

**WELFARE OF CHILDREN
AND VULNERABLE
ADULTS POLICY
(NOV 2022)**

WELFARE OF CHILDREN AND VULNERABLE ADULTS POLICY

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Statement of Commitment

New Zealand Cricket (NZC) and its Member Associations value children and vulnerable adults and are committed to their protection and to the prevention of abuse. NZC and its Member Associations are committed to supporting and empowering families, and the community, to act to keep children and vulnerable adults safe.

Section One Introduction

➤ Purpose

- 1.1 NZC and its Member Associations are committed to providing a safe, positive, and fun environment for children and vulnerable adults who play cricket throughout New Zealand.
- 1.2 A robust policy for the welfare of children and vulnerable adults brings their wellbeing to the forefront of organisational thinking and is a tool whereby all adults and children associated with NZC and its Member Associations are given protection by clearly defining expectations and ensuring consistency of behaviour.
- 1.3 This policy confirms the commitment of NZC and its Member Associations to the protection of children and vulnerable adults and proceeds to:
 - outline the standards and principles by which all those associated with NZC and its Member Associations will abide
 - define child abuse
 - outline the action to be taken by NZC and its Member Associations where any form of abuse or neglect against a child or vulnerable adult is known or suspected
 - establish what action is required when allegations are made against those associated with NZC and/or its Member Associations
 - outline expected behaviour and safe working practices

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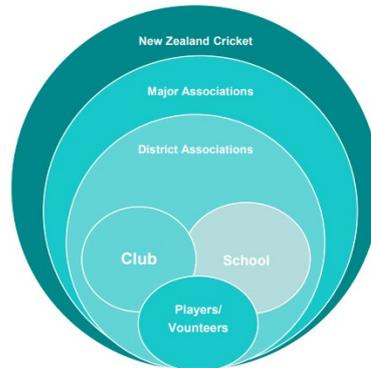
➤ **Guiding Principles**

- 1.4 NZ Cricket and its Member Associations assert that children and vulnerable adults have a right to participate in cricket and associated programmes, events and activities and to do so in an environment that is safe. NZC and its Member Associations recognise that, when carried out in a safe environment, engaging in cricket can provide children and vulnerable adults with positive experiences, and teach them vital skills, that can last a lifetime, such as teamwork, resilience, and confidence.
- 1.5 NZC and its Member Associations assert that all children and vulnerable adults have equal rights to protection from all forms of abuse and exploitation regardless of their gender, race, religion, political beliefs, age, physical or mental health, sexual orientation, family and social background, culture, economic status, criminal background, and any other differentiating factor.
- 1.6 All decisions and actions of NZC and its Member Associations in response to any protection concern will be guided by the principle of “*the welfare and best interests*” of the child or vulnerable adult.
- 1.7 All services provided by NZC and its Member Associations for the safety and wellbeing of children and vulnerable adults adhere to the principles of partnership, protection and participation, and the rights and responsibilities accorded by Te Tiriti o Waitangi.

➤ **Scope**

- 1.8 This policy applies to NZC and its Member Associations, encompassing, but not limited to, all Major Associations, District Associations, Clubs, and Club Members.

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➤ Legislation

1.9 This policy has been written with the United Nations Convention on the Rights of the Child in mind and in accordance with the following legislation:

- Care of Children Act, 2004
- Children's Act, 2014
- Crimes Act, 1961
- Education Act 1989
- Employment Relations Act, 2000
- Family Violence Act 2018
- Health and Safety Act 1956
- Health and Safety at Work Act 2015
- Human Rights Act 1993
- Oranga Tamariki Act 1989
- Privacy Act 2020

➤ Review

1.10 This policy will be reviewed a minimum of every three (3) years and updated regularly, to ensure it is kept up to date with changes that may have been made to legislation, related policies and procedures, and in light of operational experience.

1.11 The overall responsibility for this policy rests with the NZC Designated Person for Child Protection - **Andrew Tara**.

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Section Two Roles and Responsibilities

➤ Role of NZC and its Member Associations

2.1 NZC and its Member Associations have a full and active part to play in protecting children and vulnerable adults from harm. It is the primary responsibility of all those associated with NZC to be vigilant, maintain professional boundaries and safe working practices, have knowledge and awareness of the indicators of neglect and abuse, whether actual or potential, and to report any concerns, suspicions or allegations immediately. NZC and its Member Associations have a responsibility to ensure that any concern, suspicion, or allegation raised is taken seriously.

2.2 The role of NZC and its Member Associations is to:

- ensure that the needs and rights of children and vulnerable adults come first. The safety and wellbeing of each child and vulnerable adult is the paramount consideration in all circumstances.
- ensure that child protection, and the protection of vulnerable adults, are a key focus within NZC and its Member Associations and that appropriate protocols, procedures, and training are in place.
- ensure the appointment of a trained designated person network for child protection.
- provide support for the appointment of a trained designated person for child protection for all Major Associations, District Associations and Clubs (*where applicable*).
- adopt, implement, comply with, review, and enforce this policy.
- support the designated persons for child protection in all Major Associations, District Associations, and Clubs to ensure that all allegations are managed appropriately.

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- ensure that no investigation occurs without appropriate consultation and a decision whether a response from Oranga Tamariki and/or the Police is required.
- ensure that all persons associated with NZC, or with its Member Associations, are aware of, have access to, and understand, this policy.
- ensure all protection procedures set out in this policy are followed regardless of whether the offender, or the complainant, is involved with NZC, its Member Associations, or is a member of the general public.
- ensure the confidential recording of all protection concerns in accordance with this policy.
- inform the Designated Person for Child Protection immediately should any person associated with NZC, or its Member Associations, become aware of a concern for the wellbeing and safety of a child or vulnerable adult.
- ensure that all persons, at all levels, are recruited and delegated responsibilities in accordance with the guidelines identified in this policy.

2.3 Details of those appointed by NZC and its Member Associations, Major Associations, and District Associations to oversee child protection, the protection of vulnerable adults, and overall player welfare, is available on their respective websites. NZ Cricket Clubs are also strongly encouraged to make such details available on their own club websites.

