



# **EQUESTRIAN SPORTS NEW ZEALAND**

## **Member Protection Policy**

**Version 1.0  
(May 2019)**

# **PART A CORE POLICY**

## **PREAMBLE**

New Zealand sporting organisations have legal obligations under New Zealand law with regard to harassment, discrimination and child protection. They also have moral obligations in relation to establishing standards of appropriate member behaviour and to provide safe, respectful and appropriate sporting environments for their activities to occur.

Increasingly insurance companies are also requiring comprehensive risk management plans that include policies and procedures for addressing harassment, discrimination and child protection.

ESNZ endorses these obligations under a general policy area termed 'Member Protection'.

ESNZ has a proud history of conducting all activities in a positive environment where participants have equal rights and opportunities to foster and develop their passion for ESNZ sports. Through the introduction of formalised Member Protection practices ESNZ will maintain a positive focus and be recognised as offering member services according to the principles of 'industry best practice' at all times.

## 1.0 PURPOSE OF THIS POLICY

The purpose of this policy is to describe the principles that the Equestrian Sports New Zealand (ESNZ) endorses in the general area known as 'member protection'. These principles are listed below.

- 1.1 ESNZ wishes to protect the health, safety, and well-being of all ESNZ Employees, Officers, Members, National Squad and Team athletes/coaches and support staff, work groups (including Board/Committee/Sub-committee members), and seeks to provide a safe environment for riders participating in ESNZ-sanctioned programs, competitions and activities.
- 1.2 ESNZ will not tolerate harassment, discrimination or abuse of those, and by those, involved in their activities for and on behalf of ESNZ.
- 1.3 ESNZ is committed to strong ethical values and requires all people involved in or on behalf of ESNZ to comply with principles of responsible and professional behaviour.
- 1.4 ESNZ believes that everyone involved in equestrian activities has a right to be treated fairly and with dignity and respect.
- 1.5 ESNZ seeks to recruit and retain those people who commit to the above-mentioned principles and reject those people who do not uphold the same principles.

The ESNZ Board has endorsed this policy and it will operate until replaced.

The ESNZ Board may amend this policy and/or its attachments from time to time.

This policy and related attachments can be downloaded from the ESNZ web site [www.nzequestrian.org.nz](http://www.nzequestrian.org.nz)

## 2.0 POLICY APPLICATION

- 2.1 This policy applies to all members of ESNZ, employees, officers (including board members and board sub-committee members), administrators, volunteers, athletes, officials (including veterinarian officials), life members, team managers, ESNZ-affiliated organisations (member organisations) and associated interested persons who have some form of 'duty' on behalf of ESNZ.
- 2.2 This policy applies equally to all members involved in each of ESNZ's equestrian disciplines, including Dressage, Eventing, Jumping (and Show Hunter), Endurance (and CTR) and Para-Equestrian.
- 2.3 This policy applies to behaviour occurring both within, and outside, the course of ESNZ's business, activities and events, when behaviour involves members and negatively affects relationships with ESNZ's sport and work environment.
- 2.4 This policy applies to Coaches (including assistant Coaches) who:
  - i) are appointed and/or employed by ESNZ, ESNZ Area Groups and Clubs (whether paid or unpaid); or
  - ii) have an agreement (whether or not in writing) with ESNZ, an ESNZ Area Group or an ESNZ Club to coach ESNZ members and/or at an ESNZ-endorsed activity.
- 2.5 This policy applies to all ESNZ-supervised sport horse disciplines conducted within New Zealand or internationally, and is applied to all ESNZ Members regardless of where they reside, in New Zealand or overseas.
- 2.6 ESNZ-affiliated member organisations, whose core purpose is not related to ESNZ equestrian sports, may follow the intent of this policy but need to deal internally without involvement of ESNZ with issues arising from the policy's application.
- 2.7 This policy applies to parents and guardians of athletes, spectators and sponsors to the full extent that is possible.

### 3.1 POLICY STATEMENTS

#### 3.2 General

- 3.2.1 ESNZ wishes to convey a message to all people responsible for the administration or conduct of ESNZ equestrian programmes and activities, particularly those involving members less than 18 years of age, to make every attempt to care for the welfare of others involved in the sport.
- 3.2.2 An aim of this care is to protect people performing, or assisting, in equestrian programs or activities and to minimise the risks of their involvement in ESNZ equestrian programmes or activities.

#### 3.2 Specific

- 3.2.1 The abuse or harassment of people (particularly youth) by others is not acceptable. ESNZ encourages all people to respect others and to behave in accordance with published ESNZ Codes of Conduct.
- 3.2.2 Discrimination against others is not acceptable. ESNZ encourages all people to respect others and think about their rights, dignity and well-being in dealings with others.
- 3.2.3 The vilification of others is not acceptable. ESNZ encourages all people to respect others.
- 3.2.4 ESNZ supports the development of specific procedures and processes for addressing member protection in accordance with ESNZ policies and the law.
- 3.2.5 **Sexual relationships:** ESNZ takes the view that personal relationships (whether of a sexual nature or not) between persons in a position of authority and an athlete, may, even where they do not constitute harassment, have harmful effects on the athlete involved, on other athletes and on the sport's public image. Such relationships may be perceived to be exploitation/exploitative because there may be a disparity in terms of authority, maturity, status and dependence between the rider and the person in a position of authority.
- 3.2.6 **Pregnancy:** ESNZ is committed to providing an inclusive sporting environment for pregnant women involved in its activities. ESNZ expects everyone bound by this policy to treat pregnant women with dignity and respect and to remove any unreasonable barriers to participation that disadvantage them. ESNZ will not tolerate any unlawful discrimination or harassment against pregnant women or women who may become pregnant.

ESNZ will only require pregnant women to sign a disclaimer if other participants are required to sign one in similar circumstances.

