



BASKETBALL **New Zealand**

PROTECTION OF YOUNG PEOPLE 2020 (Version 1)

A policy for Participant Organisations

BBNZ Protection of Young People – Policy Contents

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A. Introduction

Purpose

Basketball New Zealand (“**BBNZ**”) is committed to safe sport and recreation for young people.

For the purposes of this Policy and associated procedures:

Young person/people are recognised as all people under the age of 18 years. A reference to a “child” or to “children” or to a “young person” or to “young people” within this Policy is referring to those under the age of 18 years.

Participating organisation is any Club or Association affiliated in any way to BBNZ.

Participant includes all people participating in any basketball event, whether they are participating as a player, coach, volunteer, parent, or guest of/spectator to the basketball event.

A basketball event means any gathering of one or more persons where at least one purpose relates to, directly or indirectly, the sport of basketball. A basketball event includes, at one end of the spectrum, international basketball tournaments, and at the other end of the spectrum, a coach or volunteer driving a single young person to or home from a basketball game.

Staff of BBNZ and all participating organisations includes employees, contractors engaged to perform services, and volunteers.

The purpose of this Policy is to outline what is safe sport for young people and to offer guidance on how to provide a safe sporting environment for, and the protection of, young people.

This Policy does not specifically address the protection of other participants of BBNZ and its Associations. However many of the principles and processes outlined in this policy will be applicable to all participants.

BBNZ’s Regulations provide a Code of Conduct and Fair Play for participants. This Code of Conduct provides general guidance on acceptable and unacceptable behaviour by players, coaches, officials, parents and supporters.

This Policy is designed to supplement BBNZ’s Regulations, in particular the Code of Conduct and Health and Safety Guidelines. It is a requirement that all Associations and Clubs of BBNZ adopt this Policy.

This Policy has been developed from resources sourced from Sport New Zealand and the New Zealand Government, and has been made pursuant to the Constitution of BBNZ and has been endorsed by the BBNZ Board. Additional information and resources are available from:

- Sport New Zealand: www.sportnz.org.nz – (Safe Sport For Children)
- New Zealand Government: www.childrensactionplan.govt.nz

BBNZ may amend the Policy at any time and any amendments will be made available to participating organisations as soon as practical after any changes.

What is safe sport for young people?

Safe sport for young people balances what young people want to get from their sports experience while also ensuring they are not subject to harm caused by an adverse social/or physical environment.

Young people want to be in an environment that is safe and supportive, where they are encouraged to be the best they can be while also enjoying what they are doing.

We know from research that young people do not enjoy experiences where:

- there is an over-emphasis on winning by parents or coaches;
- some players miss out while only the best players participate consistently;
- some participants are favoured over others;
- they feel they're not on good terms with the person in charge;
- they cannot participate with their friends;
- they don't feel safe and/or they fear being hurt;
- there's no emphasis on fun;
- they don't feel that they are improving or developing their skills.

Health and Safety

As stated above, this Policy is designed to supplement BBNZ's Health and Safety Guidelines. The environment BBNZ operates in can hold many elements of risk to manage. The health and safety of individuals in the BBNZ environment is the responsibility of all participants. Associations and their participants will take all reasonable steps to ensure safe people, safe systems and safe operations are in place. Individuals have the responsibility to keep themselves and others safe at all times. All participants must be made aware of all health and safety responsibilities, especially those in roles that have the responsibility for others.

Some areas of particular importance for H & S are:

- Sports events.
- Training sessions and courses.
- Travelling to and from events.
- Use of Vehicles.
- Manual Handling.
- Storage of equipment, food, fuel and chemicals.
- Building related hazards including stairs, decks, wet areas, kitchens.
- Working around the club (working bees, maintenance, contractors, chemicals).
- Environmental conditions (exposure to sun, heat, cold...).
- Unsupervised and social activities.

Last Reviewed: June 2020

B. Policy Pledge, Principles and Objectives

Policy Pledge

All sports organisations that provide sport for young people should be fully committed to safeguarding the welfare of all young people in their care.

BBNZ and its participant organisations recognise, and pursue, the responsibility to promote safety and to protect young people from harm and exploitation.

Staff will do this by working together to ensure a safe environment for young people participating in our game and adhering to the principles and guidelines of this Policy.