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Section Three Child and Vulnerable Adult Protection Procedures

- 3.1 The safeguarding of children and vulnerable adults in sport has two main components. The first is a preventative component whereby NZC and its Member Associations must ensure that they have effective policies and procedures in place to protect children and vulnerable adults from abuse. The second is a reactive component whereby NZC and its Member Associations must ensure that they have effective measures in place to identify, respond to, and report any suspicions, allegations, and incidents of abuse.
- 3.2 The procedures set out in this section of this policy provide guidelines to assist in identifying and responding appropriately to concerns of abuse and neglect.
- 3.3 The procedures set out below will help with:
- the identification of abuse
 - handling disclosures
 - reporting procedures

➤ Identification of Abuse

- 3.4 NZ Cricket and its Member Associations should be alert and aware of the fact that abuse of a child or vulnerable adult can occur in many different settings and forms, and that protection concerns may come to light in a variety of different ways. These can include, but are not limited to:
- Direct or indirect disclosure by a child or vulnerable adult;
 - Direct or indirect disclosure from someone known to the child or vulnerable adult;
 - Suspicions of abuse by those involved with the child or vulnerable adult;
 - Allegations and/or direct observations or signs displayed in the child or vulnerable adult's physical or emotional behaviour;
 - Direct witnessing of abuse.

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3.5 The signs and indicators of abuse may not be immediately obvious or identifiable. **Appendix Two** of this policy sets out a non-exhaustive list of the signs and indicators of child abuse and neglect to help with its identification.

3.6 If any person associated with NZC, or with its Member Associations, is unsure about what might constitute abuse, they should ask for advice and guidance from their Designated Person for Child Protection. If the Designated Person for Child Protection is unavailable for advice and guidance, then they should seek advice from their CEO/Chairperson/General Manager, or directly from Oranga Tamariki (0508 326 459) regarding any child protection concern, or the NZ Police for concerns relating to vulnerable adults.

➤ **Responding to Abuse/Suspected Abuse**

3.7 NZC and its Member Associations will respond to allegations of abuse in a manner which ensures that the child or vulnerable adult's safety and wellbeing are the first and paramount considerations.

3.8 In a situation where any person associated with NZC, or its Member Associations, believes that a child is in immediate danger, they will inform Oranga Tamariki and the Police of their concerns, in consultation with the Designated Person for Child Protection.

3.9 In a situation where any person associated with NZC, or its Member Associations, believes that a vulnerable adult is in immediate danger, they will inform the Police of their concerns, in consultation with the Designated Person for Child Protection.

3.10 The protection procedures set out in this policy must be followed regardless of whether the alleged offender is a member of the public, a participant of a NZC or Member Association programme, event or activity, or a member of NZC or Member Association itself.

3.11 At no time will concerns of abuse be acted on alone. This policy must be referred to and consultation must occur with the Designated Person for Child Protection, CEO/Chairperson/General Manager, Oranga Tamariki or the NZ Police.

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3.12 All concerns and information will be recorded factually using the “**Record of Issue or Concern**” form (refer to **Appendix Five** of this Policy) and held confidentially. All documentation relating to concerns and information will be held in a confidential and secure Child and Vulnerable Adult Protection Register.

3.13 **Appendix Three** of this policy sets out an overview for responding to child abuse.

➤ **Responding to Disclosures**

3.14 Disclosures of abuse may come directly from a child or vulnerable adult. It is important that what is said is taken seriously. This applies irrespective of the setting, or a person’s own opinion on what is being said. If there is information disclosed regarding actual or suspected abuse, the person being disclosed to must:

- stay calm
- listen and hear
- give time to the child or vulnerable person to say what they want
- reassure them that they were right to tell
- tell the child or vulnerable adult that they are being taken seriously and that they are not to blame
- explain that they have to pass on what the child or vulnerable adult has told them as soon as they are aware that the child or vulnerable adult is making a disclosure
- give an age appropriate explanation to the child of what the child can expect to happen next
- record in writing what was said as soon as possible, using the child or vulnerable adult’s own words where possible.
- Report the concern to the appropriate statutory agency, in consultation with the Designated Person for Child Protection

They must not:

- make the child or vulnerable adult repeat the story unnecessarily
- promise to keep secrets
- enquire in to the details of the alleged abuse

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- ask leading questions

3.15 Under no circumstances should any person attempt to conduct an investigation or deal with concerns of abuse themselves.

➤ **Harmful Behaviour By One Child Towards Another**

3.16 It is important to be aware that children can harm other children. These behaviours are outside of what may be considered the normal range, and can extend to bullying, violence, or sexual assault. Therefore, when a child alleges inappropriate harmful behaviour by another child then the protection procedures outlined in this policy must be considered for both children

➤ **Reporting Procedures**

3.17 Reports of concerns or allegations of abuse must be made to the Designated Person for Child Protection at the first possible opportunity to best ensure the safety of the child or vulnerable adult, even if the child or vulnerable adult concerned is not involved with NZC or its Member Associations. If the Designated Person is unavailable, or if the concern relates to the Designated Person, then consultation should occur with a Secondary Designated Person for Child Protection or the CEO/Chairperson/General Manager. A decision will be made as to whether to notify the relevant statutory authority – being Oranga Tamariki or the NZ Police depending on the circumstances and whether the concern relates to a child or a vulnerable adult. If an immediate response is required to ensure a child's safety, contact should be made with Oranga Tamariki and the NZ Police directly. If an immediate response is required to ensure a vulnerable adult's safety, contact should be made with the NZ Police directly.

3.18 A **“Record of Issue or Concern”** must be completed (*refer to **Appendix Five** of this Policy*) and forwarded to the NZC designated person for child protection at the earliest opportunity.

3.19 All concerns or allegations of sexual abuse against a child must be reported to Oranga Tamariki and the NZ Police in every instance.

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3.20 When reporting an incident:

- Inform the Designated Person for Child Protection as soon as possible (or the CEO/Chairperson/General Manager in their absence)
- Record in writing all conversations and actions taken – (*Refer to the “Record of Issue or Concern” at Appendix Five of this Policy*)
- Ensure that all records are held securely in a Child and Vulnerable Adult Protection Register.

