

# WELFARE OF CHILDREN & VULNERABLE ADULTS POLICY

August 2017



## POLICY STATEMENT

### *A Game For All – Creating a safe and fun environment for cricket*

Safeguarding in cricket is based upon the concept of providing an enjoyable cricket environment tailored to the needs and requirements of Children and Vulnerable Adults.

Adults 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 cricket, especially to Children and Vulnerable Adults, has a role to play in creating the best possible environment for them.

A policy decision has been taken at New Zealand Cricket (**NZC**) to work to the highest standard of guidance and, as such, NZC has adopted this Welfare of Children and Vulnerable Adults Policy (**Policy**).

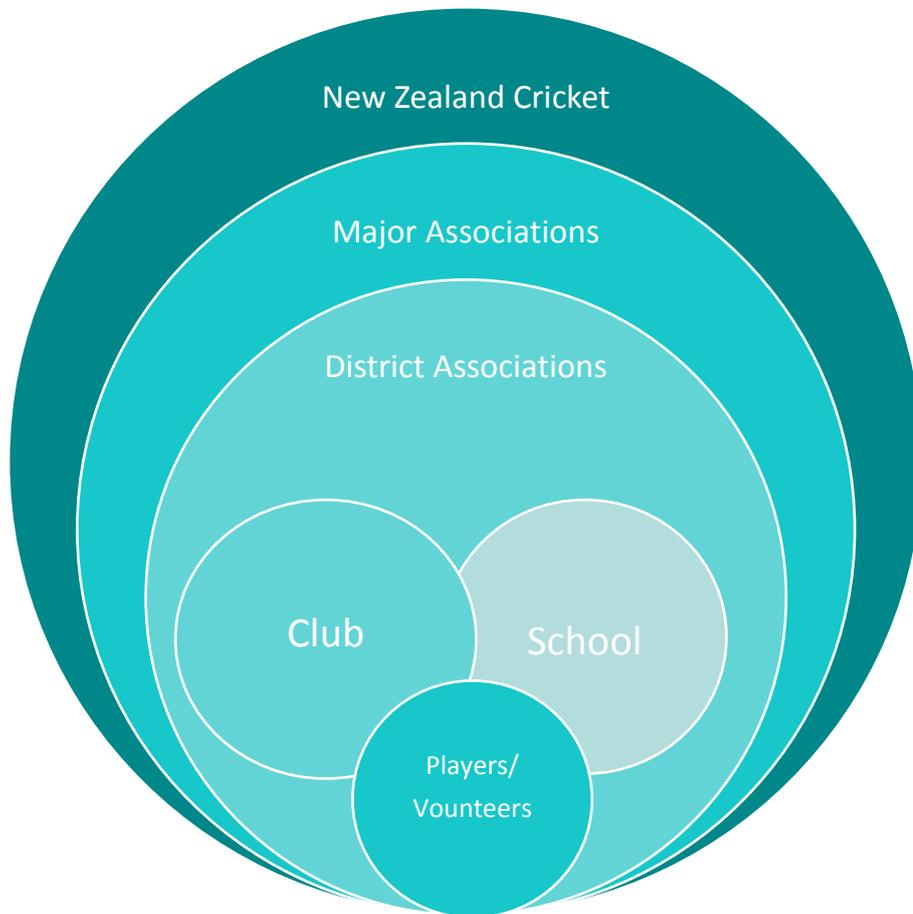
The Policy sets out NZC's commitment to providing a safe, positive and fun environment for children who play cricket. The Policy outlines NZC's principles on the protection of children and vulnerable adults.

## SCOPE

This Policy applies to all Staff and Board Members of NZC, NZC's Major Associations, District Associations (together the **Associations**) and Clubs.

In addition, NZC has created Welfare of Children and Vulnerable Adults Guidelines (**Guidelines**) for the Associations and Clubs.

## ACCOUNTABILITIES



**New Zealand Cricket** is obliged to Police Vet its Staff Members and Volunteers in accordance with this Policy. NZC also takes an active role in ensuring Major Associations are compliant with this Policy. NZC's role as an NSO is to offer guidance and support to Major Associations and District Associations as required.

