

**Adopted as policy by Swimming Nelson Marlborough
on 19 February 2019**



MEMBER PROTECTION POLICY

**Swimming New Zealand Board Approved
20 February 2015**

SWIMMING NEW ZEALAND MEMBER PROTECTION POLICY

Table of Contents

1. Introduction
2. Purpose of Policy
3. Who this Policy Applies To
4. Responsibilities of the Organisation
5. Individual Responsibilities
6. Definitions of Abuse and Harassment
7. Position Statements:
 - 7.1 Child Protection
 - 7.2 Taking Images/Videos of Children
 - 7.3 Electronic and Social Media/Networking
 - 7.4 Cyber Bullying/Safety
 - 7.5 Anti-discrimination & Harassment
 - 7.6 Sexual Relationships
 - 7.7 Pregnancy
 - 7.8 Gender Identity
 - 7.9 Responsible Service and Consumption of Alcohol
 - 7.10 Smoke Free Environment
 - 7.11 Anti-Doping and Illicit Drugs in Sport
 - 7.12 Other Relevant Policies
8. Complaints Procedures
 - 8.1 Complaints
 - 8.2 Improper Complaints & Victimisation
9. What is a Breach of this Policy
10. Working with Children Checking Requirements
 - 10.1 Screen and Vetting Requirements
11. Appendices
 - A. Form: Record of Complaint

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- Swimming Auckland for permission to use their Child Protection Strategy: Platt, S., Hill, N., Walters, S., & Cole, D. (2011). Auckland Swimming Association: Child protection strategy. Auckland: Auckland Swimming Association
- Australian Sports Commission. (2013). *Member Protection Policy Template for National Sporting Organisations* (Vol. National Version 7): Australian Government.
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1. INTRODUCTION

Swimming is a sport that values teamwork, cooperation & leadership and one that can be enjoyed by people of all ages and abilities.

Swimming New Zealand is committed to ensuring that a diverse range of athletes continue to enjoy our sport for years to come and to providing a safe environment in which to do so.

Swimming New Zealand has developed this policy to reinforce its commitment to providing an environment for participants of all ages and backgrounds that is safe, free from harassment and abuse, and promotes respectful and positive behaviour and values.

The policy provides a code of conduct forming the basis of appropriate and ethical conduct which everyone must abide by. All Regional Associations and swimming clubs will also be required to adopt this policy.

This policy is an essential part of Swimming New Zealand's proactive and preventative approach to tackling inappropriate behaviour within our sport. Swimming New Zealand trust that all administrators, coaches, athletes and support staff will assist it promote safe and responsible behaviour within swimming.

2. PURPOSE OF POLICY

The purpose of this Member Protection Policy ("policy") is to maintain ethical and informed decision-making and responsible behaviours within our sport. The policy aims to ensure our core values, good reputation and positive behaviours and attitudes are maintained. It assists us in ensuring that every person involved in our sport is treated with respect and dignity, and is safe and protected from abuse. This policy and the accompanying Code of Conduct and Disputes Policy informs everyone involved in our sport of his or her legal and ethical rights and responsibilities and the standards of behaviour that are required.

The policy attachments outline the procedures that support our commitment to eliminating discrimination, harassment, child abuse and other forms of inappropriate behaviour from our sport. As part of this commitment, Swimming New Zealand will take disciplinary action against any person or organisation bound by this policy if they breach it.

This policy:

- Has been made pursuant to the Constitution of Swimming New Zealand and has been endorsed by the Swimming New Zealand Board;
- Should be read in conjunction with the Swimming New Zealand Code of Conduct and Disputes & Disciplinary Policy; and
- Will operate until replaced or rescinded.
- This policy and/or its attachments may be amended from time to time by resolution of the Swimming New Zealand Board. Copies of its attachments may be obtained from our website (www.swimmingnz.org.nz).

3. WHO THIS POLICY APPLIES TO

This policy applies to the following people, unless they have varied their agreement with Swimming New Zealand by consenting to be bound by a Policy which complements or supersedes this policy, whether they are in a paid or unpaid/voluntary capacity:

- Swimming New Zealand;
- Any other person or organisation that is a member of or affiliated to Swimming New Zealand;
- Persons appointed or elected to Swimming New Zealand's Board, committees and sub-committees;
- Employees and volunteers of Swimming New Zealand and organisations affiliated to Swimming New Zealand;
- Support personnel appointed or elected to Swimming New Zealand teams and squads (e.g. managers, physiotherapists, psychologists, masseurs, sport trainers, etc);
- National coaches and assistant coaches;
- Athletes, including national representative athletes;
- Technical Officials, including referees, and other officials involved in the regulation of the sport;
- Athletes, coaches, officials and other personnel participating in events and activities, including camps and training sessions, held or sanctioned by Swimming New Zealand; and
- Parents, guardians, spectators and sponsors to the full extent that is possible, including where spectators, parents/guardians and sponsors, who or which agree in writing (whether on a ticket, entry form or otherwise) to be bound by this policy);

This policy also applies to and shall be adopted by Swimming New Zealand's Member Regional Associations, Affiliated clubs and associated organisations.