3.21 Effective documentation, including referrals and notifications, must include the following:

- A record of facts, including observations, with time and date
- What was said and by whom, using the person’s words
- What action has been taken, by whom and when

3.22 All decisions, including if the concern does not require notifying Oranga Tamariki or the Police, must be recorded in writing and kept securely in the Child and Vulnerable Adult Protection Register with the reasons clearly identified and explained.

➤ **Keeping a Child's Family Informed and Involved**

3.23 Although the parent or caregiver of the child will usually be informed of concerns, there may be times when those with parental responsibility may not be initially informed. This may happen in circumstances when:

- the parent or caregiver is the alleged offender
- it is possible that the child may be intimidated into silence
- there is a strong likelihood that evidence will be destroyed
- the child does not want their parent or caregiver involved and they are of an age when they are competent to make that decision. Any decision not to inform the child’s family or whānau based solely on the child’s wish must be

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made with careful consideration and in consultation with the Designated Person for Child Protection and Oranga Tamariki

3.24 Where NZC and its Member Associations engage with parents or caregivers, and family or whānau members, in circumstances where abuse is suspected, witnessed or disclosed, they must inform them of this policy and the procedures contained therein. In these circumstances NZC and its Member Associations must ensure that, wherever possible, they work in partnership with parents or caregivers, and family or whānau, and support them throughout the process. There must be an awareness of the need for sensitivity during what will be a distressing time for the entire family/whānau unit

➤ **Confidentiality and Information Sharing**

3.25 At times a child or vulnerable adult may be unable to speak for, or protect, themselves. Those involved with NZC and its Member Associations therefore have a greater responsibility to know when and how to share appropriate information with external agencies to protect the safety and wellbeing of children and vulnerable adults.

3.26 Under the Privacy Act 2020, the giving of information to protect a child or vulnerable adult is not a breach of confidentiality. Principle 11 of the Privacy Act 2020, states that the sharing of personal information is allowed if "disclosure of the information is necessary to prevent or lessen a serious threat".

3.27 The Oranga Tamariki Act 1989 places the wellbeing and best interests of a child as the first and paramount consideration when it comes to the sharing of information. This principle takes precedence over any duty of confidentiality that is owed to the child, or their family and whānau.

3.28 Under the Oranga Tamariki Act 1989, if a member of NZC or its Member Associations raise a legitimate concern in good faith about the suspected abuse of a child, which proves to be unfounded on investigation, no civil, criminal or disciplinary proceedings may be brought against NZC, its Member Associations or the individual raising the concern.

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3.29 Refer to **Appendix Six – “Information Sharing Overview and Considerations”**.

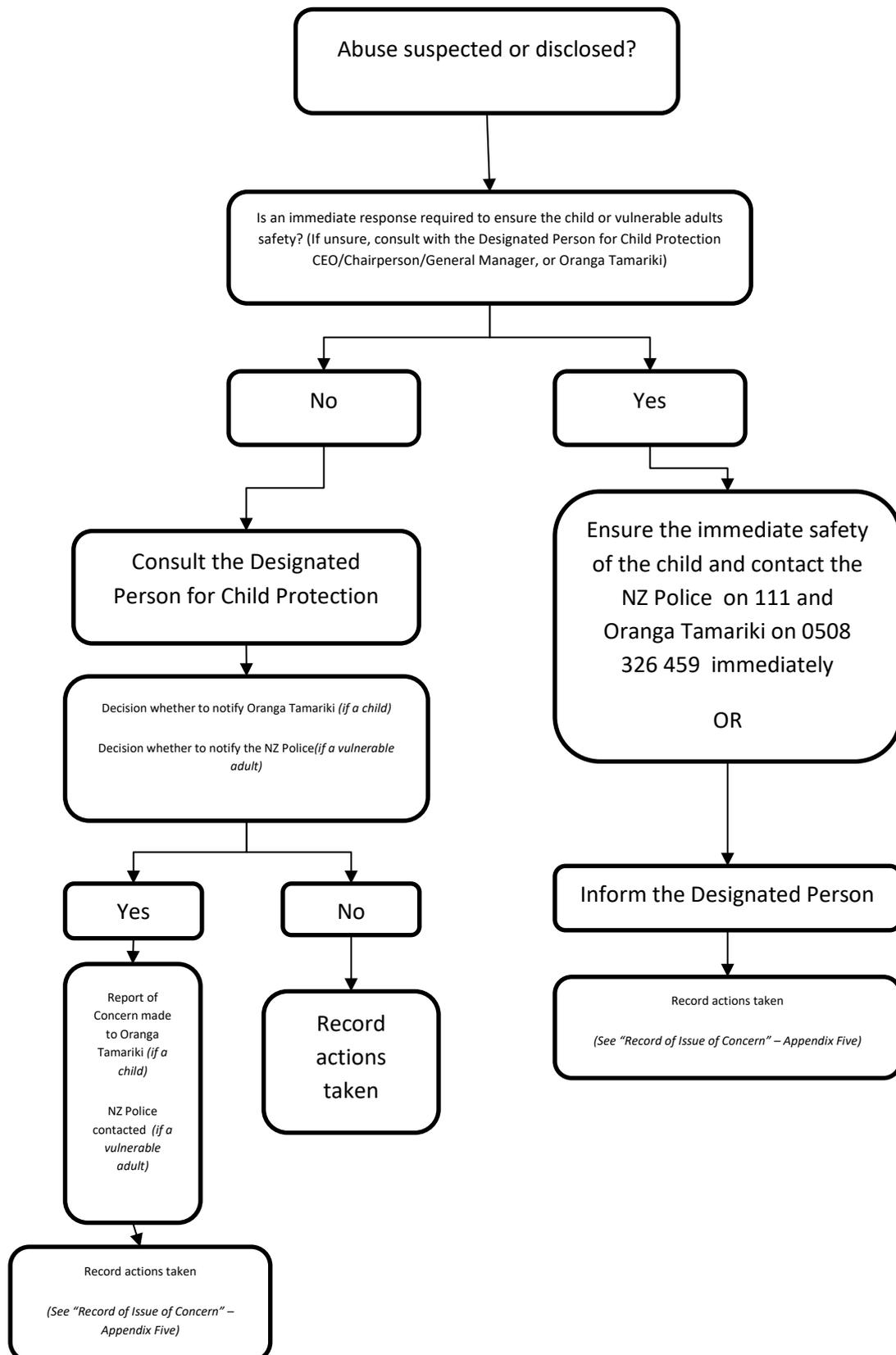
➤ **Relationships with Statutory and Specialist Agencies**

3.30 NZC and its Member Associations will maintain good working relationships with agencies that have the statutory powers and skills to intervene in cases of child abuse. This includes maintaining a good working relationship with Oranga Tamariki and with the NZ Police, and be familiar with the laws that serve to protect children from abuse. NZC and its Member Associations will consult with Oranga Tamariki, Police, and with other appropriate agencies that have specialist knowledge to help protect children from abuse.