- 3.2.7 **Gender Identity:** ESNZ is committed to providing an inclusive sporting environment where transgender or transsexual people involved in its activities are able to contribute and participate. ESNZ expects everyone who is bound by this policy to treat people who identify as transgender or transsexual fairly and with dignity and respect.

ESNZ will not tolerate any unlawful discrimination or harassment against a person who identifies as transgender or transsexual or who is thought to be transgender or transsexual.

Descriptions of some of the types of behaviour, which could be regarded as transgender or transsexual discrimination or harassment, are provided in 4.0.

ESNZ also recognises that there is debate over whether a male to female transgender person obtains any physical advantage over other female participants. This debate is reflected in the divergent discrimination laws across the country. If issues of performance advantage arise, ESNZ will seek advice on the application of those laws in the particular circumstances.

ESNZ is aware that the International Olympic Committee (IOC) has established criteria for selection and participation in the Olympic Games. Where a transgender or transsexual person intends competing at an elite level, ESNZ will encourage them to obtain advice about the IOC's criteria, which may differ from the position taken by ESNZ.

ESNZ notes that drug testing procedures and prohibitions also apply to people who identify as transgender or transsexual. A person receiving treatment involving a Prohibited Substance or Method, as described on the World Anti-Doping Agency's Prohibited List, should apply for a standard Therapeutic Use Exemption.

- 3.2.8 **Child Protection Policy:** Every person and organisation bound by this policy must always place the safety and welfare of children above all other considerations.

ESNZ acknowledges that its employees, members and volunteers provide a valuable contribution to the positive experiences of junior participants. ESNZ aims to ensure this continues and to protect the safety and welfare of its junior participants. Several measures will be used to achieve this such as:

- Prohibiting any form of abuse against children;
- Providing opportunities for feedback on our programmes by children;
- Ensuring ESNZ codes of conduct, are promoted, enforced and reviewed;
- Providing procedures for raising concerns or complaints (ESNZ complaints procedure is outlined in Attachment C of this policy); and
- Providing education and/or information to those involved in our sport about child protection.

ESNZ encourages Area Groups and Member Organisations who conduct programmes which involve direct and unsupervised contact between employees, members, coaches, officials or volunteers with children – for example through squad training camps - to undertake a police vet check.

All allegations of child abuse will be dealt with promptly, seriously, sensitively and confidentially. A person will not be victimised for reporting an allegation of child abuse and the privacy of all persons concerned will be respected. ESNZ procedures for handling allegations of child abuse are outlined in attachment C of this policy.

If anyone bound by this policy reasonably suspects that a child is being abused by his or her parent/s, they are advised to contact the Police and/or Child and Young Family (CYFS) services in their region.

- 3.2.9 **Taking images of Children:** images of children can be used inappropriately or illegally. ESNZ requires that individuals, clubs and associations, wherever possible, obtain permission from a child's parent/guardian before taking an image of a child that is not their own and ensure that the parent/guardian know the way the image will be used. ESNZ requires individuals, clubs and associations to respect the privacy of others and disallows the use of camera phones, videos and cameras on the inside of changing areas, showers and toilets.

ESNZ will only use appropriate images of a child, relevant to our sport and ensure that the child is suitably clothed in a manner that promotes the sport. ESNZ requires our members, clubs and associations to do likewise.

- 3.2.10 **Anti-Discrimination and Harassment Policy:** ESNZ aims to provide a sport environment where all those involved in its activities are treated with dignity and respect, and without harassment or discrimination.

ESNZ recognises that all those involved in its activities cannot enjoy themselves, perform to their best, or be effective or fully productive if they are being treated unfairly, discriminated against, harassed or bullied because of their age, disability, family responsibilities, gender identity, homosexuality or sexual orientation, irrelevant medical or criminal record, marital status, political belief, pregnancy or breastfeeding, race, religion, sex, social origin and/or trade union membership/activity.

ESNZ prohibits all forms of harassment, bullying and discrimination based on personal characteristics listed in the Dictionary – whether this is face-to-face, indirectly or via communication technologies such as mobile phones and computers. Discrimination, harassment and bullying are extremely distressing, offensive, humiliating and/or threatening and create an uncomfortable and unpleasant environment. In most circumstances discrimination and harassment or bullying are against the law.

**3.2.11 Responsible Service and Consumption of Alcohol:** ESNZ is committed to conducting sporting and social events in a manner that promotes the responsible service and consumption of alcohol. We also recommend that area groups and clubs follow strict guidelines, and appropriate local liquor laws, regarding the service and consumption of alcohol. NZ law applies in regards to minors and the consumption of alcohol.

**3.2.12 Smoke-free Environment:** ESNZ recommends that the following policies be applied to all sporting and social events that we hold or endorse:

- That OCs familiarise themselves with their area's Council's policies on smoking at sporting events and venues, particularly when events involve children and young people under the age of 18.
- Social events shall be smoke-free, with smoking permitted at designated outdoor smoking areas.
- Coaches, officials, volunteers and athletes will refrain from smoking and remain smoke-free while they are involved in an official capacity in our sport.

**3.2.13 Cyber-bullying:** ESNZ regards bullying and harassment in all forms as unacceptable in our sport. Bullying has the potential to cause great anxiety and distress to the person targeted by hurtful or derogatory comments or statements.

New technologies and communication tools, such as smart phones and social networking websites, have greatly increased the potential for people to be bullied through unwanted and inappropriate comments.

Frustration at an official, coach, sporting body or fellow athlete should never be communicated on social networking websites. These issues should instead be addressed – in a written or verbal statement or a complaint – to the relevant controlling OC or sporting body.

**3.2.14 Social Networking Websites:** ESNZ acknowledges the enormous value of social networking websites, such as Facebook and Twitter, to promote our sport and celebrate the achievements and success of the people involved in our sport.

We expect all people bound by this policy to conduct themselves appropriately when using social networking sites to share information related to our sport.

