

# WAIKATO BADMINTON CHILD PROTECTION POLICY

Reference: Sport NZ, Safe Sport for Children, BikeNZ

*“In tort law, a duty of care is a legal obligation which is imposed on an individual requiring adherence to a standard of reasonable care while performing any acts that could foreseeably harm others. It is the first element that must be established to proceed with an action in negligence”.*

## Policy Statement

Waikato Badminton is fully committed to safeguarding the welfare of all children in its care. We accept the responsibility to promote safe practise and to protect children from harm, abuse and exploitation. Staff and volunteers will work together to embrace difference and diversity and respect the rights of children and young people. For the purposes of this policy and associated procedures a child is recognised as someone under the age of 18 years.

This policy is based on the following principles:

- The welfare of children is the primary concern
- All children, whatever their age, culture disability, gender, language, racial origin, socio-economic status, religious beliefs and/or sexual identity have the right to protection from all forms of harm and abuse.
- Child protection is everyone's responsibility.
- Children have the right to express views on all matters which affect them, and are encouraged to do so.
- Our organisation will work in partnership together with children and parents/ carers and other agencies to promote the welfare, health and development of children

## Policy Objectives

The aim of this policy is to promote good practise through:

- Promoting the health and welfare of children by providing opportunities for them to take part in badminton activities safely
- Respecting and promoting the rights, wishes and feelings of children
- Promoting and implementing appropriate procedures to safeguard the well-being of children and protect them from abuse.
- Recruiting, training, supporting, supervising staff members and volunteers to adopt best practise to safeguard and protect children from abuse and to reduce risk to themselves.
- Requiring staff members and volunteers to adopt and abide by this Child Protection Policy and these procedures.
- Responding to any allegations of misconduct or abuse of children in line with this Policy and these procedures as well as implementing, where appropriate, the relevant disciplinary and appeals procedures.
- Regularly monitoring and evaluating the implementation of this Policy and these procedures.

## Procedures

### I. Screening

As part of our duty of care, we must ensure that suitable and appropriate employees and volunteers (including parents) are engaged to work with children. When recruiting people to engage with children we will ensure that there is a robust recruitment process that includes:

- Creating a role description
- Developing candidate specifications
- Advertising the position
- Application processes
- Following up on referee's
- Interviewing (all staff and volunteers are required to declare schedule 2 offences whether convictions or charges)
- Screening (Police Vetting) where appropriate, i.e core workers

### II. Child Protection Officer

A Child Protection Officer (CPO) has been appointed to manage child protection issues by:

- Ensuring that child protection procedures are understood and adhered to by all members
- Organising promotional activities, training and raising awareness within the organisation
- Establishing and maintaining the complaints procedure
- Regularly reporting to the Board/ Executive Committee/ Management
- Acting as the main contact for child protection matters
- Keeping up to date with developments in child protection legislation
- Liaising with local child protection agencies
- Maintaining confidential records of reported cases and any action taken
- Regularly monitoring and reviewing existing policies and procedures

\* The CPO for Waikato Badminton is TJ Weistra, Chief Executive Officer

### III. Education and training of staff and volunteers

Education and training of staff and volunteers will help Waikato Badminton to:

- Recognise when children are at risk
- Take appropriate precautions to manage and limit identified risks
- Respond in an appropriate manner to children who have been harmed or are suspected of being harmed
- Understand our responsibilities in relation to keeping children safe both in terms of prevention and management responsibilities of cases that may arise

Staff and volunteers will be trained during their induction to a level appropriate to their role. Waikato Badminton will also ensure that staff and volunteers receive ongoing education and training to keep up to date with any changes to the law or internal processes for managing incidents of harm to children.

#### IV. Good Practise Protocols

These protocols provide guidance to those working with children by outlining good practise and establishing boundaries in a range of situations.