Member associations are required to adopt and implement this policy and to provide proof to Swimming New Zealand of the approval of the policy by the relevant Board in accordance with its Constitution. Member Associations must also undertake to ensure that affiliated Clubs and individual Members are bound by this policy and are made aware of this policy and of its contents.

This policy will continue to apply to a person even after they have stopped their association or employment with Swimming New Zealand if disciplinary action, relating to an allegation against that person, has commenced prior to that person ceasing their association with Swimming New Zealand.

4. RESPONSIBILITIES OF THE ORGANISATION

Swimming New Zealand, its Regional Associations and member clubs must:

- 4.1 Adopt, implement and comply with this policy;
- 4.2 Make such amendments to its/their Constitution, Rules or Policies necessary for this policy to be enforceable;
- 4.3 Publish, distribute and promote this policy and the consequences of breaches;
- 4.4 Promote and model appropriate standards of behaviour at all times;
- 4.5 Promptly deal with any breaches or complaints made under this policy in a sensitive, fair, timely and confidential manner;
- 4.6 Apply this policy consistently;
- 4.7 Recognise and enforce any penalty imposed under this policy;
- 4.8 Ensure that a copy of this policy is available or accessible to the persons and associations to whom this policy applies;
- 4.9 Use appropriate people to receive and manage complaints and allegations [e.g. the Child Protection Advisor (CPA)];
- 4.10 Monitor and review this policy from time to time as appropriate.

5. RESPONSIBILITIES OF THE INDIVIDUAL

Individuals bound by this policy are responsible for:

- 5.1 Making themselves aware of this policy and complying with its standards of behaviour;
- 5.2 Placing the safety and welfare of children above other considerations;
- 5.3 Being accountable for their own behaviour;
- 5.4 Follow the procedures outlined in this policy regarding child protection concerns;
- 5.5 Co-operating in providing a discrimination, child abuse and harassment free sporting environment;
- 5.6 Understand the possible consequences of breaching this policy; and
- 5.7 Comply with any decisions and/or disciplinary measures imposed pursuant to this policy.

6.0 DEFINITIONS OF ABUSE & HARASSMENT

Swimming New Zealand considers the following definitions and examples of abuse and harassment applicable to all its members.

Physical Abuse

Physical abuse is any act that results in inflicted injury to a person. Injuries caused through abuse/neglect are known as non-accidental injury. They may include, but are not restricted to:

- Shaking, hitting, kicking, throwing, burning, or, training methods that are inappropriate for the age and physiological development of the athlete. Any strength training should be used with extreme caution as it can be harmful if not conducted appropriately.

Sexual Abuse

Sexual abuse is any act or acts that result in the sexual exploitation of a person whether consensual or not. It may be perpetrated by an adult, older child or similar aged athlete. It may include, but is not restricted to:

- Non-contact abuse such as: exhibitionism, suggestive behaviours or comments; exposing children to any obscene or inappropriate material or images; and
- Contact abuse such as: touching breasts, genital areas or any inappropriate contact;

Emotional/Psychological Abuse

Emotional abuse is any act or omission that results in impaired psychological, social, intellectual and/or emotional functioning and development of a person. It may include, but is not restricted to:

- Rejection or isolation; inappropriate or continued criticism, threats, humiliation or accusations of the child or young person; exposing children to, or involvement in anti-social or illegal activities; bullying actions such as sarcasm, persistent teasing, tormenting.

Neglect

Neglect is any act or omission that results in impaired psychological functioning, injury and/or development of a person. It may include, but is not restricted to:

- Failing to provide medical care when necessary; neglectful supervision, defined by failure to provide developmentally appropriate supervision of the child or young person or athlete, leading to increased risk of harm; abandonment – leaving a child or young person in a situation without arranging necessary care for them and with no intention of returning.

Sexual Harassment

Sexual harassment is described as 'unwanted, unwelcome or uninvited sexual attention'. Some of the behaviours that lead to sexual harassment are, but not limited to:

- Someone who draws another person into emotional intimacy through developing inappropriate friendships; someone who is coercive about their rights to demand favours from children; inappropriate flattery; someone who is coerced into divulging personal information; jokes; display of offensive material; or propositions.