- Social media postings, blogs, status updates and tweets: Must not use offensive, provocative or hateful language.
- Must not be misleading, false or injure the reputation of another person.
- Should respect and maintain the privacy of others.
- Should promote the sport in a positive way.

## 4.0 POLICY COVERAGE AND KEY DEFINITIONS

Discrimination, abuse and all forms of harassment are unlawful under New Zealand law. People engaging in such conduct can have legal action taken against them under this laws. In some cases, legal action can also be taken against the organisation, for which they work or represent. The law is always the minimum standard of behaviour with ESNZ and, therefore, any criminal offence will be reported to the appropriate authorities.

- 4.1 Abuse** is a form of harassment. It includes: physical abuse (eg. assault), emotional abuse (eg. blackmail, repeated requests or demands), neglect (i.e. failure to provide the basic physical and emotional necessities of life), abuse of power (the harasser holds over the harassed\*).  
*\*Examples of relationships in (4.1) that involve a power disparity include a coach/competitor, manager/competitor, employer/employee, vet/horse owner and Committee/competitor. People in such positions of power need to be particularly wary not to exploit that power.*
- 4.2 Abusive behaviour** includes: bullying and humiliation by others, insults directed at an individual or group, physical intimidation and practical jokes, which cause embarrassment or which endanger the safety of others.
- 4.3 Child** means a person who is under the age of 18 years (see also definition of young person).
- 4.4 Child abuse** relates to children at risk of harm (usually by adults, sometimes by other children) and often by those they know and trust. It can take many forms. Children may be harmed by both verbal and physical actions and by people failing to provide them with basic care. Child abuse may include:
- Physical abuse by hurting a child or a child's development (e.g. hitting, shaking or other physical harm; giving a child alcohol or drugs; or training that exceeds the child's development or maturity).
  - Sexual abuse by adults or other children 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 (e.g. sexual intercourse, masturbation, oral sex, pornography including child pornography or inappropriate touching or conversations).
  - Emotional abuse by ill-treating a child (e.g. humiliation, taunting, sarcasm, yelling, negative criticism, name calling, ignoring or placing unrealistic expectations on a child).
  - 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).
- 4.5 Complaint** means a Complaint as defined in the ESNZ General Regulations relating specifically to a breach of, or refusal to comply with, the ESNZ Member Protection Policy
- 4.6 Discrimination** means treating or proposing to treat someone less favourably than someone else because of a particular characteristic in the same or similar circumstances in certain areas of public life (this is Direct Discrimination). The law also covers Indirect Discrimination. This is imposing or intending to impose an unreasonable requirement, condition or practice that is the same for everyone, but which has an unequal or disproportionate effect on individuals or groups with particular characteristics. The characteristics covered by discrimination law across New Zealand are:
- Age;
  - Disability;
  - Family/carer responsibilities;
  - Gender identity/transgender status;
  - Homosexuality and sexual orientation;
  - Irrelevant medical record;
  - Irrelevant criminal record;
  - Political belief/activity;
  - Pregnancy and breastfeeding;
  - Race;
  - Religious belief/activity;
  - Sex or gender;
  - Social origin;

Trade union membership/activity.

### **Examples of Discrimination**

**Age:** A discipline refuses to allow older persons to coach a team simply because of their age.

**Breastfeeding:** A member of the area group who is breastfeeding her baby in the club rooms is asked to leave.

**Disability:** A junior player is overlooked because of her mild epilepsy.

**Family responsibilities:** An organisation decides not to promote an employee because he has a child with a disability even though the employee is the best person for the job.

**Gender Identity:** A transgender contract worker is harassed when employees refuse to call her by her female name.

**Homosexuality:** An athlete is ostracised from her team after she tells a team mate that she is a lesbian.

**Marital Status:** A competitor is deliberately excluded from team activities and social functions because she is single.

**Pregnancy:** A woman is dropped from her squad when she becomes pregnant.

**Race:** A referee is not permitted to referee games with a high proportion players of his own race on one team because of this.

**Sex:** Specialist coaching is only offered to male players in a mixed team.

- 4.7 Harassment** is any type of behaviour that the other person does not want and does not return and that is offensive, abusive, belittling or threatening. The behaviour is unwelcome and of a type that a reasonable person would recognise as being unwelcome and likely to cause the recipient to feel offended, humiliated or intimidated.

Unlawful harassment includes the above but is either sexual or targets a person because of their race, sex, pregnancy, marital status, sexual orientation or other characteristic (see characteristic list under discrimination).

It does not matter whether the harassment was intended: the focus is on the impact of the behaviour. The basic rule is if someone else finds it harassing then it could be harassment. Harassment may be a single incident or repeated. It may be explicit or implicit, verbal or non-verbal.

Under this policy discrimination and harassment are not permitted in employment (including volunteer and unpaid employment); when providing sporting goods and services including access to sporting facilities; when providing education and accommodation; the selection or otherwise of any person for competition or a team (domestic or international); the entry or otherwise of any competitor or other person to any competition and the obtaining or retaining membership of clubs and organisations (including the rights and privileges of membership).

Requesting, assisting, instructing, inducing or encouraging another person to engage in discrimination or harassment may also be against the law.

It is also against discrimination law to victimise a person who is involved in making a complaint of discrimination or harassment. Example: a player is ostracised by her male coach for complaining about his sexist behaviour to another club official or for supporting another player who has made such a complaint.

Public acts of racial hatred which are reasonably likely in the circumstances to offend, insult, humiliate or intimidate are also prohibited. This applies to spectators, participants or any other person who engages in such an act in public.

- 4.8 Prohibited Person** means a person who has been convicted of a serious sex offence.
- 4.9 Prohibited Persons Declaration** means a declaration in relation to serious sex offences as set out in Attachment B4.
- 4.10 Mediator** means a person appointed to mediate complaints made under this policy. It is preferable that the mediator has relevant skills, qualifications and/or training in mediation.
- 4.11 Member** means any person who has paid membership fees to ESNZ, ESNZ life members and individuals or associated persons who take on some form of duty on behalf of ESNZ.