Policy Principles

In implementing this policy, we are committed to the following principles:

1. Young people have a right to participate in sport and recreation that is safe.
2. Young people should feel respected, valued, and encouraged to enjoy their participation and to reach their full potential.
3. Sport and recreation organisations have a duty of care when it comes to young people. These organisations should take steps to ensure that young people can participate safely in the activities they provide.
4. Our organisation will work in partnership with young people, parents and carers, to promote the welfare, health and development of young people.

Policy Objectives

The aim of this policy is to get sport organisations to:

- promote the health and welfare of young people by providing safe basketball-opportunities;
- respect and promote the rights, wishes and feelings of young people;
- promote and implement appropriate procedures to safeguard the well-being of young people and protect them from harm;
- commit to recruiting, training, supporting and supervising staff (and participants where applicable) to adopt good practice to safeguard and protect young people from harm, and to reduce the risk of allegations or complaints against themselves;
- educate young people, staff and participants to adopt and abide by this Policy;
- promote the collective responsibility within our sport for ensuring safe sport for young people;
- commit to responding to allegations of misconduct or harm to young people in line with this Policy and these procedures, as well as implementing, where appropriate, the relevant investigative, disciplinary and appeals procedures;
- regularly monitor and evaluate the implementation of this Policy and these procedures.

C. Good Practice Guidelines for Working with Young People

The following protocols provide guidance to those working with young people by outlining good practice and establishing boundaries in a range of situations. The intention of these protocols is to reduce the likelihood of harm to a young person, as well as minimising the risk of an allegation or complaint being made.

1. Apply a Young Person-Centred Approach Where all Young People are Treated Equally and with Dignity

- Activities should be appropriate for the age and development of the young people in your care.
- Ensure feedback to young people is about their performance and not of a personal nature.
- Use positive and age-appropriate language when talking to young people, and in their presence.

2. Create a Safe and Open Environment that also Reduces Risk to Staff

- Exercise common sense.
- Foster a culture of openness and support.
- Ensure that systems are in place for concerns to be raised.
- Ensure that there are effective recording systems which confirm discussions, decisions and the outcomes of action taken.
- Ensure that you do not place yourself into a situation which renders you vulnerable.
- Ensure that you are aware of expectations, policies and procedures.
- Do not send young people off to train alone and out of sight or supervision.
- Ensure that young people use appropriate protective gear.
- Ensure that all physical contact with young people 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 young people.
- Ensure that you have parental consent to administrator first aid if required.
- Ensure that any filming or photography of young people is appropriate.
- Explain the purpose and obtain consent from parents or caregivers prior to filming or photographing young people.
- Request parental consent before transporting young people in a vehicle. Ensure that the vehicle is insured and has a current Warrant of Fitness and registration.
- Do not drink alcohol in the presence of young people and do not offer alcohol to young people under any circumstances.
- Do not allow parents, coaches, other young people, or spectators to engage in any type of bullying behaviour (this includes cyber/text bullying).
- Do not bully or place unnecessary pressure on young people.

3. One-to-One Situations

One-on-one situations have the potential to make a young person more vulnerable to harm by those who seek to exploit their position of trust. Coaches and volunteers working in one-on-one settings with a young person may also be more vulnerable to unjust or unfounded allegations made against them.

Both possibilities should be recognised so that when one-on-one situations are unavoidable, reasonable and sensible precautions are taken. Every attempt should be made to ensure the safety and security of young people and the adults who work with them.

There are occasions where staff will need to undertake a risk assessment in relation to the specific nature and implications of one-on-one work. These assessments should take into account the individual needs of the young person and the individual worker, and any arrangements should be regularly reviewed.

In light of the above, it is recommended that wherever possible, all staff should:

- Ensure that when working alone is an integral part of their role, a full and appropriate risk assessment has been conducted and agreed;
- Avoid private or unobserved situations, including being alone with a young person in the changing rooms. Have another adult present or at least another player;
- Avoid entering changing rooms. If you must enter, knock and announce yourself and try to have at least one other adult with you;
- Avoid driving a young person unaccompanied. If this is unavoidable, have them sit in the back seat;
- Do not invite or encourage young people to your home;
- Always have another adult present when staying overnight anywhere with young people;
- Do not share a room with a young person that is not your son or daughter;
- Travelling creates higher-risk environments. Take extra care to ensure players and volunteers are not exposed to undue risk;
- Always report any situation where a young person becomes distressed or angry towards a senior colleague.