7. POSITION STATEMENTS

7.1 Child Protection

Swimming New Zealand and its affiliated regions have a responsibility to ensure that appropriate policies and procedures are established to safeguard all children and its members from any threat of or form of abuse or harassment while participating in any aspect of our sport. For the purpose of this Child Protection Position Statement, children are defined as under 18 years of age.

The purpose of having a Child Protection Position Statement is to provide regions, clubs, coaches, administrators, officials, volunteers and parents/supporters with good practice information about child protection in swimming in New Zealand.

The responsibility for safeguarding athletes, children and young people lies with all adults who play a role in their lives. This refers to all who work directly and indirectly with children, including those responsible for the administration and coordinating of the swimming environment.

Swimming NZ aims to foster an environment within the sport that ensures the safety and wellbeing of all members. An awareness of the Child Protection Position Statement amongst all involved with children and young people in swimming also assists in reducing risk to swimming organisations, coaches, officials, volunteers and parents/supporters.

Adults should at all times establish and maintain appropriate professional boundaries in their relationships with athletes.

CHILD PROTECTION ADVISOR (CPA)

Swimming New Zealand will have a Child Protection Advisor appointed. The CPA is someone who has a professional background or experience in child protection issues and is the point of contact for anyone who has concerns or, would like to discuss an issue around child safety as it relates to Child Protection as described in this Position Statement. Anyone who has a child safety concern is able to bypass the CPA and go directly to Child, Youth and Family (CYF) or the Police at any time.

PRACTICE GUIDELINES

Good practice amongst coaches, officials and volunteers means:

- The safety and wellbeing of children/young people must be paramount at all times;
- Athletes are treated with dignity and respect;
- Good practice is promoted to reduce the possibility of abusive situations;
- Always working in an open environment avoiding private or unobserved situations and encouraging open communication;
- At camps or 'away/out of town' meets, adults should never enter children's rooms or invite children/young people into their room (other than the child's parents/caregivers) in the absence of other children;
- Concerns regarding safeguarding children/young people are referred and dealt with according to the steps within this Position Statement;

- Securing parental consent in writing to act in *loco parentis*, if the need arises to administer emergency first aid and/or other medical treatment;
- Ensuring any form of abuse or sexual harassment directed at a child from others, whether this is from another child or adult, is challenged and reported to the Child Protection Advisor;
- Knowing and understanding the Child Protection Position Statement as part of Swimming NZ Member Protection Policy; and
- Where a coach believes it is necessary to touch an athlete in order to correct technique, it is important that they:
 - Consult with the parent/caregiver if present; and/or
 - Ensure the child is made aware of the purpose of the contact and gives consent; and/or
 - Consider the appropriateness of the ways in which technique is corrected involving touch.

All coaches, officials and volunteers must ensure:

- They never take, or are in the presence of, children/young people in secluded places where they will be alone, irrespective of gender.
- Where ever possible should not share a room with a child other than their own;
- They never deliberately reduce a child/young person to tears as a form of control;
- They never deliberately do something to make someone feel diminished or embarrassed;
- They never use inappropriate language, or allow other children to use inappropriate language unchallenged (e.g. swearing, name calling/put downs, sarcasm, innuendo, sexualised connotations, culturally or racially offensive comments);
- They never leave a pool or training venue before all swimmers have been collected or are continuing to be supervised by appropriate adults;
- They never cause a swimmer to lose self-esteem by embarrassing, humiliating or undermining the individual;
- They never yell or shout at swimmers as a reprimand or in response to anger;
-
- They never make sexually suggestive comments or actions to, or in the vicinity of a child/young person, even in fun;
- They never engage in rough, physically or sexually provocative games; and
- They never engage in, or allow unchallenged, any form of abuse or sexual harassment as described in this Position Statement.

The relationship between coaches/club officials who hold a position of trust and responsibility with athletes, particularly, but not limited to those under 18 years, must be professional and appropriate at all times.