- 4.12 Member protection** is a term used by the New Zealand sport industry to describe the practices and procedures that protect members – both individual members such as athletes, coaches and officials, and the member organisations such as clubs, area groups, other affiliated associations and the national body. Member protection involves:
- Protecting those that are involved in sport activities from harassment, abuse, discrimination and other forms of inappropriate behaviour
  - Adopting appropriate measures to ensure the right people are involved in an organisation, particularly in relation to those involved with juniors, and
  - Providing education.
- 4.13 ESNZ Member Protection Information Officer (ESNZ MPIO)** means a person trained to be the first point of contact for a person reporting a complaint under, or a breach of, this policy. The ESNZ MPIO provides confidential information and moral support to the person with the concern or who is alleging harassment or a breach of this policy. They help the complainant deal with any emotions they may have about what has happened and operate as a sounding board as the complainant decides what they want to do. The ESNZ MPIO may accompany the complainant in anything they decide to do, if it seems appropriate and they are happy to do it.
- 4.14 Natural justice** incorporates the following principles:
- Persons who are the subject of a complaint must be fully informed of the allegations against them.
  - Persons who are the subject of a complaint must be given full opportunity to respond to the allegations and raise any matters in their own defence.
  - All parties need to be heard and all relevant submissions considered. Irrelevant matters should not be taken into account.
  - No person may judge their own case.
  - The decision maker/s must be unbiased, fair and just.
  - The penalties imposed must not outweigh the 'crime'.
- 4.15 Police check** means a national criminal history record check conducted as a prudent pre-employment or pre-engagement background check on a person.
- 4.16 Policy and this policy** mean this Member Protection Policy.
- 4.17 Respondent** means the person who is being complained about.
- 4.18 Role-specific codes of conduct** means standards of conduct required of certain roles (e.g. coaches).

**4.19 Sexual harassment** means unwanted, unwelcome or uninvited behaviour of a sexual nature that makes a person feel humiliated, intimidated or offended. Sexual harassment can take many different forms and may include unwanted physical contact, verbal comments, jokes, propositions, display of pornographic or offensive material or other behaviour that creates a sexually hostile environment.

Sexual harassment is not behaviour based on mutual attraction, friendship and respect. If the interaction is between consenting adults, it is not sexual harassment.

**4.20 Sexual offence** means a criminal offence involving sexual activity or acts of indecency including but not limited to (due to differences under state/territory legislation):

- Rape
- Indecent assault
- Sexual assault
- Assault with intent to have sexual intercourse
- Incest
- Sexual penetration of child under the age of 16
- Indecent act with child under the age of 16
- Sexual relationship with child under the age of 16
- Sexual offences against people with impaired mental functioning
- Abduction and detention
- Procuring sexual penetration by threats or fraud
- Procuring sexual penetration of child under the age of 16
- Bestiality
- Soliciting acts of sexual penetration or indecent acts
- Promoting or engaging in acts of child prostitution
- Obtaining benefits from child prostitution
- Possession of child pornography
- Publishing child pornography and indecent articles.

**4.21 Victimisation** means subjecting a person or threatening to subject a person to any detriment or unfair treatment because that person has or intends to pursue their rights to make a complaint under government legislation (e.g. anti-discrimination) or under this policy, or for supporting another person to make a complaint.

**4.22 Vilification** involves a person or organisation doing public acts to incite hatred towards, serious contempt for, or severe ridicule of a person or group of persons having any of the attributes or characteristics within the meaning of discrimination. Public acts that may amount to vilification include any form of communication to the public and any conduct observable by the public.

**4.23 Young People/person** means people in the 13 - 18 year age group.

## 5.0 ROLES AND RESPONSIBILITIES

**5.1** This section specifies the roles and responsibilities of all members. In some cases, particularly administrators and coaches have additional roles and responsibilities that are also specified below.

5.1.1 A Member must:\*

- a) Comply with the ESNZ Member Protection Policy
- b) Make complaints about a breach of the policy in accordance with the Judicial Chapter in the ESNZ General Regulations
- c) Submit information as required and according to ESNZ Disciplinary Regulations if an allegation is made against that member
- d) Not make any frivolous or vexatious claim that another person is in breach of the ESNZ Member Protection Policy
- e) Conduct themselves in a proper manner so as not to bring that member, the organisation or the sport generally into disrepute
- f) Consent to a National Police Record Check when requested by ESNZ if the individual member holds or applies for a role that involves direct and unsupervised contact with people under the age of 18.

(\*Includes all associated interested persons who take on some form of 'duty' on behalf of ESNZ)

5.1.2 Administrators must ensure that ESNZ:

- a) Provides and promotes an environment free from discrimination and harassment in relation to its employment functions, its membership eligibility and any supply of goods and services
- b) Distributes, promotes and implements this policy and complaints handling procedure
- c) Encourages reporting of discrimination, harassment or child abuse, regardless of who the offender might be, and that appropriate training is provided to those who manage and implement this policy
- d) Deals with complaints in an impartial, sensitive, timely and confidential manner.

5.1.3 ESNZ Coaches must:

- a) Be aware of child protection issues
- b) Comply with Coaches Code of Ethics
- c) Understand and respect that as a coach he or she has considerable power and authority over athletes and should not abuse it
- d) Avoid intimate relationships with athletes
- e) Not exclude or treat less favourably any athletes from coaching activities on the basis of an attribute or personal characteristics

5.1.4 ESNZ Officials must:

- a) Be aware of child protection issues
- b) Comply with the ESNZ Code of Conduct for Officials
- c) Understand and respect that as an ESNZ Official he or she has considerable power and authority over athletes and members and should not abuse it
- d) Avoid intimate relationships with athletes
- e) Not exclude or treat less favourably any athletes from participating in ESNZ activities on the basis of an attribute or personal characteristics

**5.2** Within ESNZ, there are a number of different levels of responsibilities that correlate to the structure and functioning of ESNZ activities. This section summarises the roles and responsibilities of these various structures.