4. Communications with Young People and the Use of Technology

All staff must adhere to BBNZ's Code of Conduct (refer to BBNZ Regulations Book 6, Appendix A). All staff must maintain appropriate professional boundaries in their communications with young people at all times to avoid any possible misinterpretation of their motives or any behaviour which could be construed as grooming.

All staff must:

- Ensure all communication with young people takes place within the boundaries of a professional relationship;
- Not engage in communication with a young person, on a one-on-one basis, through social media, texting or email, other than for relevant coach/athlete feedback or administration;
- Ensure any electronic communication with a young person remains professional and brief. Electronic communication includes, but is not limited to, social media forms such as Facebook, Twitter, Instagram, Tumblr, Snapchat etc;
- Take care that their language or conduct does not give rise to comment or speculation;
- Consider the appropriateness of the social contact according to their role and nature of their work;
- Report and record any situation, which may place a young person at risk or which may compromise the organisation or their own professional standing.

5. Overnight Camps and Other Travel

All staff should take particular care when supervising young people on camps. Coaches and volunteers remain in a position of trust and need to ensure that their behaviour remains professional at all times and stays within clearly defined professional boundaries as outlined in the Code of Conduct.

Careful consideration needs to be given to sleeping arrangements. Participating staff, young people and parents should be informed of these prior to the start of the camp. In all circumstances, those organising camps must pay careful attention to ensuring safe staff/ young people ratios and to the gender mix of staff especially on overnight stays.

All staff must:

- Undertake risk assessments in line with their organisation's policy where applicable;
- Distribute Camp Code of Behaviour, Medical Declaration and Indemnity forms and ensure that they have been fully completed and returned prior to camp attendance;



- Have parental consent to the activity;
- Ensure that their behaviour remains professional at all times;
- Always have another adult present when staying overnight anywhere with young people;
- Ensure that they do not share a room with a young person, other than their own, unless it involves a dormitory situation and the arrangements have been risk assessed, discussed and consent with management, the young person and the parent/carer have been sought and obtained prior to the camp;
- Ensure that athletes aged 18 and over do not share rooms with young people.

6. Transportation of Young People

A designated member of staff should be appointed to plan and provide oversight of all transporting arrangements and respond to any difficulties that may arise. Wherever possible, and practicable, it is advisable that transport is undertaken other than in private vehicles, with at least one adult additional to the driver acting as an escort.

There will be occasions when staff are expected or asked to transport young people as part of their duties. Staff expected to use their own vehicles for transporting young people should ensure that the vehicle is roadworthy, appropriately insured and that the maximum capacity is not exceeded.

It is inappropriate for staff to offer lifts to a young person outside normal duties unless this has been brought to the attention of the line manager and has been agreed with the parents/carers.

There may be occasions where a young person requires transport in an emergency situation or where not to give a lift may place a young person at risk. Such circumstances must always be recorded and reported to a senior manager and parents/carers.

All staff must:

- Request parental consent before transporting young people in a vehicle;
- Ensure that any impromptu or emergency arrangements of lifts are recorded and can be justified if questioned;
- Avoid driving a young person unaccompanied. If this cannot be avoided, the young person must be seated in the rear of the vehicle;
- Be fit to drive and free from any drugs, alcohol or medicine which is likely to impair judgement and/ or ability to drive;
- Be aware that the safety and welfare of the young person is their responsibility until they are safely passed over to a parent/carer;
- Ensure that their behaviour is appropriate at all times;
- Ensure that there are proper arrangements in place to ensure vehicle, passenger and driver safety. This includes ensuring that the vehicle has proper insurance for the type of vehicle being driven and has a current Warrant of Fitness and registration.

D. Recruitment and Training Processes for Staff

Part of a sport or recreation provider's duty of care requires them to ensure that only suitable staff and volunteers are working with young people. This means developing a simple but robust recruitment process that involves some form of screening, including police vetting.