HANDLING CONCERNS/DISCLOSURES

As a trusting adult, disclosures of abuse or sexual harassment may be made to you by the person affected or another person or, you may directly observe concerning behaviour. The following is a guide to handling disclosures or concerning observations:

- If you have observed behaviour by another person to a child that causes you concern, you do not have to discuss this with the child/young person but can contact the Child Protection Advisor to seek advice. Your name will be kept confidential from those whom you are reporting concerns about;
- At any time, you are able to bypass the Child Protection Advisor and report your concerns directly to Child, Youth & Family (0508 326 459) or the Police. You are not required to provide your name or details should you do this, however, if you do, they will be kept confidential by these agencies;

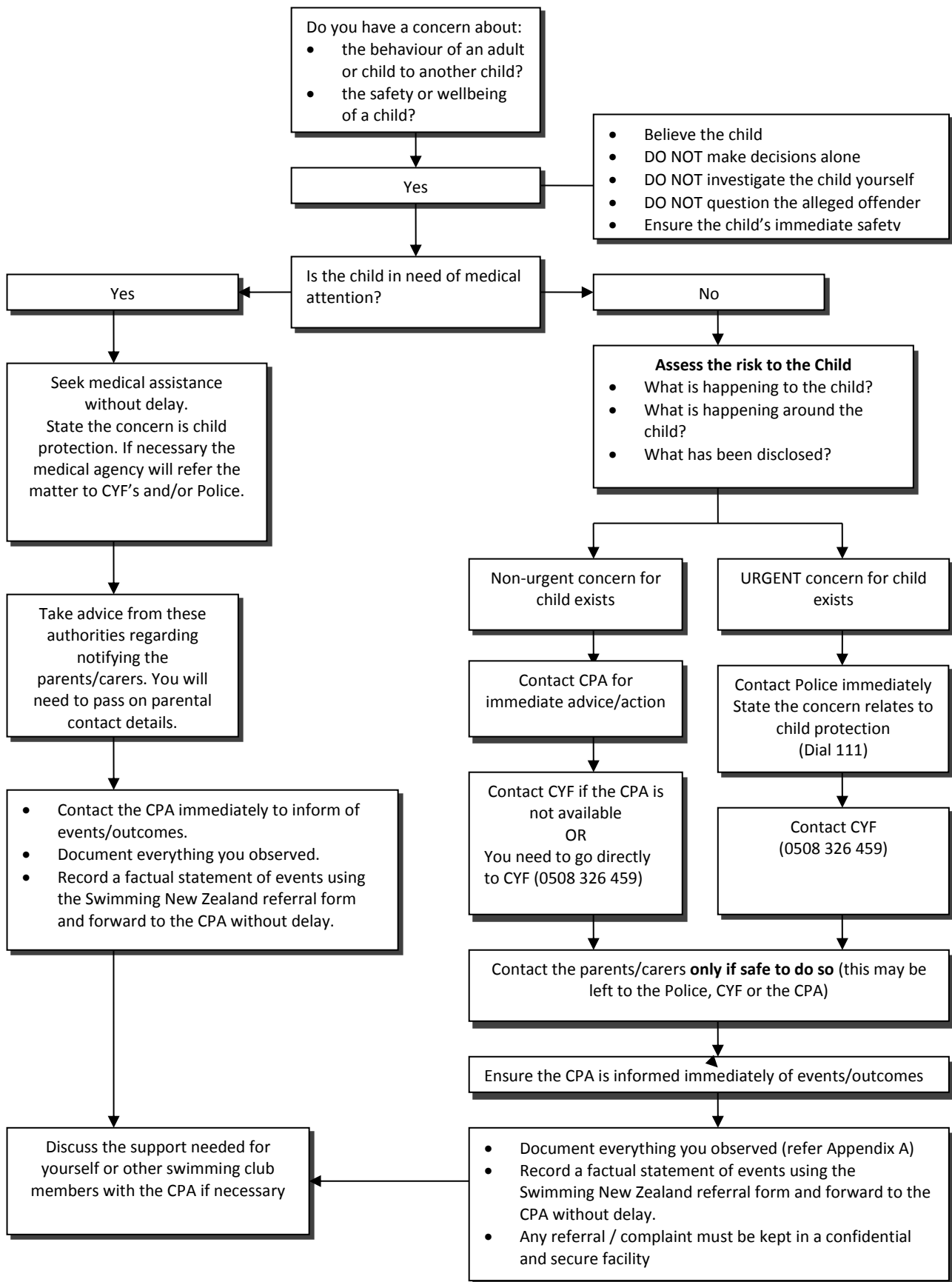
LEGAL/PRIVACY ISSUES

When disclosures or observations of child abuse are made that fall in the remit of this Child Protection position statement, those to whom disclosure is made are required in all circumstances to follow the procedures outlined. All those involved in dealing with issues of Child Protection are required to respect the provisions of confidentiality which relate to their responsibility. The Privacy Act 1993 and the Health Information Privacy Code 1994 authorises disclosure of information necessary to prevent or lessen serious and imminent harm to any individual (to the extent necessary) to statutory social workers or the Police.