**Major Associations** are obliged to Police Vet their Staff Members in accordance with this Policy and ensure their District Associations / Clubs comply with this Policy and the Guidelines.

**District Associations** are obliged to Police Vet their Staff Members in accordance with this Policy and ensure the sub-associations and clubs comply with this Policy and the Guidelines.

**Clubs:** are obliged to ensure that their Staff and Volunteers are Police Vetted in accordance with this Policy.

**Schools** have their own safety checking policies and responsibilities under the Vulnerable Children Act 2014 (**VCA**). Schools may require people from Clubs or Associations to be 'safety checked' in accordance with the VCA when delivering cricket sessions for a school.

## GLOSSARY OF TERMS

### People

Child/Children	Means a person who – <ul style="list-style-type: none"> <li>• is under the age of 18 years; and</li> <li>• is not married or in a civil union.</li> </ul>
Designated Person	An identified person with responsibility for ensuring a culture of Child Protection, and that this Policy and the Guidelines are followed.
Staff Member	People paid to work for NZC, MA's, DA's and clubs including employees and contractors, whether working on a full time, part time, casual, or temporary basis.
Volunteer	Means a person who performs work and: <ul style="list-style-type: none"> <li>• does not expect to be rewarded for the work performed; and</li> <li>• receives no reward for the work performed.</li> </ul>
Vulnerable Adult	An individual aged 18 years and above who is, or may be, unable to take care of themselves, or is unable to protect themselves against harm or exploitation by reason of age, illness, trauma or disability, or any other reason.

### Key Terms

Child Protection	This refers to the specific activity undertaken to protect children who are experiencing, or at risk of experiencing child abuse or neglect.
Contact	Contact is defined by: physical contact, oral communication, whether in person or telephone, communication through any electronic medium including by way of writing or visual images.
Ministry for Vulnerable Children	The Statutory agency responsible for supporting any child in New Zealand whose wellbeing is at significant risk of harm, now, or in the future.
Police Vetting	The Police Vetting Service provides criminal history checks and other relevant information (such as active charges, charges that did not result in a conviction and interaction that the person has had with the Police).

	People who are eligible under the Criminal Records (Clean Slate) Act 2004 will not have their conviction history released unless an exception applies.
Regular or Overnight Contact	<p>Regular or Overnight Contact means the person has contact (other than merely incidental contact) with a child or children:</p> <ul style="list-style-type: none"> <li>• overnight; or</li> <li>• at least once each week; or</li> <li>• on at least 4 days each month.</li> </ul> <p>It does not matter whether the regular contact is with the same or different child or children each time.</p>
Statutory Authorities	The Ministry for Vulnerable Children and the Police.
<b>Forms of Inappropriate Behaviour/Abuse</b>	
Bullying	Is unreasonable behaviour, repeated over time, which is deliberate and intended to humiliate, undermine or otherwise have a detrimental effect on the recipient(s) even though it may not be unlawful.
Emotional abuse	<p>Is the persistent emotional ill treatment of a child such as to cause severe and persistent adverse effect on the child's emotional development. This may include a pattern of rejecting, degrading, ignoring, isolating, corrupting, exploiting or terrorising a child. It may also include age or developmentally inappropriate or unrealistic expectations being imposed on children. It may also include the seeing, or hearing of, the ill treatment of others.</p> <p>Emotional abuse in cricket may include a child being subjected to constant criticism, name calling, sarcasm, bullying or unrealistic pressure to consistently perform to high expectations.</p>
Intimate Partner / Family Violence	Is physical, emotional, sexual and other abuse by someone (usually, but not always, a man) of a person (usually, but not always, a woman) with whom they have, or have had, some form of intimate relationship, such as marriage or cohabitation, in order to maintain power and control over a person. It is important to be vigilant to any signs, particularly if children are being affected, and bring these to the attention of the Designated Person.
Neglect	Is the persistent failure to meet a child's basic physical and/or psychological needs, causing long term serious harm to the child's health or development. It may also include neglect of a child's basic or emotional needs.