- *Applying a child-centred approach where all children are treated equally and with dignity.*
  - Activities should be appropriate for the age and development of the children in your care.
  - Ensure feedback to children is about their performance and not of a personal nature.
  - Use positive and age-appropriate language when talking to children and in their presence.
- *Creating a safe and open working environment*
  - Ensure that all physical contact with children is relevant and appropriate to the activity.
  - Seek permission to touch when doing the above.
  - Do not engage in any intimate, over-familiar or sexual relationships with people under the age of 18 years.
  - Ensure that any filming or photography of children is appropriate. (Obtain consent prior to filming or photographing & explain purpose e.g. To promote course etc).
  - Request parental consent before transporting young people in a vehicle. (Ensure vehicle is insured and has a current WOF).
  - Ensure you have parental consent to administer first aid required.
  - Do not use alcohol in the presence of children and do not offer alcohol to children under any circumstances.
  - Do not engage in communication on a one to one basis or otherwise through social media or email other than relevant coach/ trainee feedback or administration.
  - Do not allow parents, coaches, other children, or spectators to engage in any type of bullying behaviour (this includes cyber bullying).
  - Do not engage in any bullying
- *Avoiding situations where you are alone with a child*
  - Avoid private or unobserved situations, including being alone with a child in the changing rooms.
  - Avoid entering changing rooms when children are known to be present. If you must enter, knock and announce yourself and try to have at least one other adult with you.
  - Avoid driving a child unaccompanied.
  - Do not invite or encourage children to your home.
  - Always have another adult present when staying overnight anywhere with children. Same sex chaperones should be used.
  - Do not share a room with a child, other than your own.

#### V. Code of Ethics/ behaviour

Waikato Badminton has developed a Code of Conduct which sets out Waikato Badminton's expectations of its employees, coaches, instructors, volunteers and supporters. The Code of Conduct reinforces good practise protocols, complaint and internal discipline procedures for breaches of the code. Waikato Badminton will distribute and promote this.

## VI. Dealing with allegations, responding to concerns

In accordance with members' responsibility to act on any serious concerns, the following should be brought to the attention of the CPO.

- Any instance where this policy is breached, or good practise guidelines are not followed.
- Any disclosure by a child to whom abuse, or harm is occurring.
- Any suspicions or concerns about a child being subject to abuse.

### ***Where concerns about poor practise are reported***

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

- Initial concerns should be discussed with the CPO (in absence of the CPO, the WBA Board should be notified).
- Consider the allegation and where there is a legitimate concern provide a written notice to the individual(s) involved.
- If the poor practise is continued or repeated following a written notice, then enact disciplinary procedures.

### ***Where abuse is suspected or reported***

The welfare and interests of the child or young person are the first and paramount considerations.

- Ensure the child is safe from immediate harm
- Consult immediately with nominated CPO/ person-in-charge
- As soon as possible, record accurately and appropriately the information received
- Records should be factual (not opinion or hearsay) and concise and include
  - a. The nature of the allegation
  - b. Who noticed/ disclosed the abuse and their relationship to the child
  - c. Details of any witnesses (name, address, phone number, email)
  - d. Signs and symptoms noted (including behavioural change)
  - e. Any incidents with dates, times and places (if possible)
  - f. Any action taken

- Consult with others as necessary – do not work alone, make an appropriate referral to Oranga Tamariki as soon as possible
- Avoid questioning the child beyond what has already been disclosed
- Do not question or counsel the alleged offender
- Do not investigate/ presume expertise unless very experienced and qualified to do so.
- Notify Oranga Tamariki and Family or Police.
- Notify the Badminton NZ CPO

Oranga Tamariki – Ministry for vulnerable children

<https://www.mvcot.govt.nz/contact-us/contacts/>

If you believe a child is in immediate danger call:

POLICE ON 111

If you're worried about a child and want to make a referral or report a concern, call freephone:

0508 326 459

Lines open 24/7, or email [contact@mvcot.govt.nz](mailto:contact@mvcot.govt.nz)

After hours

From 5pm – 8 am Monday to Friday, weekends and public holidays, social workers will only assess emergency situations. But we encourage you to call if you're unsure.

### ***Policy Review***

This Policy and these Procedures will be regularly reviewed:

- In accordance with changes in legislation and guidance on the protection of children or following any changes within Badminton NZ.
- Following any issues or concerns raised about the protection of children within Badminton NZ.
- In all other circumstances, at least every twelve months.