The Children, Young Persons and their Families Act 1989 also gives way to privacy under certain circumstances. These deal with the reporting of child abuse (Section 15) and protection of an individual from proceedings (disciplinary, civil and criminal) when disclosing child abuse to either a Child, Youth and Family (CYF) social worker or the Police (Section 16).

Upon request, information can or must be released to a CYF social worker, police officer or care and protection coordinator (Section 66 CYF Act 1989).

GUIDELINES FOR RESPONDING TO CHILD PROTECTION CONCERNS



7.2 Taking Images/Videos of Children

There is the potential for images or videos of children to be used inappropriately or illegally. Any devices that have the ability to take/record images or videos are included in this Position Statement, including the use of telescopic or zoom lens.

It is possible for images or video to be taken with any device without the knowledge of the subject. Swimming New Zealand requires all its members to be vigilant in changing rooms and other areas of the pool and to report immediately any concerns arising from the taking or recording of images or video. Swimming New Zealand disallow the use of camera phones, videos and cameras inside changing areas, showers and toilets.

Always be vigilant for people who don't appear to be relatives or friends of those who are swimming, but seem to spend a lot of time videoing or taking images of them. Report these incidents to the organisers or the pool management immediately.

Swimming New Zealand encourages that all individuals and associations, wherever practicable, obtain the permission from a child's parent/guardian before taking an image or video of a child that is not their own. Taking an image or video of a medal or award presentation or a team photo are exceptions to this requirement to seek permission as are videoing or livestreaming for broadcasting events and the taking of media photographs.

Parental photography forms an enduring part of each family's record or their child's progress, celebration of success and achievement and is an established social practice.

In the interest of protection of your son/daughter, while Swimming New Zealand recognises parents/caregivers may want to take images or video of their son/daughter, spectators wishing to do this must be aware that:

- They may be asked to cease using photographic or video devices by an official; and
- They may be required to seek consent directly with their club for photographic/video use outside of swimming meets, e.g. training sessions, camps etc.

The athlete of the parent/caregiver wishing to record images/video must be the main subject in the images/video. No images or videos are to be taken of other children as the main subject without appropriate consent.

No images or videos of children should be uploaded onto any electronic device or website by any person without the consent of the parent/caregiver if the child is less than 18 years.

If Swimming New Zealand or its Regional Associations or Member Clubs use an image of a child they will not display personal information such as residential address, email address or telephone numbers without gaining consent from the parent/guardian. They will not display any information about hobbies, likes/dislikes, school, etc as this information can be used as grooming tools by paedophiles or other persons. They will only use appropriate images/videos of a child relevant to our sport and ensure that the child is suitably clothed in a manner that promotes the sport, displays its successes, etc. where possible they will seek permission to use these images.

Official Photographers/video operators

Official event photographers wishing to take either photographs or video at Swimming New Zealand events must seek accreditation and produce their professional identification for their details to be recorded.

Official event photographers wishing to take either photographs or video at Regional swimming events must seek accreditation with the Region and produce their professional identification for their details to be recorded.

Ideally this should be requested at least five working days before an event. Parental consent must still be given for use of images for promotional purposes and these images/video must be stored securely.

Swimming New Zealand Affiliated Regions and Clubs

If you are wishing to take photographic or video images of your regional or club swimmers to make your region or club known either externally or internally, it is recommended you:

- Attempt to seek consent from the athlete and/or the parent/caregiver if the subject is under 18 years;
- State clearly the intended purpose/use of the images;
- Confirm whether you intend to publish the athletes names alongside the image; and
- Securely store the photography or video and annotate them with the date they were taken.

It is important to note that an athlete may be under an external agency's protection order that may not be known to another parent, coach, volunteer or official photographer. Images of this nature may compromise the safety of the person the images are of.

7.3 Electronic & Social Media/Networking Policy

Swimming New Zealand acknowledges the enormous value of social networking websites, such as (but not limited to) 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; and
-

Children and Electronic & Social Media/Networking

Many children and young people communicate using electronic and social networking platforms, of which many modalities are available to them. Ideally, communication should be conducted between the coach/another adult and the parent of the child, however, if you need to communicate directly with the child/athlete, you need to observe the cautions stated below.

Swimming New Zealand recommends the following cautions:

- If coaches use phone text or any other social networking means to communicate directly with athletes of any age, content remains brief and functionally related to swimming and avoids any social comment;
- Any electronic communication by a coach with an athlete of any age remains professional but brief;
- Do not include personal information of yourself or others in social media channels;
- Do not use offensive, provocative or hateful language or images;
- Use your best judgement – do not publish something that makes you feel the slightest bit uncomfortable and, never write/publish if you are feeling emotional or upset (or are intoxicated);
- Always ask for a person's permission before posting their picture on a social networking forum;
- Never comment on rumours, do not deny or affirm them or speculate about rumours; and
- Always use electronic and social network forums to add value and promote the sport in a positive way.