5.2.1 The ESNZ National office and ESNZ Disciplines and/or affiliates are responsible for:

- a) Creating and promoting general awareness of Member Protection

- b) Establishing policies and procedures
- c) Providing support and training
- d) Responding to incidents
- e) Managing the risk to avoid and/or limit possible breaches of the ESNZ Member Protection policy
- f) Comply with the ESNZ Code of Conduct for administrators

5.2.2 ESNZ Area Groups, Clubs and Organising Committees are responsible for:

- a) Creating and promoting general awareness of Member Protection
- e) Implementing policy and procedures
- f) Managing the risk to avoid and/or limit possible breaches of the ESNZ Member Protection policy
- g) Liaising with peak bodies on incidents

5.2.3 Parents and Guardians of ESNZ Members are responsible for:

- a) Being aware of child protection
- b) Supporting all efforts to remove all forms of harassment and/or abuse from ESNZ activities
- c) Requiring child safe practices from the organisation, club or group
- d) Comply with the ESNZ Code of Conduct for Parents and Guardians

## 6.0 CODE OF CONDUCT

ESNZ has a General Code of Conduct which can be accessed here:

<https://www.nzequestrian.org.nz/wp-content/uploads/ESNZ-Code-of-Conduct-2019-final.pdf>

## 7. PROTECTIVE MEASURES

ESNZ encourages Disciplines and Affiliates who conduct programmes which involve direct and unsupervised contact between employees, members, coaches, officials or volunteers with children – for example through residential programmes - to undertake Screening and Declarations.

### 7.1 Screening

For the purpose of this policy screening shall mean: checking preferred applicants' referees, interviewing candidates for roles and their suitability for involvement with children and young people and obtaining a police check on preferred candidates and existing appointees. The purpose of police checks is to see whether the person has any previous relevant criminal convictions as they relate to offences under relevant Child Protection and Anti-Discrimination law in New Zealand.

7.1.1 One of the ways ESNZ seeks to protect the health, safety and welfare of all people participating in their activities is to screen people for certain roles. Screening is mandatory for any person, ESNZ Member and/or associated interested persons who have some form of 'duty' on behalf of ESNZ, appointed by the ESNZ to a role that is likely to have individual, direct, regular and/or unsupervised contact with people under the age of 18 years.

7.1.2 All information obtained during any screening process will be kept confidential to the person delegated the responsibility of checking these areas and reported to the Board on a strictly confidential basis.

## 72 Declarations

- 7.2.1 Part of the process to minimise the chances of inappropriate behaviour occurring is to ensure all persons as outlined in Clause 7.1.1 sign a declaration. This declaration shall include a 'prohibited person' statement to declare whether the person has been prohibited from some form of activity within sport when dealing with people, money or administration.
- 7.2.2 It is an offence for a prohibited person to work in sport in roles dealing face to face or caring for children or young people.
- 7.2.3 An ESNZ Prohibited Person Declaration under this policy is not a replacement for any similar requirement prescribed by Law.

## 73 Education

- 7.3.1 All persons involved in the care of others will be asked to perform training suited to their role; specifically;
- a) All ESNZ Coaches shall be currently accredited ESNZ Coaches.
  - b) All ESNZ Competition Officials shall be currently accredited Equestrian Officials.
  - c) All veterinarians, medical or support staff shall be qualified practitioners.
  - d) All paid administrators shall be qualified to perform their role with the relevant qualifications or experience.
  - e) All sports science personnel shall be qualified to perform their role with appropriate qualifications or experience.
  - f) All volunteer administrators and officers shall understand their role and responsibilities and where possible have the experience or qualification to perform the role.
- 7.3.2 ESNZ will ensure the endorsement of at least four ESNZ Member Protection Information Officers at all times. The preferred candidates for ESNZ Member Protection Officer training and qualification are the ESNZ CEO and Discipline Chairs. Additional training and qualifying of ESNZ Member Protection Officers will be done at the discretion of each ESNZ Discipline (to meet their own needs) and the ESNZ Board.

## 74 Insurance

ESNZ shall take out professional indemnity, personal accident and public liability insurance cover for all ESNZ officers, employees, officials and administrators.

## 75 General

- 7.5.1 Individuals should maintain an open door policy when conducting briefings, meeting and assemblies of members. When feasible invite all youths, females, parents, friends and other leaders to participate, particularly when performing interviews, transporting youth members and conducting excursions.
- 7.5.2 Where possible female supervisors should be placed with female participants and male supervisors with male participants and a parent should accompany youths when undertaking equestrian activities away from home and especially overnight.
- 7.5.3 Be mindful of your language, tone of voice and body language. Address the problem not the person. Let people know that when they are difficult it is their behaviour that is 'not OK'.

- 7.5.4 Foster teamwork and group cohesion between individuals allowing for the ability to point out inappropriate attitudes and behaviour by members of the team. Do not tolerate abusive or inappropriate behaviour – deal with it immediately.
- 7.5.5 Encourage people – don't pressure them. Be mindful of each person's individual capacities for equestrian activities and protect them from pressure to participate. Respect people's privacy. Expect them to respect yours.
- 7.5.6 Do not become involved in excessive attention-seeking behaviour, physically or sexually, by a youth. Be mindful of the very needy and redirect their attention to equestrian activities. Maintain your status as a ROLE MODEL to others. Be friendly, courteous and kind. Don't abuse your position. Always set a good example in dress, behaviour, language etc.

## **8. Disciplinary measures**

Equestrian Sports New Zealand may impose disciplinary measures on an individual or organisation for a breach of this policy.