Recruitment Process:

1. Creating role descriptions

Simple role descriptions make it easier to find the right type of staff (including volunteers). The role description should outline the purpose of the role, what is involved, and the desired skills and experience. This also helps recruitment by providing a clear role scope and dispelling any insecurities volunteers might have about not having the skills, or concerns they'll end up over-committed.

2. Interviewing candidates

Short interviews help communicate clear expectations about the role and the type of person the appropriate candidate is likely to be. It is a chance to share information, ask and answer questions, and emphasise the organisation's Protection of Young People Policy.

3. Follow up with the candidate's referees

Candidates should provide contact details of at least one referee who can be contacted to discuss their suitability for the role. This is particularly important for roles that potentially carry a higher risk.

4. Screening applicants – police vetting

Police vetting is part of the screening process, but this should not constitute a participating organisation's complete response to keeping young people safe. Police vetting will provide an organisation with a judgment by Police about a person's suitability to work with young people based on the information it holds – this should be considered a 'red flag' rather than detailed information.

Roles and Responsibilities

All participating organisations should appoint a **Young Persons Protection Officer** (or another suitable role with responsibility for young person protection issues). This person is your champion for young person protection and can lead the implementation of your organisation's Protection of Young People Policy. They can also act as a positive role-model for the creation of a safe environment for young people and the adults that work with them.

Their main responsibilities would include:

- ensuring that young person protection procedures are understood and adhered to by all participants;
- organising promotional activities and training, and raising awareness within the organisation;
- establishing and maintaining the complaints procedure;
- reporting to the Board, Executive, Committee, or Management as appropriate;
- acting as the main contact and support for young person protection matters;
- keeping up-to-date with developments in young person protection legislation;
- liaising with local young person-protection agencies as required;
- maintaining confidential records of reported cases and any action taken;
- regularly monitoring and reviewing existing policies and procedures.

Code of Conduct

All participating organisations should have a documented **Code of Conduct** to provide guidance on acceptable and unacceptable behaviour by all participants.

Sport New Zealand have developed a Code of Conduct that reflects the different ways people are involved with clubs and associations. A copy of this is included in [Appendix 1](#). Participating organisations may like to tailor this Code of Conduct to be specific to their staff.

Education and Training of Staff

In addition to the pre-selection checks, the young person protection process should include subsequent monitoring and training of staff in order to:

- ensure that staff are working safely and effectively with young people;
- identify and respond to any unacceptable behaviour or practices of staff;
- enable staff to analyse their own behaviour and practices, and compare them against the Code of Conduct and Good Practice Guidelines – this helps minimise the risk of allegations or complaints against that person;
- respond in a positive way to concerns raised about staff i.e. via training to improve practices.

This Policy is designed to support the education and training of staff. New staff should be given a copy of the Protection of Young People Policy and be able to demonstrate an understanding of the Code of Conduct and Good Practice Guidelines.

It is good practice to have the Young Persons Protection Officer (or equivalent person) take new staff through this policy and have them sign a copy of the Code of Conduct.

E. Abuse, Misconduct, Complaints and Investigative Process

This section of the Policy outlines the different forms of abuse, sets out some situations which may indicate that abuse has occurred, and sets out how concerns should be reported.

Abuse

Abuse is defined as anything which individuals or organisations do, or fail to do, that directly or indirectly harms people or damages their prospects of a safe and healthy development. It is generally acknowledged that there are four main types of abuse - Physical, Sexual, Emotional and Neglect. Abuse generally occurs within a relationship of trust or responsibility and is an abuse of power and/or trust and can include all forms of bullying.

Physical Abuse

Physical abuse is just what the term implies - hurting or injuring another person e.g. by hitting, shaking, squeezing, burning or biting them. In sport, this might result if the nature or intensity of training is inappropriate for the capacity of the performer or where drugs are tolerated or advocated.

Sexual Abuse

Sexual abuse is where one person is used by another to meet their own sexual needs. It can range from sexually suggestive comments to full intercourse and may include the use of pornographic material.

Emotional Abuse

Emotional abuse occurs when a person is not given love, help and encouragement and is constantly derided or ridiculed e.g. racial or sexual remarks. It can also occur if a young person is over protected. Abuse can occur where a parent or coach has unrealistic expectations over what a young person can achieve.