7.4 Cyber Bullying/Safety

Swimming New Zealand 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. Swimming New Zealand will not tolerate abusive, discriminatory, intimidating or offensive statements being made online. In some cases, bullying is a criminal offence.

Frustration at a referee, teammate, coach or sporting body should never be communicated on social networking websites.

If children are involved in suspected Cyber Bullying/Safety issues, either as the perpetrator or victim, please refer to Child Protection (7.1) in this Membership Protection Policy for the appropriate follow up and management.

7.5 Anti-discrimination and Harassment

Swimming New Zealand aims to provide a sport environment where all those involved in its activities are treated with dignity and respect and, harassment or discrimination.

Swimming New Zealand 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 or harassed because of their age, disability, family responsibilities, gender identity, homosexuality or sexual orientation, medical, marital status, political belief, pregnancy or breastfeeding, race, religion, gender or social origin.

Swimming New Zealand opposes all forms of harassment, discrimination and bullying. This includes treating or proposing to treat someone less favourable because of a particular characteristic, imposing or intending to impose an unreasonable requirement, condition or practice which has an unequal, disproportionate effect of people with a particular characteristic; or any behaviour that is offensive, abusive, belittling, intimidating or threatening – whether this is face-to-face, indirectly or via communication technologies such as mobile phones and computers.

If children are involved in your concerns around discrimination or harassment as either the perpetrator or victim, please refer to Child Protection (7.1) in this Membership Protection Policy for the appropriate follow up and management.

7.6 Sexual Relationships

Swimming New Zealand takes the position that consensual intimate relationships (whether or not of a sexual nature) between coaches and the adult athletes they coach should be avoided as they can have harmful effects on the athlete involved, on other athletes and coaches and on the sport's public image. These relationships can also be perceived to be exploitative due to the differences in authority, power, maturity, status, influence and dependence between the coach and the athlete.

If an athlete attempts to initiate an intimate sexual relationship with a coach, it is the coach's responsibility to discourage the approach and to explain why such a relationship is not appropriate.

The coach or athlete may wish to seek advice or support from another adult if they feel harassed. Our complaints process is outlined in 8.1 of this policy.

If children are involved in your concerns around sexual relationships as either the perpetrator or victim, please refer to Child Protection (7.1) in this Membership Protection Policy for the appropriate follow up and management.

7.7 Pregnancy

Pregnant women should be treated with respect and any unreasonable barriers to their full participation in our sport should be removed.

Swimming New Zealand recommends that pregnant women wanting to participate in our sport consult with their medical advisors to ensure they make informed decisions about participation. Pregnant women should be aware that their own health and wellbeing, and that of their unborn children, should be of the utmost importance in their decision making about the way they participate in our sport.

7.8 Gender Identity

Everyone bound by this policy must treat people who identify as transgender fairly and with dignity and respect. This includes acting with sensitivity and respect where a person is undergoing gender transition. Swimming New Zealand will not tolerate any unlawful discrimination or harassment of a person who identifies as transgender or transsexual or who is thought to be transgender.

Swimming New Zealand recognises there is debate over whether a male to female transgender person obtains any physical advantage over other female participants. If issues of performances advantage arise, Swimming New Zealand will seek advice on the application of those laws in the particular circumstances.

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

7.9 Responsible Service and Consumption of Alcohol

Swimming New Zealand is committed to conducting sporting and social events in a manner that promotes the responsible service and consumption of alcohol.

In general, our position that:

- Event hosts must prevent drunkenness, minors accessing liquor, and understand that irresponsible liquor practices lead to problems both on and off the premises.
- Food and low-alcohol and non-alcoholic drinks should be available at events we hold or endorse where alcohol is served; and
- Safe transport options should be considered as part of any event held where alcohol is served.
- Alcohol-free social events should be provided for young people and families;

7.10 Smoke Free Environment

Swimming New Zealand is committed to conducting sporting and social events in a manner that promotes a smoke free environment.

The following policies should be applied to sporting and social events:

- No smoking shall occur at or near any sporting event or competition involving persons under the age of 18 years. This policy shall apply to coaches, athletes, officials and volunteers; and
- Social functions shall be smoke free.

7.11 Anti-Doping and Illicit Drugs in Sport

Swimming New Zealand has adopted the Sports Anti-Doping Rules (as amended from time to time by the Board of Drug Free Sport New Zealand) and the FINA anti-doping rules as its anti-doping policy.