	<p>Examples of neglect within cricket could be the failure to ensure a child is safe, exposure to undue cold, heat or risk of injury.</p>
<p>Physical abuse</p>	<p>Is an intentional act that results in physical harm. This includes, but is not limited to, beating, hitting, shaking, poisoning or otherwise causing physical harm to a child. Physical abuse also involves the fabrication or inducing of illness.</p> <p>Examples of physical abuse in cricket may include when the nature and intensity of training and competition exceeds the capacity of the child's immature and growing body, or where drugs are used to enhance performance</p>
<p>Sexual abuse</p>	<p>Sexual abuse involves forcing or enticing a child to take part in sexual activities (penetrative and non-penetrative) as well as non-contact acts such as involving children in the looking at or production of sexual images, sexual activities and sexual behaviours.</p> <p>Staff should be aware of their 'duty of care' which precludes developing a sexual relationship with, or grooming of, a child.</p> <p>A sexual relationship between an adult and a child will always be wrong, unequal and unacceptable (whether or not it is consensual).</p> <p>There are situations within all sports, including cricket, in which there is potential for sexual abuse to occur.</p>

**NOTE:** It is not for NZC (or the Clubs or the Associations) to make findings about whether any of the above behaviour/abuse is occurring. However, the above definitions provide examples of the forms of behaviour to look out for, that could place Children and/or Vulnerable Adults at risk. Hence, if any of the above behaviour is suspected, it ought to be reported in accordance with this Policy.

## VETTING PROCESSES

### Who needs to be police vetted?

Any Staff Member and Volunteer who has Regular or Overnight Contact with a Child or Vulnerable Adult must be Police Vetted.

It is important to Police Vet coaches and assistant coaches, as a minimum, as they have the opportunity to build up a relationship of trust with Children and/or Vulnerable Adults.

Ideally, staff members and volunteers should be Police Vetted before they commence their roles for NZC, MA's, DA's or Clubs. Existing Staff Members and Volunteers who fall within the above criteria also ought to be progressively Police Vetted.

Staff members and volunteers can perform their roles whilst a Police vet is in progress.

### Who does not need to be Police Vetted?

Police vetting is not necessary for persons who assist on an occasional basis (i.e. people who do not have Regular or Overnight Contract with a Child/Children or Vulnerable Adult).

## PROCEDURES FOR REPORTING AND/OR RECEIVING A COMPLAINT

Cricket organisations which include young people among its members may be vulnerable to occurrences of child abuse. People involved with cricket are often in a position of trust and may notice or be made aware of instances of child abuse. The below process outlines NZC's procedures for dealing with this situation, should it arise. The Associations and Clubs are encouraged to also adopt these procedures.

The welfare of Children and Vulnerable Adults is the concern of all adults at all times, irrespective of their role within NZC. Details of personnel appointed by NZC to oversee child protection and player welfare is available on NZC's website. The Associations and Clubs are also encouraged to make such details available on their websites.

***It is not for anyone working in cricket in a paid or voluntary capacity, or those working in affiliated organisations, to take responsibility or decide whether or not child abuse is taking place. However, there is a responsibility to protect Children and Vulnerable Adults by assisting the appropriate agencies so that they can make enquiries and take any necessary action to protect the Child or Vulnerable Adult.***

### Reporting suspected child abuse

NZC appreciates that the appropriate method for reporting suspected child abuse may depend on the specific circumstances. However, as a general rule, the following steps ought to be taken in reporting suspected child abuse to the Statutory Authorities:

- 1) Observe and note dates, times, locations and contexts in which the incident occurred or suspicion was aroused, together with any other relevant information.