Neglect

Failing to meet the basic needs of young people, such as food, warmth, adequate clothing, and medical attention or constantly leaving them alone. It could also mean failing to ensure they are safe or exposing them to harm or injury.

Bullying and Harassment

Bullying in basketball can be an adult – i.e. the parent/caregiver who pushes too hard, the coach who adopts a win-at-all-costs philosophy or adults who attempt to assert unacceptable behaviour on young people to make them unwelcome. Bullying can also occur between young people.

Cyberbullying

Given the emergence of social networks, the opportunity for unwanted and improper comments and statements made via electronic messaging or posting has dramatically increased. Cyberbullying occurs when electronic messages or posts of a threatening or intimidating nature are sent to a person or posted on social media sites, with the intent of causing that person harm. Such messages/posts are often repetitive and may include photos or videos of the victim in a compromising or embarrassing situation. Cyberbullying has the potential to cause anxiety and distress to the person who has been the target of any comments or statements.

Indications of Abuse

There are a number of physical and behavioural signs that might raise concern about the welfare or safety of a young person, as detailed below. The examples provided below are only indicators that abuse may have/be occurring - not confirmation of abuse:

Where the young person:



- Says they are being abused, or another person says they believe (or know) abuse is occurring;
- Has an injury for which the explanation seems inconsistent;
- Has behavioural changes, either over time or quite suddenly, becoming aggressive, withdrawn or unhappy;
- Appears not to trust adults, e.g. a parent or coach with whom they would be expected to have, or once had, a close relationship;
- Shows inappropriate sexual awareness for their age and/or behaves in a sexually explicit way;
- Becomes increasingly neglected-looking in appearance, or loses or puts on weight for no apparent reason.

Physically disabled young people and young people with learning difficulties and vulnerable adults are particularly vulnerable to abuse and may have added difficulties in communicating what is happening to them.

What is Misconduct?

Misconduct occurs when a code of conduct is breached. Serious misconduct occurs when there are serious or repeated breaches of the code of conduct. When dealing with misconduct, there is an escalating scale of options that could be employed. These range from bringing the breach to the attention of the person involved and agreeing ways to avoid this happening again through to formal disciplinary action and ultimately dismissal, or involvement of the Police and/or Oranga Tamariki.

Addressing Concerns over Poor Practice, Allegations and Complaints

Where concerns about poor practice or breaches of codes of conduct are identified or reported, proactive action should be taken to reduce the risk of harm.

Poor practice involves actions that are contrary to the good-practice guidelines provided by your sport and increase the risk of harm to young people.

If a complaint or allegation of harm is made then the investigative process to be followed is outlined below.

A process of addressing concerns and complaints is as follows:

- Initial concerns should be discussed with your Young Persons Protection Officer, or nominated person, to determine if a breach or potential breach has occurred;
- Young Persons Protection Officer to address person involved to remind them of the good practice guidelines and code of conduct;
- Young Persons Protection Officer to formally talk to the person concerned about specific breaches of the code of conduct;
- Where there is an ongoing and legitimate concern, or a complaint has been received and investigated by the Young Persons Protection Officer, then this should be raised by the Young Persons Protection Officer with the board or committee to consider appropriate disciplinary action (refer to the Potential Disciplinary Outcomes section);
- Depending upon the seriousness of the poor practice, if it continues or there is repeated poor practice following a written notice, then enact disciplinary procedures. This may include expulsion from your organisation;
- Serious allegations may require immediate formal action.

Reactive Measures and Process

This section of the Policy sets out a process for the committee and participants of BBNZ to follow if concerns about the welfare of a young person involved in basketball are raised. In particular, it sets out some examples of situations where a participant may have concerns over the welfare of a young

person and steps that should be taken.

If there is suspicion on reasonable grounds that abuse is/has taken place:

This may be by one of the following:

- When a young person advises that they have been abused;
- When someone else advises that a young person has been abused;
- A young person advises that they know someone who has been abused (often they are referring to themselves);
- Observation of a young person's behaviour and/or injuries etc, and knowledge of the young person, leads to suspicion of abuse;
- Someone is observed abusing a young person.

