariki (Ministry for Children)</b>	<p>If you're worried about a child and want to make a referral or report of concern, call freephone <b>0508 326 459</b> (lines open 24/7) or email <a href="mailto:contact@ot.govt.nz">contact@ot.govt.nz</a> (<a href="mailto:contact@mvcot.govt.nz">mailto:contact@mvcot.govt.nz</a>).</p> <p>Hours: from 5.00pm to 8.00am Monday to Friday, weekends and public holidays, social workers will only assess emergency situations. But you are encouraged to call if you're unsure.</p> <p>If your enquiry is not about a child but relates to the Oranga Tamariki organisation e.g. Regulation, procedures, finance, training etc. you can still call our main line <b>0508 326 459</b> or email <a href="mailto:enquiry@ot.govt.nz">enquiry@ot.govt.nz</a> (<a href="mailto:enquiry@mvcot.govt.nz">mailto:enquiry@mvcot.govt.nz</a>).</p>
<b>Netsafe</b>	<p>You can contact Netsafe for free and confidential help or advice about online challenges like bullying, abuse, scams, security and other online issues.</p> <p>Freephone: 0508 NETSAFE (0508 638 723)  Email: <a href="mailto:help@netsafe.org.nz">help@netsafe.org.nz</a>  Complete an online contact form  Text "Netsafe" to 4282</p> <p>Netsafe's contact centre is available to help from 8.00am - 8.00pm Monday to Friday and 9.00am to 5.00pm on weekends.</p>
<b>Parent Help</b>	<p>The Child Abuse Prevention Parent Helpline is the only nationwide parenting helpline in New Zealand that is available seven days a week. They have no time limit on calls and their friendly telephone support workers are able to offer not only immediate help but also information, referral, and on-going support to those affected by child abuse, concerned about the welfare of a child or needing family or parenting support.</p> <p>Call 0800 568 856.</p>

Other organisations providing training and advice include:	
<b>Child Matters</b>	<p>National Office</p> <p>Postal Address: PO Box 679, Hamilton 3240</p> <p>Physical Address: 480 Anglesea Street, Hamilton 3204</p> <p>General Enquiries: Phone: 07 838 3370  Fax: 07 838 9950  Email: <a href="mailto:info@childmatters.co.nz">info@childmatters.co.nz</a></p>
<b>Safeguarding Children</b>	<p>Email: <a href="mailto:office@safeguardingchildren.org.nz">office@safeguardingchildren.org.nz</a></p> <p>Address: 18 Nile Street, Nelson 7010</p> <p>Phone: 027 772 4469</p>