3.31 NZC and its Member Associations believe that in order to keep children safe, people who suspect or uncover abuse should not be tempted to deal with cases by themselves, but to report and seek help as necessary. When there is a relationship of trust and understanding with the statutory agencies, people are more likely to report and enable professional investigation to ensue.

3.32 NZC and its Member Associations will maintain relationships with NGOs and organisations that provide services to children, families and whānau throughout the country.

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Section Four Safe Recruitment, Police Vetting, and Training

➤ **Recruitment**

- 4.1 The single most effective time at which an organisation can minimise the possibility of abuse to children and vulnerable adults in their care and contact, is with the appointment of staff and personnel, regardless of whether they hold voluntary or paid positions.
- 4.2 NZC and its Member Associations are committed to ensuring robust recruitment processes are in place, and followed, which emphasise the importance of child protection, and the protection of vulnerable adults.
- 4.3 A safety checking process will be completed to ascertain a candidate's suitability and safety to be in contact with children and vulnerable adults. This will include, but is not limited to, identity checking and Police vetting.

➤ **Police Vetting**

- 4.4 NZC and its Member Associations are required to carry out police vetting on all persons who have, or are likely to have, regular contact, or overnight contact, with children and vulnerable adults, in accordance with this policy. NZC and its Member Associations will take an active role in ensuring the entire cricket network is compliant with this, including cricket clubs.
- 4.5 NZC and its Member Associations recognise the particular importance of Police vetting all coaches as they have the unique opportunity to build up a relationship of trust with children and vulnerable adults.
- 4.6 All new offers of employment and employment agreements, including volunteer positions, will remain conditional on receiving satisfactory results from the Police vetting.
- 4.7 All those working with children and vulnerable adults will undergo a further Police vetting check a minimum of once every three (3) years.

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- 4.8 If the candidate has lived in another country in the last five years, they must supply a background check conducted in that country.
- 4.9 NZC, its Member Associations, and Major Association's will maintain a confidential Police Vetting Register. The vetting process is confidential and adverse action may not be taken against the subject of a vet without that person being given an opportunity to validate the vetting information. All Police vet records will be held for a period not exceeding 12 months, and will be securely destroyed.
- 4.10 For further information, refer to the NZC *"Police Vetting and the Appeals Process"*
- 4.11 Primary and Secondary Schools have their own safety checking policies and responsibilities under both Children's Act 2014 and the Education Act 1989. Schools may require people from, or associated with, NZC and its Member Associations to be safety checked in accordance with their own legislative obligations when delivering cricket sessions for a school. NZC and its Member Associations are supportive of, and will be compliant with, this requirement.

➤ **Training**

- 4.12 NZC and its Member Associations ensure that everyone working within the organisation have adequate and appropriate information about child abuse and the abuse of vulnerable adults in order to protect them and to recognise and respond when children and vulnerable adults are at risk.
- 4.13 Opportunities for those associated with NZC and its Member Associations to undergo protection training are provided by NZC.

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Section Five Safe Working Practices

- 5.1 Clear boundaries are important in maintaining professional behaviour. This policy reinforces the need for high standards of behaviour by all those associated with NZC and its Member Associations in order to protect children and vulnerable adults from abuse and at-risk situations, to protect individuals from unwarranted suspicion, and to protect the reputation of NZC and its Member Associations.
- 5.2 Those working for, and associated with, NZC and its Member Associations should always maintain appropriate professional boundaries and avoid behaviour which might be misinterpreted by others. Those working with children and vulnerable adults must act in a way that is considered to be safe practice. This includes, but is not limited to:
- Avoiding situations where they are alone with a child or vulnerable adult;
 - Ensuring that they are visible to others when with a child or vulnerable adult;
 - Using an open door policy where possible;
 - Avoiding circumstances where their behaviour (both verbal and physical) may be misinterpreted as hostile, suggestive, inappropriate, offensive, or neglectful.
 - Not transporting a child or vulnerable adult, other than their own, alone at any time other than in an emergency situation (*refer to clause 5.17 of this policy - "Transportation"*)
 - Monitoring visitors to NZC and its Member Associations programmes, events or activities where practicable;
 - Not taking, or displaying, images of children or vulnerable adults, unless they have consent to do so.
- 5.3 Refer to the NZC "***Welfare of Children and Vulnerable Adults Guidelines***"

➤ **Physical Contact**

- 5.4 It is imperative that in all dealings with children and vulnerable adult's, a balance is struck between the rights of the child or vulnerable adult and the need for intervention. When physical contact is made with a child or vulnerable adult this should be in response to their

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needs at the time, of limited duration and appropriate to their age, stage of development, gender, ethnicity and background. Professional judgement must be used, observing and taking note of the child or vulnerable adult's reaction and feelings and a level of contact and/or form of communication used which is acceptable to the child or vulnerable adult for the minimum amount of time necessary.

- 5.5 Any sexual activity between a member of NZC or its Member Associations and a child will be regarded as a criminal offence and will always be a matter for disciplinary action.

➤ **Communication**

- 5.6 Communication between children or vulnerable adult's, and adults, by whatever method, should take place within clear and explicit professional boundaries. This includes, but is not limited to, the wider use of technology such as mobile phones, text messaging, emails, digital cameras, videos, web-cams, websites, social networking and blogs.