Responding to suspected abuse:

- Stay calm, listen to what the person says and don't promise to keep it confidential, take it seriously and ensure that the young person is safe from immediate harm. The welfare of the young person is the first thing to be considered;
- Only ask questions if needed to identify what the person is saying - don't ask the person about explicit details;
- Make a detailed note of what the person has said;
- Ensure the young person is safe;
- Ensure the safety of other young people potentially at risk;
- Obtain and document the following information:
 - The name, age and address of the person advising of the situation;
 - The young person's name, age and address;
 - The reason for suspecting abuse – i.e. observation, injury, information;
 - The assessment of danger posed to the young person including information pertaining to the alleged perpetrator;
 - The arrangements, if any, that exist for the immediate protection of the young person;
 - The involvement, if any, of other agencies in dealing with the alleged abuse issues;
- As soon as possible and practicable, tell the individuals who need to know of the alleged abuse, such people may include the Secretary, Chairperson, coach or any committee member, or at an event, the Event Manager or Referee - unless, of course they are suspected of being involved;
- Call Police in the case of emergency or allegations of serious abuse.

Association officials or event organisers will:

- Talk to the young person's parents/caregivers about the concerns if there may be an obvious explanation;
- If working with young people away from home, at a training camp, or a national/regional competition etc - advise the Team Manager or the Coach;
- If working with a school - inform a teacher;
- If involved with another organisation refer to their contact person for their action;
- If necessary, seek advice from BBNZ Staff (see below).

Contacting BBNZ:

- Confidential contact can be made directly with the Chief Executive of BBNZ.
- BBNZ staff have access to external resources and are tasked with advising you on such issues as parental involvement and police involvement.

It is not an individual member of staff or an individual participant's responsibility to decide whether a person is being abused but it is their responsibility to pass the information on to the appropriate person. Staff and participants will make detailed notes of what they

have seen or heard and won't delay passing on the information.

Actions to be taken by the Participant Organisations & Potential Disciplinary Outcomes:

In case of abuse involving Staff of Participant Organisation, the Participant Organisation will take some form of action. The following steps are examples of actions that may be required by officials of the Participant Organisation:

- Report the matter to the relevant authorities.
- Report the matter to the police and preferably the child protection unit as appropriate.
- Refer the matter to the BBNZ for further assistance.
- Request that the alleged victim and other family members approach BBNZ CEO or their local GP to obtain a referral to professional support services and medical specialists.
- Refer the matter to a judicial committee made up of people appointed by the committee with specific expertise to investigate the matter and look for a resolution.
- Seek legal advice on how to manage the issue at their level as it needs to be in accordance with the Constitution.
- Impose some form of consequence on the perpetrator (subject to the outcome of an investigation into the matter) which may include verbal or written warnings, the suspension or termination from the role they hold within the Participant Organisation, the banning from activities held or sanctioned by BBNZ or the Participant Organisation, and/or a direction to complete a reasonable task, e.g. a letter or apology of corrective action.
- If the perpetrator is a member of BBNZ or a Participant Organisation and the perpetrator's membership is suspended or terminated, check periodically to ensure the perpetrator is having no involvement with basketball in NZ.
- Periodically follow up on the victim's progress after initial counselling and that they have access to available care.

This is a list of basic options for Participant Organisations. There may be many other options or actions that may be appropriate to the situation.

A more detailed process in relation to suspected or reported physical or sexual abuse is provided in Appendix 1.

Incidents and Accidents

For situations in which a young person has been injured or potentially injured ("near miss" or non-injury accident) by an accident, Health and Safety incident procedures will be followed, as set out in the Health and Safety Guidelines/Policy.

For major incidents, an investigation will be held and learning from this will be documented to minimise the chances of similar incidents happening in the future. Alleged physical or sexual abuse is very serious and requires an immediate response.

Other Considerations

A range of other factors may be relevant when managing a potential-harm situation.

- *Managing sensitivities, conflicts and stress*
These can arise within organisations and between participants (members, families and officials).
- *Managing the rights of alleged offenders*
People who have allegedly acted improperly also have rights - privacy for example. They also have a reputation and families of their own, so it is important to carefully investigate any complaints and follow a robust and fair process.

- *Managing media interest*
This is very important because you are dealing with the reputations of people within basketball and with the sport of basketball itself. You must follow BBNZ's media policy.