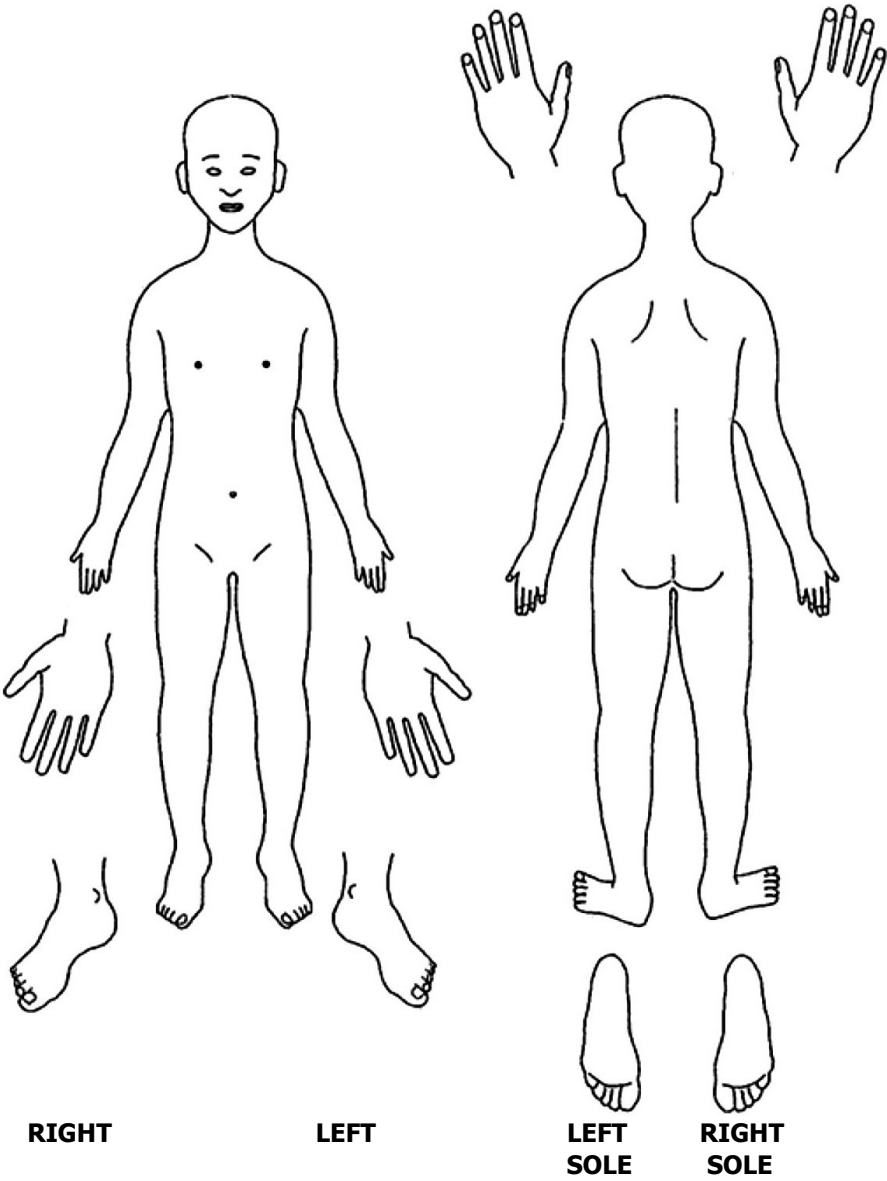


Appendix H

Child Concern Form & Body Map

Body map

Name of child:	
Date of birth:	Date of recording:
Name of person recording:	
Designation:	Signature:



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Name of child:

---

Date of birth:

Date of recording:

---

Name of person recording:

---

Designation:

Signature:

---



**RIGHT**



**LEFT**

## Appendix I

### Responding to an allegation of child abuse or neglect by a staff member or volunteer

Is the child in immediate danger?

- If YES, act to ensure child's safety and call Police on 111 and follow Police advice.
- If unsure, call Oranga Tamariki 0508 326459.
- In all situations inform your Member Protection Officer (MPO).
- Record actions taken on the Child or Vulnerable Adult Concern Form (Attachment B).

Chair of Board will act on behalf of the organisation's employment matters in regard to the staff member or volunteer.

The Chair of Board will not investigate. Investigation will be conducted by the Police or an independent investigator.

Chair of Board will:

- not act alone
- contact statutory agencies immediately including Police and Oranga Tamariki
- seek advice, which will be recorded and followed
- following guidance, immediately suspend the staff member or volunteer or place them in a role with no contact with children without prejudice as a precautionary measure
- inform Police and provide all relevant information if staff member or volunteer is involved in other roles where they have access to children
- after consultation with Police or Oranga Tamariki inform parents/caregivers as advised
- maintain close liaison with CSR, Oranga Tamariki, Police and other relevant professional bodies
- action the Employment Disciplinary and Complaints Policy
- assist the staff member in seeking legal and professional advice and support.

Safeguarding Lead (SL) immediately on

(insert SL's phone number).

Record and report facts. Do not accuse anyone or spread rumours.

If allegation is against the SL, contact

(insert organisation's Chief Executive name) and

(phone number) who will follow this procedure in place of the PIO.