Any disciplinary measure imposed will be:

- fair and reasonable
- applied consistent with any contractual and employment rules and requirements
- be based on the evidence and information presented and the seriousness of the breach
- be determined in accordance with our General Regulations, Constitution, By-laws, this policy and/or the rules of the sport.

## **9. BREACHES OF THIS POLICY**

9.1 It is a breach of this policy for any person or organisation to whom or to which this policy applies, to:

- a) Fail to comply with any of the responsibilities as set out by this policy
- b) Breach any part of an ESNZ Code of Conduct
- c) Appoint, or continue to appoint, a person found to be unsuitable to work with children or young people according to this policy or the relevant law
- d) Where the person is a prohibited person, to work or seek work in the roles that would bring them into ongoing contact with children or young persons
- e) Where the person is a prohibited person, to knowingly declare otherwise to ESNZ
- f) Engage in any form of harassment
- g) Make a frivolous, vexatious or malicious complaint under this policy

9.2 Any circumstances that may be a breach may be the subject of a complaint.

## **10. PENALTIES**

Penalties may be applied to persons, groups, organisations, clubs or affiliates found to be in breach of this policy in relation to a Serious Complaint. All Judicial procedures are in accordance with the 'Principles of Natural Justice' and ESNZ Disciplinary Regulations.

## **11. APPEALS TO DECISIONS**

11.1 All appeal procedures are in accordance with the 'Principles of Natural Justice' and ESNZ Disciplinary and Appeals Regulations.

## **12. OTHER RELEVANT POLICIES**

Other ESNZ relevant policies can be found at <https://www.nzequestrian.org.nz/esnz/rules-regulations/esnz-rules/>



**EQUESTRIAN SPORTS**  
**NEW ZEALAND**

Member Protection Policy

**PART B**  
**Child Protection**  
**Requirements**

## **PART B: SCREENING / WORKING WITH CHILDREN CHECK REQUIREMENTS**

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### **Background**

The Vulnerable Children Act 2014 (the Act) introduced measures that will ensure that children can be better protected from abuse and neglect both in their homes and in the community. This advice is for the health and disability sector on requirements under the Act.

A key objective of the Children's Action Plan is to develop a safe and competent children's workforce who can better identify, support and protect vulnerable children. Children's worker safety checking and child protection policies are initiatives to support the workforce to collectively build knowledge and skills to keep children safe.

### **Children's worker safety checking**

Children's worker safety checking helps identify the small number of people who pose a risk to children. From 1 July 2015, new government safety checking regulations made under the Vulnerable Children Act 2014 that required all paid employees and contractors who work with children for state-funded organisations to be safety checked started to be phased in. The regulations also apply to people doing unpaid work with children as part of an educational or vocational training course (eg, trainees or students).

The regulations set out clear standards to achieve more consistent, higher quality safety checking across the entire children's workforce in New Zealand.

### **What does the safety check involve?**

Workforce safety checks involve gathering a range of key information about a person and evaluating this information to determine whether they pose any risk in being employed working with children.

The regulations require that the worker safety checks include:

- identity verification
- police vetting
- reference checks
- employment verification checks
- checks with professional registration bodies or licensing authorities
- interviews
- a risk assessment that considers the specific child safety related risk.

From 1 July 2015, all these steps of the safety check must be completed before a person is employed or engaged to start in a new role as a children's worker.

## Attachment B1 MEMBER PROTECTION DECLARATION - GENERAL

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Equestrian Sports New Zealand (ESNZ) has a duty of care to its members and to the general public who interact with its employees, volunteers, members and others involved with ESNZ activities. As part of this duty of care and as a requirement of ESNZ's Member Protection Policy, ESNZ must enquire into the background of those applying for, undertaking or remaining in any work (paid or voluntary) that involves direct and unsupervised contact with people under the age of 18 years.

I \_\_\_\_\_ (name) of \_\_\_\_\_  
\_\_\_\_\_ (address born \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ )

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 sexual offences, offences related to children or acts of violence.
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. I am not currently serving a sanction for an anti-doping violation under any anti-doping policy applicable to me, including the ESNZ and FEI Equine Anti-Doping and Medication Control Rules.
5. I have never participated in, facilitated or encouraged any practice prohibited by the World Anti-Doping Agency Code or any other anti-doping policy applicable to me, including ESNZ and FEI Equine Anti-Doping and Medication Control Rules.
6. To my knowledge there is no other matter that ESNZ may consider to constitute a risk to its members, employees, volunteers, athletes or reputation by engaging me.
7. I will notify the ESNZ CEO of the organisation(s) engaging me immediately upon becoming aware that any of the matters set out in clauses 1 to 6 above has changed for whatever reason.

Declared in

\_\_\_\_\_ on \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ (date)

Signature \_\_\_\_\_

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

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

Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

## Attachment B2

### MEMBER PROTECTION DECLARATION – COACHES & OFFICIALS

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Equestrian Sports New Zealand (ESNZ) and its affiliated organisations have a duty of care to their members and to the general public who interact with ESNZ Officials & ESNZ Coaches, as these responsibilities may involve direct and/or unsupervised contact with people under the age of 18 years.

As part of this duty of care and as a requirement of the ESNZ's Member Protection Policy, ESNZ must enquire into the background of ESNZ Members applying for registration as;

- An ESNZ Official, and/or
- An ESNZ Coach

I \_\_\_\_\_ (name) of \_\_\_\_\_  
\_\_\_\_\_ (address born / / )  
\_\_\_\_\_ ) \_\_\_\_\_

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 sexual offences, offences related to children or acts of violence.
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. I am not currently serving a sanction for an anti-doping violation under any anti-doping policy applicable to me, including the ESNZ and FEI Equine Anti-Doping and Medication Control Rules
5. I have never participated in, facilitated or encouraged any practice prohibited by the World Anti-Doping Agency Code or any other anti-doping policy applicable to me, including ESNZ and FEI Equine Anti-Doping and Medication Control Rules.
6. To my knowledge there is no other matter that ESNZ may consider to constitute a risk to its members, employees, volunteers, athletes or reputation by engaging me.
7. I will notify the ESNZ CEO of the organisation(s) engaging me immediately upon becoming aware that any of the matters set out in clauses 1 to 6 above has changed for whatever reason.
8. I acknowledge that I have read the ESNZ Code of Ethics ("code") and agree and agree to abide by the code. I acknowledge I may be subject to disciplinary action if I breach any ESNZ code.

