



EQUESTRIAN SPORTS NEW ZEALAND

Member Protection Policy

**Version 1.0
(June 2022)**

PART A CORE POLICY

- 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/>



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PART B Child Protection Requirements

PART B: SCREENING / WORKING WITH CHILDREN CHECK REQUIREMENTS

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

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 _____

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

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: _____

Attachment B3: WORKING WITH CHILDREN CHECK REQUIREMENTS

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/>



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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 D1
- 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 (D1), 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 D2 in Part D 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/>



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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

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 www.police.govt.nz/contact-us/stations	Ministry for Vulnerable Children, Oranga Tamariki: telephone 0508 326 459 or email contact@ot.govt.nz

**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/>