- 5.7 No personal information is to be shared with a child or vulnerable adult. Those working with children and vulnerable adults should not request, or respond to, any personal information from a child or vulnerable adult other than that which might be appropriate as part of their professional role.

- 5.8 All communications must remain transparent and open to scrutiny.

➤ **Photographs and Recordings**

- 5.9 Written consent must be obtained for all photographs to be taken, and/or displayed, of children and vulnerable adults, whether they are intended for internal or external use. This includes, but is not limited to, the posting of images on social media.

- 5.10 Where possible, all photographs and recordings should be carried out using NZC, or its Member Associations, equipment and not with personal devices.

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➤ **Private Spaces**

5.11 Members of NZC and its Member Associations are not permitted to enter a private space, such as a toilet, bathroom, or changing facility while it is being used by children or vulnerable adults.

5.12 In the event that an adult is required to enter a private space that is being used by children or vulnerable adults, they must ensure that they have at least one other adult with them and that they knock, announce themselves, and wait for permission from the children or vulnerable adults, prior to entering

➤ **Trips and Excursions**

5.12 Taking children and vulnerable adults out of their usual environment can provide them with life-changing experiences which they will remember for the rest of their lives. It can also put them at risk and into unfamiliar situations. Careful planning and preparation is needed to minimise risks and make the activity a positive experience for each child and vulnerable adult.

5.13 Before any trip, parents and caregivers will be informed by written notice of the details of same, including but not limited to:

- The venue;
- The method of transport;
- The date;
- The time;
- The contact details of the trip organiser.

5.14 Parents and caregivers must give written consent for their child to attend any planned trip.

5.15 All adults taking part in the trip or excursion must be appropriately safety checked prior to the trip or excursion taking place.

5.16 Refer to the NZC ***“Overnight Trips and Excursions Guidelines”***.

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➤ **Transportation**

- 5.17 All precautions must be taken to ensure that when transporting children and vulnerable adults that their safety and wellbeing is paramount.
- 5.18 Only approved, fully licensed, and Police vetted adults will be responsible for transporting children and vulnerable adults for cricket purposes. All adults must be free from alcohol and non-prescription drugs.
- 5.19 All vehicles transporting children and vulnerable adults must be roadworthy, with a current Warrant of Fitness and registration, and the maximum passenger number must not be exceeded. Safety belts and booster seats where needed, must be used.
- 5.20 Drivers must not deviate from the agreed route and must carry a mobile phone with them at all times in case of emergencies.
- 5.21 Children and vulnerable adults should not be transported alone, except in an emergency situation. This can be achieved by:
- having a central drop off and pick up point for trips so there isn't one child or vulnerable adult left at the end of a trip.
 - using vans and transporting big groups at once.
 - having adults sitting together in pairs, if travelling by bus. Ensure adults are spread throughout the bus for supervision purposes.
 - encouraging caregivers to accompany their own child/ren to events.
- 5.22 In circumstances where transporting a child or vulnerable adult alone is unavoidable, drivers must :
- let the child's caregiver know what's happening, where you are going, and what time you will be back
 - let your team manager and/or coach know the situation.
 - have the child or vulnerable adult sit in the back seat

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Section Six **Allegations Against Persons Associated with NZ Cricket and Its Member Associations**

- 6.1 Concerns may be raised regarding persons associated with NZC or its Member Associations. These may be as a result of behaviour within the organisation, or of behaviour within their home environment.
- 6.2 All those working for, and associated with, NZC and its Member Associations have a responsibility to understand what constitutes appropriate behaviour in relation to a child or vulnerable adult and to maintain this behaviour.
- 6.3 Allegations, suspicions or complaints of abuse against members of NZC or its Member Associations will be taken seriously and reported to the CEO, or the General Manager in their absence. The CEO, or General Manager will deal with the allegation, suspicion or complaint immediately, sensitively and expediently within the procedures outlined in this policy, and in consultation with the Chairperson and the Designated Person for Child Protection.
- 6.4 Any concern of abuse of a child or vulnerable adult will follow the protection procedures outlined in this policy.
- 6.5 When there are suspicions of abuse by a person associated with NZC or its Member Associations, both that person's, and the child or vulnerable adult's rights, are to be attended to. This means that the safety of the child or vulnerable adult is of first concern, alongside the safety of any other children or vulnerable adults who may be at risk, and that the individual to which the concern relates must have access to legal and professional advice, in accordance with the Employment Relations Act (*if applicable*).
- 6.6 The CEO, or General Manager must immediately assess risk before allowing the individual in question to have any contact with the person making the allegation, or any child or vulnerable adult. A risk assessment must be undertaken to determine what level of access that person should have, if any, to members of the public in their capacity as a person associated with NZC or its Member Associations

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- 6.7 All decisions will be made on a case by case basis by NZC and its Member Associations, with the safety of children and vulnerable adults as the paramount consideration.
- 6.8 In all protection cases, NZC and its Member Associations will co-operate fully with both Oranga Tamariki and the NZ Police in their investigations and assessments.
- 6.9 If the Police decide to undertake a criminal investigation then the member of NZC or its Member Associations will be suspended. During this suspension period the member will be unable to participate in any NZC, or Member Association, activity, in any capacity. It should be made clear to the person that this is a precautionary measure pending the outcome of the investigation. It is important that no internal investigation is undertaken, and no evidence gathered that might prejudice the criminal or Oranga Tamariki investigation.
- 6.10 If the alleged offender is another player, the person may be required to suspend their involvement in cricket pending the outcome of any investigation. It should be made clear to the person that this is a precautionary measure pending the outcome of the investigation
- 6.11 If there is insufficient evidence to pursue a criminal prosecution, then an internal disciplinary investigation may still be undertaken subject to any internal disciplinary procedures. In these circumstances the Designated Person for Child Protection, CEO or Manager will inform the complainant of the process to be followed, what information will be taken into consideration and when the internal investigation is likely to be complete.
- 6.12 Members of NZC and its Member Associations tendering their resignation, or ceasing to provide their services to NZC or its Member Associations, will not prevent an allegation of abuse against a child or vulnerable adult being followed up in accordance with these procedures.