Swimming New Zealand is committed to providing a drug-free sport in which members can compete. Breaches of the Sports Anti-Doping Rules shall be dealt with in accordance with those Rules.

This position statement is designed to help prevent the uptake of illicit drug use and reduce the drug-related harm to individuals, families and stakeholders of Swimming New Zealand and the broader community

Some illicit drugs may be legitimately used under the supervision of a physician for a clinically justified purpose and then only if approved by Swimming New Zealand or Drug Free Sport NZ for each specific application. If you are using a prohibited substance for a legitimate reason and wish to compete you should obtain a Therapeutic Use Exemption from Drug Free Sport NZ. The possession and use of illicit drugs is subject to New Zealand laws.

7.12 Other Relevant Policies

Some of the policies which contribute to the welfare of all those involved in our activities include:

- Code of Conduct; and
- Disputes Policy and Disciplinary Policy

8. COMPLAINTS PROCEDURES

8.1 Complaints

The lowest level at which a matter can be dealt with should always be preferred. Therefore, if a complaint or issue of concern is related to behaviour or an incident that occurred at club, regional or national level, then this should be reported to and handled in the following manner:

- a) In the first instance, the relevant club;
- b) If not resolved at club level, then the relevant regional association; and
- c) If not resolved at regional level, the national body in accordance with the Swimming New Zealand Constitution or other relevant policies or guidelines

A complaint or issue of concern is constituted when submitted in writing. Complaints submitted in writing should preferably follow the form in Appendix A. It is recognised that when complaints are of a highly sensitive nature, it may be required to preserve the anonymity of the complainant.

This record and any notes must be kept in a confidential and safe place. If the complaint is of a serious nature, or is escalated to and/or dealt with at the national level, the original must be forwarded to your Club or Regional Association (whatever level the complaint was made).

Swimming New Zealand has a Disputes & Disciplinary Policy which may be used ONLY if the dispute cannot be resolved at club or regional level. This policy is a resource used as a last resort when issues cannot be resolved at either club or regional level. Every effort must be made to persist in resolving your complaints at club, or if needed, regional level BEFORE referring to the Disputes & Disciplinary Policy. If you cannot provide evidence that you have persistently

attempted to resolve your concerns at club and/or regional level, you will be directed back to either of these levels as deemed appropriate.

Only matters that relate to or occur at the national level and the most serious cases from club and regional level are dealt with under the Disputes & Disciplinary Policy – see the policy for when it applies.

Disputes should be resolved at the lowest level practicable. However, a club or region should consider whether it should advise its region, in the case of a club, or Swimming New Zealand, in the case of a region, of the dispute to they can provide any advice they may have and be prepared for any media or other enquiries they receive.

All referrals under the Disputes & Disciplinary Policy will be dealt with promptly, seriously, sensitively and confidentially.

If the concern or safety of children is involved in a proposed complaint, either as the perpetrator or victim, please refer to Child Protection (7.1) in this Membership Protection Policy for the appropriate follow up and management.

8.2 Improper Complaints & Victimisation

Swimming New Zealand aims for any complaints to have integrity and be free of unfair repercussions or victimisation against the person making the complaint. If at any point in the complaints process a complainant has knowingly made an untrue complaint or the complaint is malicious or intended to cause distress to the person complained of, the matter may be dealt with as a disciplinary matter under the Disputes & Disciplinary Policy.

9. WHAT IS A BREACH OF THIS POLICY?

It is a breach of this policy for any person or organisation to which this policy applies, to do anything contrary to this policy, including but not limited to:

- Failing to follow Swimming New Zealand policies (including this policy) and procedures for the protection, safety and welfare of children;
- Discriminating against, harassing or bullying (including cyber bullying) any person; and
- Victimising another person for reporting a complaint.

Breaches of this policy shall be dealt with under the Swimming New Zealand Disputes & Disciplinary Policy.

10. WORKING WITH CHILDREN CHECKING REQUIREMENTS

Child abuse is illegal and all complaints to the Police and/or Child, Youth and Family (CYF) result in an investigation which can result in criminal charges.

New Zealand is currently making significant changes in order to improve the safeguarding of children through legislation and policy. Standard screening and vetting procedures to safeguard children from those who wish to access children through sport should be seen as best practice.

10.1. Screening and Vetting Requirements

Child abusers often seek to work with children. Robust and consistent screening and vetting will help you assess whether people are suitable to work with children. As the new legislation comes into effect, screening and vetting

processes will become mandatory for government funded contractors working with children. Therefore, this is not just a Swimming New Zealand requirement; it may be a legal requirement.