Support for the Young Person and the Family Should a Young Person be Harmed

When a young person has been harmed, there is a range of people and places that can provide support. It may help the young person and their family if the related Participant Organisation can provide some support.

Where the harm or suspected harm is serious, *Oranga Tamariki, Ministry for Children* and the Police will be key agencies to contact.

The following agencies/organisations can also provide support:

- *ACC* by providing financial support where a young person has been physically harmed, or by providing approved counsellors for young people who have been sexually abused.
- *Citizen's Advice Bureau* by providing details of local crisis counselling services.
- *Child Matters* is a registered charitable trust that provides training programmes, seminars and workshops on child harm, as well as advice and resources.
- *Jigsaw Family Services* is a national organisation focused on the wellbeing of New Zealand children and their families.
- *KidsLine* is New Zealand's only 24-hour helpline for children below the age of 12 years and provides trained counsellors.
- *Youthline* is a free telephone counselling service for young people (aged 12-18 years).
- *Iwi Social Services* By providing social services run by iwi, hapu and Māori organisations working with people in their rohe (tribal area).

The agencies and organisations listed above are generally national organisations. There will be other groups that operate in the local area of each Participant Organisation that may be more appropriate to contact and work with in cases of harm to young people.

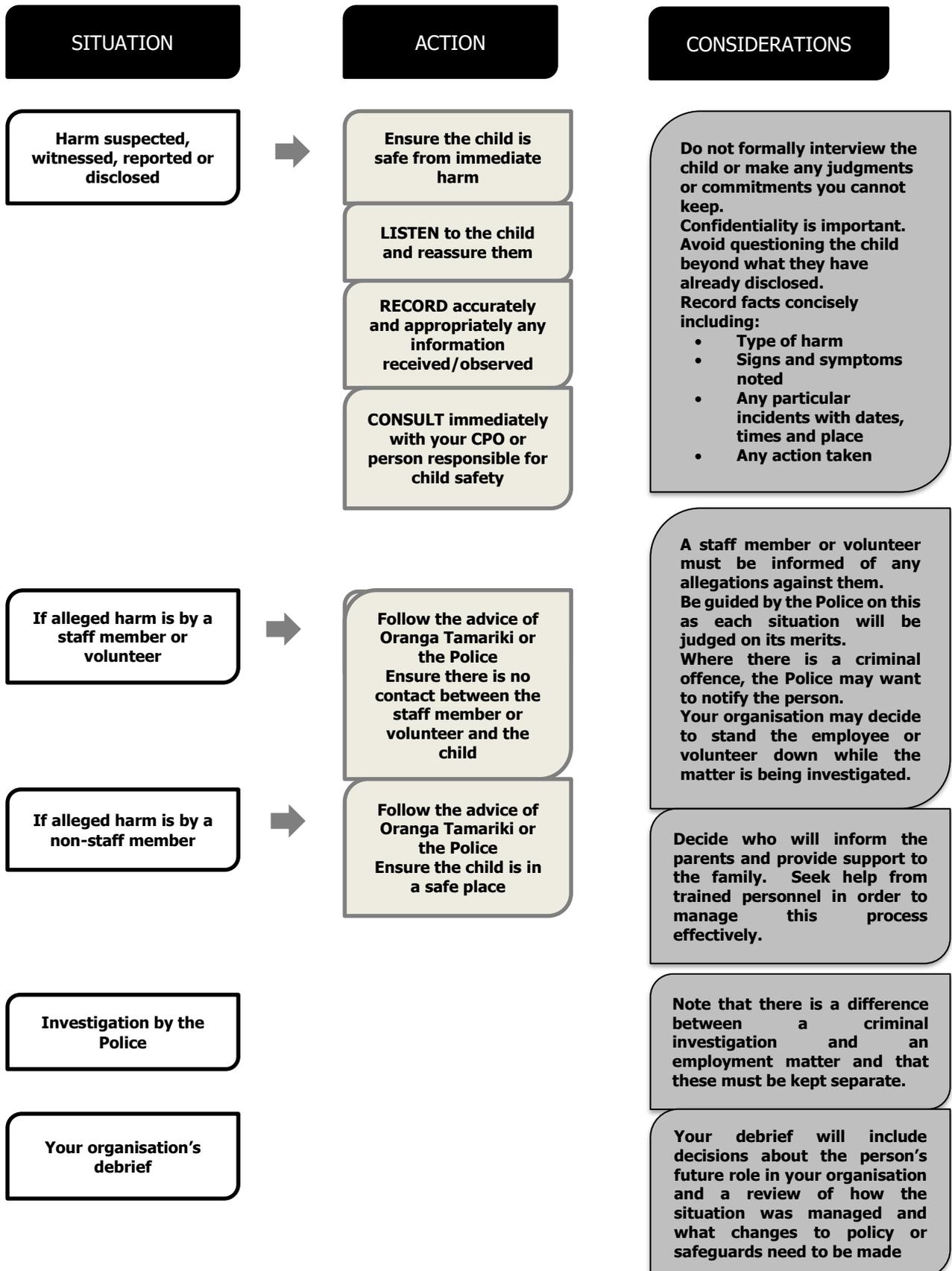
One of the exercises that each Participant Organisation should go through is to make a list of agencies and note their contacts.