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➤ **Continued Involvement with NZC and Its Member Associations**

- 6.13 NZC and its Member Associations have a duty of care to the children and vulnerable adults that it is entrusted with. All those working for, and associated with, NZC or its Member Associations have a responsibility to understand what constitutes appropriate behaviour in relation to children and vulnerable adults and has a responsibility to maintain appropriate standards of behaviour – which includes reporting lapses in these standards by others.
- 6.14 The fact that an alleged offender has not been prosecuted or been found guilty does not necessarily mean that they are appropriate to continue to work with children and vulnerable adults. A risk assessment must be carried out before allowing the person to return to their duties, or any alternative duties, in any capacity. When making any decisions, NZC will, at all times, place the safety and wellbeing of children and vulnerable adults as the paramount consideration. Consideration will be given to the protection of NZC's, and its Member Associations, reputation as being an organisation that can be entrusted with children and vulnerable adults.
- 6.15 If NZC or its Member Associations becomes aware that an alleged, suspected, or convicted offender is involved, or looking to become involved, with a Major Association, District Association, or Club, NZC or its Member Associations may inform the Designated Person for Child Protection of that Major Association, District Association, or Club, of the existence of that risk, or potential risk. At any time advice can be sought from Oranga Tamariki and/or the NZ Police with regards to the disclosure of information.

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Appendix One Definitions

For the purposes of this Policy the following definitions apply:

“Child” means any person under 18 years of age.

“Child Abuse” can involve ongoing, repeated or persistent abuse, or may arise from a single incident. Abuse of the vulnerable may take many forms but it can be categorised into four different types:

- i. Physical Abuse
- ii. Sexual Abuse
- iii. Emotional Abuse
- iv. Neglect

“Designated Person for Child Protection” is a person within NZC who is responsible for the safeguarding of children and vulnerable adults. This person is required to undergo regular protection training and is responsible for ensuring that child protection, and the protection of vulnerable adults, is a key focus within NZC both at a strategic level and on a day to day basis.

The appointment of a Designated Person for Child Protection for all NZC Major Associations, District Associations, and Clubs is recognised best practice.

As at the date of this policy the Designated Person for Child Protection for NZC is:

ANDREW TARA

As at the date of this policy the Secondary Designated Person for Child Protection for NZC is:

KENT STEAD

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“Emotional Abuse” is the persistent emotional ill treatment of a child or young person such as to cause severe and persistent adverse effect on the child or young person’s self-esteem and emotional development. This can include a pattern of rejecting, degrading, ignoring, isolating, corrupting, exploiting or terrorising a child or young person. It may also include age or developmentally inappropriate expectations being imposed on vulnerable persons and their social competence undermined or eroded over time. A child or young person can also experience emotional abuse by being exposed to a dysfunctional environment which includes seeing or hearing the ill treatment of others, including but not limited to being exposed to family violence.

“Family Violence” can take many forms and may include, but is not limited to, actual physical violence (to a person, pet or property), threats of physical violence (to a person, pet or property), psychological, economic or sexual abuse. Children and young people are always affected either emotionally or physically where there is family violence even if they are not personally injured or physically present.

“Grooming” is predatory conduct and can include, but is not limited to, befriending, or establishing an emotional relationship, or other emotional connection, with a child, (and can extend to members of the child’s family or whānau), for the purpose of lowering the child’s inhibitions and with the objective of sexual abuse.

“Neglect” is characterised as the persistent failure to meet a child or young person’s basic physical and/or psychological need. This can occur through direct and deliberate action or by omission or deliberate inaction to care for and/or protect the child or young person. It may also include neglect of a child or young person’s basic or emotional needs.

“NZC” is the governing body for cricket in New Zealand and encompasses all Major Associations, District Associations, and Clubs. Reference to “NZC” within the *Welfare of Children and Vulnerable Adults Policy* includes, but is not limited to, any person working at, for, or on behalf of, NZC irrespective of whether they are paid or voluntary, or whether they are working on a full time, part time, casual, or temporary basis. This includes, but is not

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limited to, coaches, managers, consultants, contractors, members, and any persons contracted or invited to provide services to children and vulnerable adults in contact, or associated, with, NZC, at any level. For the purposes of this policy, this also extends to the NZC Board.

“Oranga Tamariki - Ministry for Children” formally known as Child Youth and Family Services (“CYFS”). Oranga Tamariki is a government ministry dedicated to supporting children in New Zealand whose wellbeing is at significant risk of harm now, or in the future.

“Physical Abuse” is a non-accidental act on a child that results in physical harm. This includes, but is not limited to, beating, hitting, shaking, burning, drowning, suffocating biting, poisoning or otherwise causing physical harm to a child. Physical abuse also involves the fabrication or inducing of illness.

“Sexual Abuse” is an act or acts that result in the sexual exploitation of a child or young person, whether consensual or not. Sexual abuse can be committed by a relative, a trusted friend, an associate, or someone unknown to the child or young person. Sexual abuse includes situations where the adult seeks to have the vulnerable person touch them for a sexual purpose, and where they involve the vulnerable person in pornographic activities or prostitution.

“Vulnerable Adult” means any person 18 years or older and who is, or may be, unable to take care of themselves, or is unable to protect themselves against harm or exploitation by reason of age, illness, trauma or disability, or any other reason.

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Appendix Two Indicators of Abuse

The indicators of abuse and neglect fall into three general categories:

- **Physical indicators:** Injuries to a child that are severe, occur in a pattern or occur frequently. These injuries range from bruises to broken bones to burns or unusual lacerations and are often unexplained or inconsistent with the explanation given
- **Behavioural indicators:** The child's actions, attitudes, and emotions can indicate the possibility of abuse or neglect. Behavioural indicators alone are much less reliable than physical indicators, as a child's behaviour may be the result of a variety of other problems or conditions. When observing changes in behaviour, look for the frequency and pattern of the new behaviour, as well as a child's age and stage of development. For example, it is normal for younger children to be wary of adults, as they may have been taught not to talk to strangers. Look for a combination of physical and behavioural indicators.
- **Caregiver indicators:** Caregivers who abuse, neglect or exploit children are either unable or unwilling to provide care and protection in an appropriate way. Those who are unable to provide care and protection may be physically unable due to their own medical or health condition. They may be overly stressed, tired, or working under the influence of drugs or alcohol which limits their abilities. Caregivers who are unwilling to provide children with the appropriate level of care and protection are more aware that what they are doing is wrong but continue to act in that way. These caregivers may not view the child as someone who has feelings and emotions and often have the need to control others or have displaced aggression towards weaker persons.