Declared in

\_\_\_\_\_ on / / (date)

Signature \_\_\_\_\_

---

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

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

Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

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## **Attachment B3: WORKING WITH CHILDREN CHECK REQUIREMENTS**

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Working with Children Checks aim to create a child-safe environment and to protect children and young people involved in our sport from physical and sexual harm.

They assess the suitability of people to work with children and young people and can involve:

- criminal history checks
- signed declarations
- referee checks, and
- other relevant background checks to assess a person's suitability to work with children and young people.

Detailed information can be found here - <http://www.health.govt.nz/our-work/health-workforce/childrens-action-plan-childrens-worker-safety-checking-and-child-protection-policies>

As part of its duty of care, a sport or recreation provider should ensure that suitable and appropriate staff and volunteers are engaged to work with children. This means developing a simple but robust recruitment process that involves some form of screening that includes police vetting.

### **Recruitment**

A recruitment process should, as a minimum, include the following:

- creating a role description;
- following up on referees;
- interviewing; and
- screening (e.g. police vetting, criminal record check).

### **Police vetting**

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

### **Checking a criminal record**

The Ministry of Justice can provide a copy of a person's criminal record that lists criminal and traffic convictions and sentencing from court appearances. Before requesting such information about a prospective person, an organisation must have the authorisation of that person to receive copies of their criminal convictions.

Further information and application forms for copies of an individual's criminal record can be found on the Ministry of Justice website <http://www.justice.govt.nz/>



# **EQUESTRIAN SPORTS NEW ZEALAND**

Member Protection Policy

# **PART C Member Protection Procedures**

Attachment C1- Investigation Procedure - Child Abuse

## Attachment C1

### INVESTIGATION PROCEDURE – CHILD ABUSE

An allegation of child abuse is a very serious matter and must be handled with a high degree of sensitivity. The initial response to a complaint that a child has allegedly been abused should be immediate if the incident/s are serious or criminal in nature while less serious/urgent allegations should be actioned as soon as possible, preferably within 24 hours.

The following is a basic outline of the key processes to follow.

#### Step 1 - Clarify basic details of the allegation

- Any complaints, concerns or allegations of child abuse should be made or referred to the ESNZ CEO. The initial response of the person that receives the complaint from the child (or person on behalf of the child) is crucial to the well-being of the child. It is important for the person receiving the information to:
  - Listen to, be supportive and do not dispute what the child says;
  - Reassure the child that what has occurred is not the fault of the child;
  - Ensure the child is safe;
  - Be honest with the child and explain that other people may need to be told in order to stop what is happening; and
  - Ensure that what the child says is quite clear but do not elicit detailed information about the abuse.
  - You should avoid suggestive or leading questions.

The person receiving the complaint should obtain and clarify basic details (if possible) such as:

- Child's name, age and address;
- Person's reason for suspecting abuse (observation, injury or other); and
- Names and contact details of all people involved, including witnesses.

#### Step 2 – Report allegations of a serious or criminal nature

- Any individual or organisation to which this policy applies, should immediately report any incident of a serious or a criminal nature to the police and other appropriate authority.
- If the allegation involves a child at risk of harm, the incident should immediately be reported to the police or should be reported to another appropriate government agency. You may need to report to both the police and the relevant government agency.
- If the child's parent/s is/are suspected of committing the abuse, report the allegation to the relevant government agency.

#### Step 3 – Protect the child

- The ESNZ CEO should assess the risks and take interim action to ensure the child's/children's safety. Some options could include redeployment of the alleged offender to a non-child related position, supervision of the alleged offender or removal/suspension from their duties until the allegations are finally determined.
- The ESNZ CEO should also address the support needs of the person against whom the complaint is made. Supervision of the person should ideally occur with the knowledge of the person. If stood down, it should be made clear to all parties that are aware of the incident that this does not mean the person is guilty and a proper investigation still needs to be undertaken.

#### Step 4 – Further clarify and investigate allegation

For allegations of a serious or criminal nature (for example, sexual abuse):

- Seek advice from the police and relevant government agency as to whether ESNZ should carry out its own internal investigation (in addition to any police or relevant government organisation investigation).
- If the police and/or relevant government agency advises that it is appropriate, then appoint an independent person (where possible) with appropriate expertise to conduct an investigation. The investigator should:
  - Contact the parents/carers of the child at an appropriate time and as directed by the police or relevant government authority.
  - If appropriate, meet with parents/carers and the child to clarify the incident and offer support on behalf of ESNZ if required (example, professional counselling).
  - Meet with the person against whom the allegation refers at an appropriate time and as directed by the relevant authority and give the person an opportunity to explain or respond to the allegation and identify any witnesses and supporting evidence. The person should have an opportunity to invite a support person/adviser to attend at a meeting and should be offered support (example, professional counselling) if necessary.

- Obtain a signed statement and record of interview from the person.
- Make contact with any witnesses and obtain written and signed statements outlining details of the allegation (what happened, when, how). This should only occur following advice from the relevant authority.
- Obtain other information that could assist in making a decision on the allegation.
- The information collected during the investigation should be made available to the relevant authorities.
- Strict confidentiality, impartiality, fairness and due process must be maintained at all times.

For allegations of a less serious nature (e.g. verbal abuse):

- Where possible, appoint an independent person with appropriate expertise to make contact and meet with each of the people involved to obtain details of the allegation.
- The investigator should follow the procedure set out in Attachment D3
- Strict confidentiality, impartiality, fairness and due process must be maintained at all times.