- The SL will inform the Chair of Board

(insert insert Chair of Board)

(phone number).

SL will act on behalf of the child/children and follow Procedure 1: Responding to actual or suspected child abuse or neglect.

Support is provided for work colleagues and those who are directly involved or impacted as per guidance from Sports New Zealand.

Any staff member may contact Oranga Tamariki or Police for advice or make a Report of Concern at any time if they feel this process is not effective and there still remains concern for a child.

## Appendix J

### Indicators of abuse

The following are indicators and does not cover every situation.

This list does not mean the child is suffering abuse but may indicate you need to share information with your Child Safeguarding Representative (CSR).

It is essential to be able to recognise indicators in both the child or young person and the adult who may be abusing them. Sometimes it is the behaviour and attitude of an adult towards children and young people that alerts you.

#### Emotional abuse – child indicators

- overly compliant and apologetic
- looks worried and anxious
- fear of making mistakes, especially if it only happens in the presence of a particular person
- difficulty developing relationships, including poor peer relationships
- demonstrating fear of a parent, caregiver or adult
- reluctance to attend an activity at a particular club or organisation
- inability to cope with praise
- delayed development or regression with no apparent cause
- aggressive behaviour (active or passive)
- attention seeking or risk-taking behaviour
- self-critical
- depression, regularly frightened, anxious and nervous
- tired, lethargic, falling asleep at inappropriate times
- self-soothing habits—hair twisting, sucking, biting, rocking
- clingy, possessive and attention-seeking
- indiscriminate attachment to adults—strong attention, affection seeking or a severe lack of attachment to their own parent/caregiver
- seeks affection and comfort from virtual strangers
- stealing (particularly food) or destroying property
- reluctant or unable to express views when asked
- hanging around outside of hours and not wanting to go home
- developmental delay with an apparent physical cause
- depression, anxiety, withdrawal or aggression
- self-harm, suicidal thoughts or intention, alcohol and drug abuse

- extreme attention-seeking behaviours or extreme inhibition
- running away from home
- nightmares, poor sleeping patterns
- anti-social behaviours
- lack of self-esteem
- obsessive behaviours
- eating disorders
- reluctance to attend an activity at a particular club or organisation.

#### Emotional abuse – adult indicators

- labels the child as inferior, belittles or publicly humiliates the child
- treats the child differently from siblings or peers in ways that suggest dislike or irritation of the child
- considers it amusing to frighten the child
- lacks empathy for the child
- refuses to help the child
- threatens the child with physical harm or punishment in front of others
- exposure to criminal behaviour
- withholds physical and verbal affection
- isolates the child
- has unrealistic expectations of the child
- inappropriately involves the child in adult problems
- exposes child seeing or hearing, situations of arguing and violence in the home.

## Neglect – child Indicators

- dressed inappropriately for the season or the weather
- lack of food, kit or equipment
- often dirty and unwashed
- severe or persistent skin disorders
- inadequately supervised or left unattended frequently or for long periods
- left alone or in the care of an inappropriate adult
- does not receive adequate or timely health care
- underweight or overweight
- lacks adequate shelter
- failure to thrive with no medical reason
- stealing/hoarding of food
- inappropriately dressed - dirty, not the right clothes to keep dry or warm.
- unsupervised – hanging around
- lack of routine in the household – mealtimes and bedtimes
- falling behind in education and sport
- indiscriminate attachment to adults – strong attention, affection seeking or a severe lack of attachment to their own parent/caregiver
- tired or falling asleep at inappropriate times
- abuse of alcohol or drugs
- aggressive or destructive behaviour
- poor peer relationships, having few friends
- dulled emotional response or lack of expression or enthusiasm
- low self-esteem
- anxiety
- self-soothing behaviour such as rocking and sucking
- running away
- developmental lags with no apparent cause.