The indicators alone do not prove child abuse or neglect. Likewise, the absence of indicators does not exclude the possibility that abuse is occurring. If you have any concerns about the wellbeing of a child or vulnerable adult, consult with your Designated Person for Child Protection, CEO/General Manager/Chairperson, or Oranga Tamariki or the NZ Police

➤ Emotional Abuse Indicators

○ Physical Indicators

- Bed wetting or bed soiling with no medical cause
- Frequent psychosomatic complaints (e.g. headaches, nausea, abdominal pains)
- Non-organic failure to thrive
- Pale, emaciated
- Prolonged vomiting and/or diarrhoea
- Malnutrition
- Dressed differently to other children in the family

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- Behavioural Indicators:
 - Severe developmental lags with obvious physical cause
 - Depression, anxiety, withdrawal or aggression
 - Self-destructive behaviour. This can include self-harm, suicide, alcohol and drug abuse
 - Overly compliant
 - Extreme attention seeking behaviours or extreme inhibition
 - Running away from home, avoiding attending at school
 - Nightmares, poor sleeping patterns
 - Anti-social behaviours
 - Lack of self esteem
 - Obsessive behaviours
 - Eating disorders

- Caregiver Indicators:
 - Labels the child as inferior or publicly humiliates the child (e.g. name calling)
 - Treats the child differently from siblings or peers in ways that suggest dislike for the child
 - Actively refuses to help the child
 - Constantly threatens the child with physical harm or death
 - Locks the child in a closet or room for extended periods of time
 - Teaches or reinforces criminal behaviour
 - Withholds physical and verbal affection
 - Keeps the child at home in role of servant or surrogate parent
 - Has unrealistic expectations of child
 - Involves child in adult issues such as separation or disputes over child's care
 - Exposes child to situations of arguing and violence in the home

➤ Neglect Indicators

- Physical Indicators:
 - Dressed inappropriately for the season or the weather
 - Often extremely dirty and unwashed
 - Severe nappy rash or other persistent skin disorders
 - Inadequately supervised or left unattended frequently or for long periods
 - May be left in the care of an inappropriate adult
 - Does not receive adequate medical or dental care
 - Malnourished - this can be both underweight and overweight

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- Lacks adequate shelter
- Non-organic failure to thrive

- Behavioural Indicators:
 - Severe developmental lags without an obvious physical cause
 - Lack of attachment to parents/caregivers
 - Indiscriminate attachment to other adults
 - Poor school attendance and performance
 - Demanding of affection and attention
 - Engages in risk taking behaviour such as drug and alcohol abuse
 - May steal food
 - Poor social skills
 - No understanding of basic hygiene

- Caregiver Indicators:
 - Puts own need ahead of child's
 - Fails to provide child's basic needs
 - Demonstrates little or no interest in child's life - does not attend school activities, social events
 - Leaves the child alone or inappropriately supervised
 - Drug and alcohol use
 - Depression

➤ Physical Abuse Indicators

- Physical Indicators:
 - Bruises, welts, cuts and abrasions
 - Burns - small circular burns, immersion burns, rope burns etc
 - Fractures and dislocations - skull, facial bones, spinal fractures etc
 - Multiple fractures at different stages of healing
 - Fractures in very young children

- Behavioural Indicators:
 - Inconsistent or vague explanations regarding injuries
 - Wary of adults or a particular person
 - Vacant stare or frozen watchfulness
 - Cringing or flinching if touches unexpectedly
 - May be extremely compliant and eager to please
 - Dresses inappropriately to hide bruising or injuries
 - Runs away from home or is afraid to go home
 - May regress (e.g. bedwetting)
 - May indicate general sadness
 - Could have vision or hearing delay

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- Is violent to other children or animals
- Caregiver Indicators:
 - Inconsistent or vague explanations regarding injuries
 - May appear unconcerned about child's wellbeing
 - May state the child is prone to injuries or lies about how they occur
 - Delays in seeking medical attention
 - May take the child to multiple medical appointments and seek medical treatment without an obvious need
- **Sexual Abuse Indicators**
 - Physical Indicators:
 - Unusual or excessive itching or pain in the genital or anal area
 - Torn, stained or bloody underclothing
 - Bruises, lacerations, redness, swelling or bleeding in genital, vaginal or anal area
 - Blood in urine or stools
 - Sexually transmitted infections
 - Pregnancy
 - Discomfort in sitting or fidgeting as unable to sit comfortably
 - Behavioural Indicators:
 - Age-inappropriate sexual play or language
 - Bizarre, sophisticated or unusual sexual knowledge
 - Refuses to go home, or to a specific person's home, for no apparent reason
 - Fear of a certain person
 - Depression, anxiety, withdrawal or aggression
 - Self-destructive behaviour. This can include self-harm, suicide, alcohol and drug abuse
 - Overly compliant
 - Extreme attention seeking behaviours or extreme inhibition
 - Dresses inappropriately to hide bruising or injuries
 - Eating disorders
 - Compulsive behaviours
 - Caregiver Indicators:
 - May be unusually over-protective of the child
 - Accuses the child of being sexually provocative
 - Misuses alcohol or drugs
 - Invades the child's privacy (e.g. during dressing, in the bathroom)
 - May favour the victim over other children

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➤ Family Violence Indicators

- Indicators in the Child:
 - Physical injuries consistent with the indicators of Physical Abuse
 - Absenteeism from school
 - Bullying or aggressive behaviour
 - Complaints of headaches or stomach aches with no apparent medical reason
 - Talking or describing violent behaviours

- Indicators in the Victim:
 - Physical Injuries including: bruising to chest and abdomen, injuries during pregnancy
 - Depression and/or anxiety
 - Inconsistent explanations for injuries
 - Fearful
 - Submissive