**Step 5 – Record and analyse all information**

- If an internal investigation was conducted under Step 4 (D3), the investigator will provide a report to the ESNZ Judicial Committee.
- The decision-maker(s) will be the ESNZ Judicial Committee and will remain separate and at arm's length from the investigator.
- The ESNZ Judicial Committee will consider all the information and determine a finding. It will also recommend action and its rationale for the action.

**Step 6 – Undertake disciplinary action**

- For incidents of a serious or criminal nature, consideration must be given to the findings of the police and/or the government agency before making a decision on disciplinary proceedings.
- Implement any disciplinary decision recommended by the ESNZ Judicial Committee. The action should be immediate.
- Complete ESNZ report form E3 in Part E of this policy. Retain the original in a secure place and forward a copy to the CEO of ESNZ.

**POLICY NOTE:** Further information regarding Disciplinary Measures can be identified within the ESNZ General Regulations. Available at <https://www.nzequestrian.org.nz/esnz/rules-regulations/esnz-rules/>



# **EQUESTRIAN SPORTS NEW ZEALAND**

## Member Protection Policy

### PART D

# **Reporting Requirements and Documents**

Attachment D1- Handling an allegation of child abuse

Attachment D2- Confidential record of child abuse allegation

## **REPORTING REQUIREMENTS AND DOCUMENTS**

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We will ensure that all the complaints we receive are properly documented. This includes recording how the complaint was resolved and the outcome of the complaint.

This information, and any additional records and notes, will be treated confidentially and stored in a secure place.

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

We will ensure that everyone who works with our organisation in a paid or unpaid capacity understands how to appropriately receive and record allegations of child abuse and neglect and how to report those allegations to the relevant authorities

## Attachment D1: PROCEDURE FOR HANDLING ALLEGATIONS OF CHILD ABUSE

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

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

All people working with Equestrian Sports New Zealand 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 young person raises with you an allegation of child abuse or neglect that relates to them or to another child, it is important that you listen, stay calm and be supportive.

Do	Don't
Make sure you are clear about what the child has told you	Do not challenge or undermine the child
Reassure the child that what has occurred is not his or her 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

- Immediately report any allegation of child abuse or neglect, or any situation involving a child at risk of harm, to the police and/or the relevant child protection agency. You may need to make a report to both.
- Contact the relevant child protection agency or police for advice if there is **any** doubt about whether the allegation should be reported.
- If the allegation involves a person to whom this policy applies, then also report the allegation to the CEO of ESNZ so that he or she can manage the situation.

### Step 3: Protect the child and manage the situation

- The CEO will assess the immediate risks to the child and take interim steps to ensure the child's safety and the safety of any other children. This may include redeploying the alleged offender to a position where there is no unsupervised contact with children, supervising the alleged offender 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 ESNZ.
- The CEO will consider what services may be most appropriate to support the child and his or her parent/s.
- The CEO will consider what support services may be appropriate for the alleged offender.
- The CEO will put in place measures to protect the child and the alleged offender from possible victimisation and gossip.

### Step 4: Take internal action

- Up to three different investigations could be undertaken to examine allegations that are made against a person to whom this policy applies, including:
  - a criminal investigation (conducted by the police)

- a child protection investigation (conducted by the relevant child protection agency)
  - a disciplinary or misconduct inquiry/investigation (conducted by ESNZ).
- Regardless of the findings of the police and/or child protection agency investigations, ESNZ will assess the allegations to decide whether the alleged offender should return to his or her position, be dismissed, be banned or face any other disciplinary action.
  - The CEO of ESNZ 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.
  - If disciplinary action is recommended, we will follow the procedures set out in Clause 12 of our Member Protection Policy.
  - We will provide the relevant government agency with a report of any disciplinary action we take, where this is required.

Contact details for advice or to report an allegation of child abuse:

New Zealand	
To find your local Police station go to <a href="http://www.police.govt.nz/contact-us/stations">www.police.govt.nz/contact-us/stations</a>	Ministry for Vulnerable Children, Oranga Tamariki: telephone 0508 326 459 or email <a href="mailto:contact@ot.govt.nz">contact@ot.govt.nz</a>

## Attachment D2: CONFIDENTIAL RECORD OF CHILD ABUSE ALLEGATION

Before completing this form, please ensure that the steps outlined in Attachment C2 have been followed and advice has been sought from the police and/or the relevant child protection agency.

Complainant's name (if other than the child)		Date formal complaint received: / /
Role/status in sport		
Child's name		Age:
Child's address		
Person's reason for suspecting abuse (e.g. observation, injury, disclosure)		
Name of person complained		
Role/status in sport	<input type="checkbox"/> Administrator (volunteer) <input type="checkbox"/> Athlete/player <input type="checkbox"/> Coach/Assistant Coach <input type="checkbox"/> Employee (paid) <input type="checkbox"/> Official	<input type="checkbox"/> Parent <input type="checkbox"/> Spectator <input type="checkbox"/> Support Personnel <input type="checkbox"/> Other
Witnesses (if more than three witnesses, attach details to this form)	Name (1): Contact details: Name (2): Contact details: Name (3):	
Interim action taken (if any)		
Police contacted	Who: When: Advice provided:	
Child protection agency contacted	Who: When: Advice provided:	

CEO contacted	Who: When:
Police investigation (if any)	Finding:
Child protection agency investigation (if any)	Finding:
Internal investigation (if any)	Finding:
Action taken	
Completed by	Name: Position: Signature: / /
Signed by	Complainant (if not a child)

This record and any notes must be kept in a confidential and safe place. If required, they should be provided to the police and/or the relevant child protection agency.

**POLICY NOTE:** Further information regarding Disciplinary Measures can be identified within the ESNZ General Regulations. Available at <https://www.nzequestrian.org.nz/esnz/rules-regulations/esnz-rules/>