The following outlines the Screening and Vetting processes for Paid or unpaid employment of coaches and, the appointment of team managers for away meets. Swimming New Zealand, Regional Associations and Member Clubs are required to:

- Carry out an Identity Verification – this is where proof is required for people to verify who they say they are, including previous identities;
- Check a person's referees (verbal or written) about his/her suitability for the role;
- If there is any uncertainty as to suitability arising from the checking, check with the Child Protection Advisor if the person is suitable to work with children (they will only be allowed to provide a 'yes' or 'no' as they are bound by Privacy Laws in regards to discussing further detail);
- Obtain a signed consent form from the applicant for a check of Justice records.
- Undertake the check of Justice records;
- Make an assessment as to whether the person may be unsuitable to work with people under the age of 18 years if the person doesn't agree to a records check after explaining why it is a requirement of our policy. If unsatisfied, do not appoint them;
- This information should be updated and reassessed every three years;
- Protect the privacy of the person who is checked and maintain confidentiality of any information obtained through the checking process; and
- Return all information or paperwork to the person if they are not appointed.

Those who have conviction(s) for child sex offences or violent crimes against children are not permitted to work with children affiliated to Swimming New Zealand.

Note: Clubs may be required to provide written assurances to their Regional Association and Swimming New Zealand that they have carried out the Screening and Vetting processes for those acting as coaches or team managers at away meets conducted by Regional Associations or Swimming New Zealand.

Appendix A

RECORD OF COMPLAINT

Complainant's Name	<input type="checkbox"/> Over 18 <input type="checkbox"/> Under 18	Date Formal Complaint Received: / /
Complainant's Contact Details	Phone: Email: Regional Association: Club / Swim School:	
Child's Contact Details (If Applicable)	Name: Regional Association Club / Swim School / School	
Complainant's Role / Status	<input type="checkbox"/> Administrator (volunteer) <input type="checkbox"/> Parent <input type="checkbox"/> Athlete <input type="checkbox"/> Spectator <input type="checkbox"/> Coach/Assistant Coach <input type="checkbox"/> Support Personnel <input type="checkbox"/> Employee (paid) <input type="checkbox"/> Other <input type="checkbox"/> Official 	
Name Of Person Complained About (Respondent)	Name: Regional Association: Club / Swim School: <input type="checkbox"/> Over 18 <input type="checkbox"/> Under 18	
Respondent's Role / Status	<input type="checkbox"/> Administrator (volunteer) <input type="checkbox"/> Parent <input type="checkbox"/> Athlete <input type="checkbox"/> Spectator <input type="checkbox"/> Coach/Assistant Coach <input type="checkbox"/> Support Personnel <input type="checkbox"/> Employee (paid) <input type="checkbox"/> Other <input type="checkbox"/> Official 	
Nature Of Notification	<input type="checkbox"/> Formal <input type="checkbox"/> Informal	
Nature Of Complaint (Category/Basis/Grounds) Can tick more than one box	<input type="checkbox"/> Harassment <input type="checkbox"/> Discrimination <input type="checkbox"/> Unfair decision <input type="checkbox"/> Sexual/sexist <input type="checkbox"/> Selection dispute <input type="checkbox"/> Coaching methods <input type="checkbox"/> Sexuality <input type="checkbox"/> Personality clash <input type="checkbox"/> Verbal abuse <input type="checkbox"/> Race <input type="checkbox"/> Bullying <input type="checkbox"/> Physical abuse <input type="checkbox"/> Religion <input type="checkbox"/> Disability <input type="checkbox"/> Victimisation <input type="checkbox"/> Pregnancy <input type="checkbox"/> Child Abuse <input type="checkbox"/> Other	
Date Of Alleged Incident		
Location Of Alleged Incident	<input type="checkbox"/> Competition <input type="checkbox"/> Other <input type="checkbox"/> Training 	

<p>Description Of Alleged Incident. Facts As Stated By Complainant</p> <p>(Please use separate sheet if required)</p>	
<p>Witnesses</p>	<p>Name (1):</p> <p>Contact details:</p> <p>Name (2):</p> <p>Contact details:</p> <p>Name (3):</p> <p>Contact details:</p>
<p>Interim Action Taken (If Any) Of Attempted Informal Resolution, Or To Ensure Child's Safety</p>	
<p>Government Agency Contacted</p> <p>(if applicable)</p>	<p>Who:</p> <p>When:</p> <p>Advice Provided:</p>
<p>Complainant:</p>	<p>Name:</p> <p>Signature: / /</p>

This record and any notes must be kept in a confidential and safe place. If the complaint is of a serious nature, or is escalated to and/or dealt with at the national level, the original must be forwarded to your Club or Regional Association (whatever level the complaint was made).