Allegations or Complaints that are Frivolous or Malicious

There may be some instances where an allegation or complaint is made that, after investigation, is found to be frivolous or malicious. Should this occur, it may be necessary to take action against the person(s) who made the complaint. Subject to the level of harm caused by any false complaint, such actions could include issuing a verbal or written warning, suspending or terminating the person from their position within the Participant Organisation, and/or banning the person from activities held or sanctioned by BBNZ or the Participant Organisation, and/or a direction to complete a reasonable task, e.g. a letter or apology of corrective action

Before any penalty is incurred, Participant Organisations must consider any contractual/employment rules and requirements. In accordance with the principles of natural justice, the perpetrator must be allowed an opportunity to respond to any allegations made.

Appendix 2: Sample Process to Respond to Suspected or Disclosed Abuse



Appendix 3: Relevant Legislation

Health and Safety at Work Act 2015

The H&SAW Act provides a framework to secure the health and safety of workers and workplaces by protecting those within the “workplace” against harm to their health, safety and welfare by eliminating or minimising risks arising from work. The Act deals with more than just the health and safety obligations of an employer to its employees and volunteers. It provides that employers can be held vicariously liable to a third party for acts of its employees. For example, if an employee coach breached a sports club’s duty of care to a member (whether a young person or not), the club can be liable.

Oranga Tamariki Act 1989 (*formerly the Children, Young Persons and their Families Act*)

The OT Act promotes the well-being and protection of children, young persons and their families. The OT Act provides that any person who believes that any 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 the chief executive of Oranga Tamariki or a Police constable (s 15). The OT Act also provides protection for people who report such harm or likely harm from civil, criminal or disciplinary proceedings, unless the reporting was made in bad faith (s 16).

Crimes Act 1961

The Crimes Act aims to ensure children are adequately protected from ill-treatment, neglect and assault. Ill treatment or neglect of a child, and the failure to protect a child by persons who have actual care or charge or that child and/or reside in the same household as that child, are both crimes under the Crimes Act (ss195 and 195A respectively).

The Crimes Act places a legal duty on a parent, or the person in place of a parent who has actual charge of a child, to provide that child with necessities and to take reasonable steps to protect that child from injury (s 152). While “a person in place of a parent” is not defined in the Crimes Act, it is possible that sports club personnel could be considered to be “a person in place of a parent” in certain circumstances. For example, when taking children away to an event or tournament.

Vulnerable Children Act 2014

The VC Act provides a framework for professionals from the children’s services to work better together to improve the wellbeing of vulnerable children and help them thrive, achieve and belong. The heads of six government departments are now accountable for protecting and improving the lives of vulnerable children. Those departments are: NZ Police, the Ministries of Health, Education, Justice, and Social Development and Oranga Tamariki (Ministry for Children). Child protection policies have been adopted as standard by those departments, as well as 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.

Other relevant legislation

Privacy Act 1993; Income Tax Act 2007; Minimum Wage Act 1983; Sale of Liquor Act 1989; Human Rights Act 1993; Smoke Free Environments Act 1990; New Zealand Bill of Rights Act 1990; Care of Children Act 2004; Equal Pay Act 1972; Sports Anti-Doping Act 2006; Gambling Act 2003.