- Indicators in the Offender:
 - Isolates and controls partner and children
 - Threatens, criticises, intimidates, uses aggressive and physical abuse towards partner and children
 - Minimises and denies own behaviour, or blames victim for the perpetrators own behaviour

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Appendix Three Child Protection Overview - Responding to Abuse:

Abuse is "... the harming (whether physically, emotionally, sexually), ill-treatment, abuse, neglect, or deprivation of any child or young person" - Section 2, Oranga Tamariki Act 1989

Child abuse can involve ongoing, repeated or persistent abuse, or it may arise from a single incident. Child Abuse may take many forms but it can be categorised into four different types:

- Physical Abuse
- Sexual Abuse
- Emotional Abuse
- Neglect

Child abuse can occur in many different settings and forms and may come to light in a variety of different ways. These can include, but are not limited to:

- Direct or indirect disclosure by the child or someone known to the child;
- Suspicions of abuse by those involved with the child;
- Allegations and/or direct observations or signs displayed in the child's physical or emotional behaviour;
- Direct witnessing of abuse.

When disclosures of abuse come directly from a child, it is important that you take what the child says seriously. This applies irrespective of the setting, or your own opinion on what is being said. When a child tells you what has been happening to them, or when you witness or suspect child abuse, it is important that you, as the adult, remain calm and confident.

RESPOND: Respond to the person (adult or child) – Believe what they tell you and/or what you see.

SAFETY: Ensure the safety of the child. Always take action in the short term to ensure the immediate safety of the child. This will mean contacting Oranga Tamariki (**0508 326 459**) or the Police (**111**) if you think there is an immediate risk to the child.

RECORD: Record immediately all initial statements, observations and concerns to avoid misinterpretations or confusion at a later date.

CONSULT: Do not make decisions alone. Consult with your Welfare of Children and Vulnerable Adults Policy and your Designated Person for Child Protection. Oranga Tamariki and the NZ Police are always available to give advice.

REPORT: Decide to act on your concerns. If you have told the person you believe is responsible for taking action and they do not act, take further action yourself.

SUPPORT: Seek support for yourself. Responding to a child protection issue can be stressful.

Think "what if I'm right?" ... Not "what if I'm wrong?"

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Appendix Four Contact List:

New Zealand Cricket Designated Person for Child Protection is:

Andrew Tara

New Zealand Cricket Secondary Designated Person for Child Protection is:

Kent Stead

Ministry for Children - Oranga Tamariki

0508 326 0459

New Zealand Police

111

Child Matters

07 838 3370

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Appendix Five Record of Issue or Concern:

RECORD OF ISSUE OR CONCERN

Any person associated with NZC, or its Member Associations, who suspects the abuse or neglect of a child or vulnerable adult, or whom a concern has been disclosed to, must complete this form. It is a tool to assist with recording factual observations in accordance with the NZC Welfare of Children and Vulnerable Adults Policy.

Child/Vulnerable Adults Name:	DOB (<i>if known</i>):
Date:	Time:
Name of Parent/s/Guardian/s (<i>if known</i>): Contact Details (<i>if known</i>):	
Name of Major Association/District Association/Club Involved:	
Issue or Concern	
<p>Issue or Concern:</p> <ul style="list-style-type: none"> - <i>What is the concern for this child or vulnerable adult?</i> - <i>What has prompted you to complete the Record of Issue or Concern?</i> <p>NOTE: <i>This is a record of the facts. Remember to record:</i></p> <ul style="list-style-type: none"> • <i>observations</i> • <i>times and dates</i> • <i>what was said, and by whom – Use the persons own words if possible</i> <p>_____</p>	

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Additional Information:

- *Is there any additional information that needs to be disclosed or may be helpful for NZ Cricket or statutory authorities to know?*

NOTE: *At times incidents viewed in isolation may not be cause for concern however, when viewed in relation to other incidents these can form a larger picture of concern*

Action:

- *What action has been taken?*

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- *Have statutory authorities been consulted? If so, record those details.*
 - *Why was this action taken/Not taken? Clearly identify and explain the reasons)*
 - *By whom was this action taken, and when?*
 - *Has NZC been informed? /Who will be responsible for informing NZC?*
- _____

Follow Up:

- *Next steps*
 - *Is a follow up required? If yes, by whom and when?*
- _____

Signed:	Date:
Full Name:	
Position:	
Contact Details:	

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Please give this form to one of the following:

**Your Designated Person for Child Protection, CEO, Chairperson, or General
Manager**

(Designated Person for Child Protection/CEO/Chairperson/General Manager to complete)

I, (Full name and position)..... confirm that the above record of issue or concern has been brought to my attention and consultation with the person making the record of issue or concern, and named above, has taken place. The record of issue or concern will be held securely and confidentially and forwarded to NZ Cricket at the earliest opportunity.

Signed

Dated

Contact Details (Phone/Email)

Date forwarded to NZ Cricket

THIS FORM MUST BE FORWARDED TO NZC:

Andrew Tara – andrew.tara@nzc.nz

Kent Stead – kent.stead@nzc.nz

Appendix Six

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Information Sharing Overview:

SAFETY COMES FIRST:

In all instances personal information can be shared with child welfare and protection agencies or independent child protection persons if there are concerns about a child's safety and wellbeing.

The wellbeing and best interests of a child are to be the first and paramount consideration.

PROTECTION WHEN SHARING:

If information is shared in good faith, meaning that you are making every effort to do the right thing, and if that sharing complies with the information sharing provisions, you are protected from civil, criminal or disciplinary proceedings. (NOTE: Keeping good records about information sharing is important to help demonstrate you shared in good faith.)

PRIVACY:

The principles of the Privacy Act must be followed by NZ Cricket when collecting, storing, using or disclosing personal information. When there is conflict between the Oranga Tamariki Act and the Privacy Act, the Oranga Tamariki Act **prevails**.

CONSIDER:

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WHEN IT COMES TO INFORMATION SHARING THE WELLBEING AND BEST INTERESTS OF THE CHILD ARE TO BE THE FIRST AND PARAMOUNT CONSIDERATIONS