## Neglect – adult indicators

- puts own need ahead of child's
- fails to provide for child's basic needs
- demonstrates little or no interest in the child's life - does not attend sport and recreational activities or social events
- leaves the child alone or inappropriately supervised
- drug and alcohol misuse
- low mood
- seeks help but fails to carry through with help offered
- late to drop off and collect – may fail to collect the child
- excuses and promises with no improvement in the care of the child.

## Physical abuse – child indicators

**Especially when unexplained, inconsistent with explanation given or the story changes**

- bruises, marks, cuts and abrasions
- burns
- repeated illnesses with no known cause
- black eyes
- fractures and dislocations
- multiple, bruises, wounds or fractures at different stages of healing
- injuries or fractures in very young children, especially those not yet mobile
- inconsistent or vague explanations regarding injuries
- makes excuses for injury or story changes
- repeatedly injured
- injured but not receiving timely health care
- wary of adults or a particular person
- speaks aggressively to others
- fear and crying
- cringing or flinching if touched unexpectedly
- overly compliant and eager to please
- dresses to hide bruising or injuries
- runs away from home or is afraid to go home
- may regress (e.g. bed-wetting)
- general sadness
- violent to other children or cruel to animals.

## Physical abuse – adult indicators

- inconsistent or vague explanations regarding injuries
- threatens or hits the child in front of others
- speaks aggressively to or about the child
- reacts aggressively to questions about a child's injury or well-being
- makes you feel scared or frightened when you enquire about the child's well-being
- appears unconcerned about child's well-being
- states the child is prone to injuries or lies about how they occur
- delays in seeking medical attention
- may take the child to multiple medical appointments and seek medical treatment without an obvious need
- lacks empathy
- is cruel taking delight in overly rough play or taunting the child
- harsh parenting style who supports physical punishment.

## Sexual abuse – child indicators

- unusual discharge, or excessive itching or pain in the genital or anal area
- stained or bloody underwear
- any injury, soreness or bleeding in the genital or anal area
- blood in urine or stools
- sexually transmitted infections
- pregnancy
- urinary tract infections
- discomfort in sitting or walking
- age or developmentally inappropriate sexual play, knowledge or language
- refuses to go home, or to a specific person's home, for no apparent reason
- running away from home or going missing
- fear of a person, place, sound or smell
- mood swings or changes in temperament
- secrecy
- exchanging sexualised messages or images
- unexplained gifts, possessions or money that can't be accounted for
- depression, anxiety, withdrawal or aggression
- self-harm, suicidal thought or intention, alcohol and drug abuse
- overly compliant
- extreme attention-seeking behaviours or extreme inhibition
- dresses inappropriately to hide bruising or injuries
- eating disorders
- compulsive behaviours.

## Sexual abuse – adult indicators

- favours a particular child
- insists on physical affection
- rough play or tickling games
- invades the child's privacy (e.g. during dressing, in the bathroom)
- manipulates situations to gain time alone with a child or children, for example, offering to babysit, extra coaching or tutoring
- overly interested in a child's sexual development
- prefers to spend time with children and young people rather than adults or people of a similar age.

## Intimate partner violence – child indicators

- injuries consistent with physical abuse
- absenteeism from school
- worried and anxious in general or about a parent or siblings
- bullying or aggressive behaviour
- complaints of headaches or stomach ache with no apparent medical reason
- talking or describing violent behaviours
- bullying, aggressive behaviour
- disclosures of violent or emotionally abusive situations
- threats or cruelty to animals.
- substance misuse
- very distressed when witnessing violence
- severely shy, low self-esteem
- argumentative and aggressive
- difficulty concentrating.

## Intimate partner violence – adult victim indicators

- physical injuries
- depression or anxiety
- inconsistent explanations for injuries
- fearful
- submissive
- protective of abuser.