- 2) Where there are reasonable grounds for concern, report the matter as soon as possible to the Designated Person with responsibility for reporting abuse. If the Designated Person has reasonable grounds for believing that the Child has been abused or is at risk of abuse, s/he will make a report to the Ministry for Vulnerable Children to investigate and assess suspected or actual child abuse.
- 3) In cases of emergency, for example, where a Child appears to be at immediate and serious risk and/or the Designated Person is unable to contact a duty social worker, the Police should be contacted. Under no circumstances should a Child be left in a dangerous situation pending intervention by the Statutory Authorities.
- 4) If the Designated Person is unsure whether reasonable grounds for concern exist, s/he can informally consult with the relevant Statutory Authority. S/he will be advised whether or not the matter requires a formal report.
- 5) A Designated Person reporting suspected or actual child abuse to the Statutory Authorities should consider whether to first inform the family of their intention to make such a report. NZC does not recommend informing the family in circumstances where the parent or caregiver is the alleged perpetrator and where doing so may endanger the child, the Designated Person or others, or undermine an investigation.
- 6) In instances where the Designated Person finds that s/he does not have reasonable grounds for reporting a concern to the Statutory Authorities, the person who raised the concern should be given a clear statement by the Designated Person of the reasons why s/he is not taking action. The person should be advised that if they remain concerned about the situation, they are free to consult with, or report to, the Statutory Authorities themselves.
- 7) The Designated Person should update the CEO/Chairman/General Manager of their organisation in relation to each report made to him or her and his or her decision in relation to each report (i.e. whether or not it has been reported to a Statutory Authority). The Designated Person may also consult with the CEO/Chairman/General Manager of their organisation if they are unsure about the appropriate action to take in any particular situation.

It is best to report child abuse concerns by making personal contact with relevant personnel in the Statutory Authorities and to then follow up in writing.

Section 15 of Children Young Persons and Their Families Act, 1989, states “Any person who believes that any child or young person has been, or is likely to be, harmed (whether physically, emotionally, or sexually), ill-treated, abused, neglected, or deprived may report the matter to a social worker or a constable.”

Section 16 of the Children Young Persons and Their Families Act, 1989, states that any person making a notification in good faith is protected from any civil, criminal or disciplinary proceedings in relation to that notification.

## **Reporting suspected abuse against a Vulnerable Adult**

Where the suspected abuse is against a Vulnerable Adult, the above process should still be referred to as a general guide. However, the relevant Statutory Authority to contact would be the Police.

## **Responding to a child disclosing abuse**

It is important that adults remain calm and confident when a child tells them what has been happening to him or her. Every child is different in how, when and where they will tell an adult about abusive experiences so it will most likely happen when the person is least expecting it! Facial expressions and tone of voice are as important as what is actually said to the child. When dealing with a child's disclosure, adults should take the following approach:

- 1) Deal with allegation of abuse in a sensitive manner by listening to and facilitating the child to tell about the problem
- 2) Stay calm
- 3) Do not make any judgmental statement about the person against whom the allegation is being made
- 4) Use non-specific questions such as "Can you explain what you mean by that?" / "How come?". Let the child tell the story in his/her own words
- 5) Give the child a general indication of what will happen next, such as informing parents / guardians and the Ministry for Vulnerable Children
- 6) If the child asks you to keep the information secret, inform him/her that you will keep the information as secret as possible, however, you may need to inform certain people to make sure that the child is kept safe

Under no circumstances should a person attempt to conduct an investigation or deal with concerns regarding child abuse alone. The statutory responsibility to investigate allegations of child abuse rests with the Ministry for Vulnerable Children and the Police.

If a Child makes a verbal disclosure to a Staff Member, it is important that the Staff Member takes what the Child says seriously. This applies irrespective of the setting, or the Staff Member's own opinion on what the Child is saying.

Where a disclosure is made by a Vulnerable Adult, the above process will still apply as a general guideline.

## **Allegations against others within cricket**

It must be remembered that making a disclosure or a complaint against someone in a position of power and authority is always difficult. The person making the disclosure may reconsider and express a wish to retract their allegation. At the outset, it must be clearly communicated with the Child or adult that their concern is being taken seriously and will be responded to in

accordance with this Policy.

Allegations, suspicions or complaints of abuse against Staff Members, Volunteers or representatives of other organisations must be taken seriously and reported to the Designated Person, who will deal with them immediately, sensitively and expediently within the procedures outlined in this policy. Concerns may be raised a number of ways. For example:

- Directly, by staff hearing or observing issues of concern or behavior of concern
- Direct disclosure by the child or vulnerable adult
- Indirect disclosure e.g. through written or art work or through friends
- Complaint from a parent or caregiver or whanau member
- Reports by other colleagues or agencies
- As an anonymous report

Allegations of abuse may be made some time after the event. For example, the allegation may come from an adult who was abused as a child by someone who is still currently working with children. In the event of historic concerns of abuse, this Policy should still be followed.