## **Additional Guidance**

Waikato Badminton will:

- Have access to a register of every child involved with the group including relevant medical details and have a contact name and number accessible in case of emergencies.
- Set an example we would wish others to follow.
- Where possible consider activities that involve more than one adult being present or within sight and hearing of others.
- Be aware that on occasions our actions may be misinterpreted by others even if they were well intentioned.
- Respect a child's right to personal privacy.
- Provide time and attention for children to talk to us.
- Encourage children to respect and be courteous to others.
- Intervene to stop any inappropriate verbal or physical behaviour.
- Have a pre-arranged policy for the safe collection of children after Badminton NZ training events/ camps have finished.
- Ensure that any suspicions or allegations of abuse are REFERRED not INVESTIGATED.
- Only refer and seek support from other agencies for those identified under the child protection policy.
- Complete Vetting forms.

## **Appendix 1: RELEVANT LEGISLATION**

### ***Health and Safety in Employment Act 1992***

- This Act deals with the health and safety obligations of an employer to its employees. If a child is an employee of the sports club, the general health and safety obligations of employers under the Act will apply.
- There is also an obligation to ensure the safety of volunteers (some of whom may be children) while they undertake the work activity.
- Employers will be held vicariously liable to a third party of acts of its employees. For example, if an employee coach breached a sports club's duty of care to a child member, the club can be liable.

### ***Children, Young Persons and their Families Act 1989***

- The act deals with the responsibility for reporting likely or actual harm in the form of physical or sexual child abuse.
- Section 15 of the Act provides that:  
*Any person who believes that any child or young person has been, or is likely to be, harmed (whether physically, emotionally or sexually), ill-treated, abused, neglected or deprived may report the matter to Social Worker or a constable.*

- Section 16 of the Act provides protection for people who report ill treatment or neglect.  
*No civil, criminal, or disciplinary proceedings shall lie against any person in respect of the disclosure or supply, or the manner of the disclosure or supply, by that person pursuant to section 15 of information concerning a child or young person (whether or not that information also concerns any other person), unless the information was disclosed or supplied in bad faith.*

### **Crimes Act 1961 – Protection of Children**

- The key purpose of this part of the Act is to ensure that children are adequately protected from assault, neglect and ill-treatment.
- It places greater responsibility on adults (parent or persons in place of a parent) who have actual care or charge of a child to take reasonable steps to protect that child from injury. While ‘a person in place of a parent’ is not defined in the Act, it appears possible that sports club personnel could at times be considered ‘person in place of a parent’. For example, when taking children away to an event or tournament.
- The Act also compels people who live with a child and those who are in frequent contact with children and know, or ought to know, that the child is at risk of death, grievous bodily harm or sexual assault to take reasonable steps to protect the child from that risk.

### **Vulnerable Children Act 2014**

The Vulnerable Children Act 2014 made sweeping changes to protect vulnerable children and help them thrive, achieve and belong. The legislation includes:

- one new stand-alone Act, the Vulnerable Children Act 2014
- amendments to the Children, Young Persons, and Their Families Act 1989

The heads of six government departments are now accountable for protecting and improving the lives of vulnerable children. NZ Police, the Ministries of Health, Education, Justice, and Social Development and the Ministry for Vulnerable Children, Oranga Tamariki have new, legislated responsibilities.

Child protection policies have been adopted as standard by the agencies above along with the Ministry of Business, Innovation and Employment (Housing), District Health Boards and school Boards of Trustees.

Safety checking (screening and vetting) of every person in both central and local government children’s workforce has now been introduced and people with serious convictions are prohibited from working closely with children, unless they are granted an exemption.

These changes are about creating a better life for the most vulnerable children in New Zealand.

Specified organisations are required to do safety checks before employing or engaging a children's worker (clause 25) and must safety check its existing children's workers (clause 26). There are various timeframes for doing this depending on whether the children's worker is a "core worker" or a "non-core worker". The safety checks required include:

- a. confirming the identity of the person
- b. considering specific information prescribed by regulation about that person; and
- c. carrying out a risk assessment prescribed by regulation that assesses the risk the person would pose to the safety of children. (Clause 31)

There is a prohibition on a specified organisation employing or engaging a person as a "core worker", unless exempt (<https://www.mvcot.govt.nz/working-with-children/vulnerable-children-act-requirements/core-worker-exemptions/>)

**Other relevant legislation includes:**

- Privacy Act 1993
- Human Rights Act 1993
- Smoke Free Environments Act 1990
- New Zealand Bill of Rights Act 1990
- Care of Children Act 2004
- Vulnerable children's act 2014