## Intimate partner violence – perpetrator indicators

- isolates and controls partner and children
- threatens, criticises, intimidates, uses aggressive and physical abuse towards partner and children
- minimises and denies own behaviour, or blames the victim for the perpetrator's own behaviour
- stalking victim
- manipulating a person by forcing them to question their thoughts, memories, and events, making them question their own sanity.

## Bullying – child indicators

- physical injuries such as unexplained bruises
- problems with eating or sleeping, for example, nightmares, wetting the bed, etc
- self-harm
- belongings getting lost or damaged
- loses interest in school or activity
- not doing as well at school
- being afraid to go to school or activity
- few friendships, not being accepted by their peers
- no longer wants to participate in activities once enjoyed
- asking for, or stealing, money (to give to a bully)
- suddenly changes in behaviour
- thoughts about suicide
- substance misuse.

## Cyberbullying – child indicators

- spends a significant amount of time on the computer, and is unwilling to talk about
- seems upset, highly irritable or emotional after being on the computer, or after reading their text messages or email, etc
- frightened of going to school or activity
- constantly checking social media or worrying about comments
- defensive and upset when you ask about social media use
- sudden withdrawal from technology or a sudden change in computer or phone usage including suddenly stops using the computer
- become anxious about phone messages
- suddenly changes friends.

## Appendix K

### CONTACT DETAILS FOR ADVICE OR TO REPORT AN ALLEGATION OF ABUSE

<b>NEW ZEALAND POLICE</b>	<b>If you believe a child is in immediate danger call 111</b>
<b>Oranga Tamariki (Ministry for Children)</b>	<p>If you're worried about a child and want to make a referral or report of concern, call freephone <b>0508 326 459</b> (lines open 24/7) or email <a href="mailto:contact@ot.govt.nz">contact@ot.govt.nz</a> (<a href="mailto:contact@mvcot.govt.nz">mailto:contact@mvcot.govt.nz</a>).</p> <p>Hours: from 5.00pm to 8.00am Monday to Friday, weekends and public holidays, social workers will only assess emergency situations. But you are encouraged to call if you're unsure.</p> <p>If your enquiry is not about a child but relates to the Oranga Tamariki organisation e.g. policy, procedures, finance, training etc. you can still call our main line <b>0508 326 459</b> or email <a href="mailto:enquiry@ot.govt.nz">enquiry@ot.govt.nz</a> (<a href="mailto:enquiry@mvcot.govt.nz">mailto:enquiry@mvcot.govt.nz</a>).</p>
<b>Netsafe</b>	<p>You can contact Netsafe for free and confidential help or advice about online challenges like bullying, abuse, scams, security and other online issues.</p> <p>Freephone: 0508 NETSAFE (0508 638 723)  Email: <a href="mailto:help@netsafe.org.nz">help@netsafe.org.nz</a>  Complete an online contact form  Text "Netsafe" to 4282</p> <p>Netsafe's contact centre is available to help from 8.00am - 8.00pm Monday to Friday and 9.00am to 5.00pm on weekends.</p>
<b>Parent Help</b>	<p>The Child Abuse Prevention Parent Helpline is the only nationwide parenting helpline in New Zealand that is available seven days a week. They have no time limit on calls and their friendly telephone support workers are able to offer not only immediate help but also information, referral, and on-going support to those affected by child abuse, concerned about the welfare of a child or needing family or parenting support.</p> <p>Call 0800 568 856.</p>

Other organisations providing training and advice include:	
<b>Child Matters</b>	<p>National Office</p> <p>Postal Address: PO Box 679, Hamilton 3240</p> <p>Physical Address: 480 Anglesea Street, Hamilton 3204</p> <p>General Enquiries: Phone: 07 838 3370  Fax: 07 838 9950  Email: <a href="mailto:info@childmatters.co.nz">info@childmatters.co.nz</a></p>
<b>Safeguarding Children</b>	<p>Email: <a href="mailto:office@safeguardingchildren.org.nz">office@safeguardingchildren.org.nz</a>  Phone: 027 772 4469</p>