In all child protection cases, NZC will co-operate fully with both the Ministry for Vulnerable Children and/or the Police in their investigations and assessments.

### **Use of settlement agreements**

NZC does not support the use of 'settlement agreements' if they are contrary to a culture of Child Protection. Some 'settlement agreements' allow a Staff Member to agree to resign provided that no disciplinary action is taken, and a future reference is agreed. Where the conduct at issue concerns the safety or wellbeing of a Child, the use of such agreements is contrary to a culture of Child Protection.

Where a person tenders his or her resignation, or ceases to provide their services, this shall not prevent an allegation of abuse against a Child being followed up in accordance with these procedures.

### **Steps to be taken following a complaint**

Upon receiving a complaint, the safety of the Child/person making the allegations should be considered, alongside the safety of any other Children who may be at risk. All necessary steps must be taken to protect Children and Vulnerable Adults within the care of cricket.

The issue of confidentiality is important. Information ought to only be disclosed on a 'need to know' basis and the person about whom the allegation is made should be treated with respect.

Once a complaint is received, the following procedure should generally be followed. However, NZC recognises that this process may be amended or departed from depending on the particular situation.

- Advice to be sought from local agency such as the Ministry for Vulnerable Children or the Police with regard to any action necessary to protect the child who may be at risk. The Ministry for Vulnerable Children may be contacted on 0508 326 459.
- If appropriate, the matter should be formally reported to the Ministry for Vulnerable Children or the Police by the Designated Person.
- If the Police or Ministry for Vulnerable Children decide to investigate the complaint:
  - If the alleged perpetrator is a Volunteer, NZC may require that person to cease their Volunteer duties pending the outcome of the investigation. It should be made clear to the person that this is a precautionary measure pending the outcome of the investigation.
  - If the alleged perpetrator is a contractor, NZC may require that person to cease their contractor duties (subject to the terms of their contract) pending the outcome of the investigation. It should be made clear to the person that this is a precautionary measure pending the outcome of the investigation.
  - If the alleged perpetrator is an employee, NZC may consider suspending the employee as a precautionary measure (subject to the terms of that person's employment agreement and NZC's Disciplinary Policy).
  - NZC may also consider the possibility of disciplinary action in relation to the employee's conduct.
- All persons involved in a child protection process (the Child, his / her parents / guardians, the alleged offender, his / her family, management teams) should be afforded appropriate respect, fairness, support and confidentiality at all stages of the procedure.
- The fact that the alleged perpetrator has not been prosecuted or been found guilty does not necessarily mean that they are appropriate to work with young people in the future. Therefore, a risk assessment ought to be carried out before allowing the person to return to their duties as a Volunteer or Staff Member.

NOTE: Where the complaint relates to a Vulnerable Adult, the agency who ought to be contacted in accordance with the above general procedure is the Police.

## CONFIDENTIALITY

To the extent possible in the circumstances, confidentiality should be maintained in respect of all issues and people involved in cases of suspected abuse, welfare issues or bad practice. It is important that the rights of both the Child or Vulnerable Adult, and the person about whom the complaint has been made, are protected:

- A guarantee of confidentiality or undertakings regarding secrecy cannot be given, as the welfare of the child will supersede all other considerations.
- All information should be treated in a careful and sensitive manner and should be discussed only to those who need to know (such as the relevant Statutory Authorities).
- Information should be conveyed in a sensitive manner to the parents / guardians of the Child or Vulnerable Adult about whom there are concerns. Where the complaint relates to the conduct of the parents/guardians, the relevant Statutory Authorities may need to be consulted with before deciding who is the appropriate person to inform the parents/guardians of the complaint.

## ANONYMOUS COMPLAINTS

Anonymous complaints can be difficult to deal with but should not be ignored. In all cases, the safety and welfare of the Child / Children is paramount. Any such complaints relating to inappropriate behavior should be brought to the attention of the Designated Person. The information should be assessed and handled in a confidential manner.

## RUMOURS

Rumors should not be allowed to hang in the air. Any rumors relating to inappropriate behavior should be brought to the attention of the Designated Person and assessed without delay.