



# TENNIS PARTICIPANT PROTECTION POLICY

Established November 2018  
Amended December 2018  
Amended November 2022

Participant Protection Policy related complaints:  
Phone: 0800 **NZTENNIS** (0800 698 366)  
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**The Sport and Recreation Complaints and Mediation Service (SRCMS)** is a safe and independent way for anyone engaged in sport and active recreation to lodge a complaint, issue or dispute and have it resolved in a timely manner. The service is free and is open to anyone involved in community sport and recreation as well as elite sport.

The service is operated by Immediation New Zealand Limited, an online dispute resolution company which has been contracted by Sport NZ. It is wholly independent of Sport NZ, High Performance Sport New Zealand and all other sporting bodies, clubs and organisations. When an issue is raised, individuals will be provided with information on the dispute resolution options available to them, and if appropriate, will be offered early facilitation or mediation. There is no obligation to proceed with the resolution services recommended.

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# PART I

# APPLICATION OF THE POLICY

## **1. Purpose of the Policy**

- 1.1** Tennis New Zealand (“TNZ”) is a not-for-profit organisation providing tennis and recreation services to New Zealanders of all ages.
- 1.2** The purpose of this Policy is to protect the health, safety and well-being of those who participate in the activities of TNZ, including those delivered by TNZ, Tennis Regions, Tennis Associations, Affiliates, and member clubs, affiliates and sub-associations which are members of Tennis Regions, Tennis Associations and Affiliates (all collectively known as New Zealand Tennis Entities (“NZTEs”).
- 1.3** TNZ operates throughout New Zealand, and provides services including social tennis, tennis coaching, competitions and tournaments, player development, and local and international events. It is committed to ensuring the maintenance of ethical and informed practices and responsible behaviours within the sport and that every person involved with the sport is treated with respect and dignity and is safe and protected from abuse.
- 1.4** TNZ and all NZTEs consider any form of abuse, neglect, harassment, discrimination, vilification, indecency or violence against any adult or child by a person involved in tennis as a serious offence, and such conduct will not be tolerated.
- 1.5** TNZ takes seriously its responsibility to provide a safe environment for those participating in the activities of NZTEs, particularly children under the age of 18 years. TNZ and all NZTEs have a "zero tolerance" approach to child abuse. All NZTEs are committed to ensuring children are safe when participating in tennis activities, and to ensuring that services are delivered with the best interests of their young participants as a key focus. It is vital that all persons to whom this Policy applies understand the important responsibility they have to:
  - (a) Adopt the practices and behaviour set by TNZ as the expected standard when carrying out their roles (including this Policy);
  - (b) Implement screening measures to ensure only appropriate persons work with children;
  - (c) Report any abuse or neglect of which they become aware to TNZ or their NZTE and where necessary to external authorities responsible for child protection or to police, regardless of whether that abuse is being perpetrated by personnel within their organisation, or by others within the wider community, including members of a child’s family, their extended network or strangers; and
  - (d) Deal with alleged offending behaviour of harassment, abuse and discrimination.

- 1.6** TNZ is committed to providing a safe environment for all participants in the sport of tennis including those participating in activities conducted under TNZ’s organisational structure. This commitment is endorsed and approved at the highest level of our organisation – by the Board of TNZ.
- 1.7** If anything in this Policy is inconsistent with any relevant legislation, the relevant legislation prevails to the extent of the inconsistency.

## **2. Definitions**

The following terms have the following meanings in this Policy:

**Abuse** is as defined in clause 11.8.

**Affiliate** means an Affiliate under the Tennis New Zealand Constitution.

**Affiliate Member** means an entity (other than a Tennis Region or a Tennis Association and their Members) which is a member of or affiliated to an Affiliate under the TNZ Constitution and by way of example include:

- (a)** Auckland Tennis Umpires Association;
- (b)** Canterbury Tennis Seniors Association.

**Complaint** is a complaint made under Rule 12.1.

**Club** means a tennis club, which is a member of, or affiliated to, a Tennis Region, a Tennis Association or a Sub-association (also referred to as a member club).

**Child Abuse** is as defined in clause 11.10.

**Discrimination** is as defined in clause 11.13.

**Existing Appointee** means a person currently elected, appointed or holding a position in any NZTE whether by way of employment, contract or otherwise and whether paid or unpaid.

**Harassment** is as defined in clause 11.2.

**Natural Justice** incorporates the principles set out in clause 16.1(c).

**NZTE** refers to New Zealand Tennis Entities and comprises TNZ, all Tennis Regions, all Tennis Associations, all Affiliates (each as defined in the Constitution of TNZ) and all member clubs, affiliates and sub-associations of each such Tennis Region, Tennis Association and Affiliate (as also defined in clause 1.2).

**Officials** include referees, court supervisors, chair umpires, lines people and other related tournament officials.

**Police Vetting Check** means a current national police check conducted by the New Zealand Police obtained no earlier than the date of application for the relevant position, such check being defined in the TNZ Police Vetting Policy and Procedure (Attachment C).

**Preferred Appointee** means a person short listed for a position in any NZTE whether by way of employment, contract or otherwise and whether paid or unpaid.

**Protection Information Officer** is a person appointed under Rule 5.2a and Rule 5.3 and includes a National Protection Information Officer and a Regional Protection Information Officer.

**Recipient of the Complaint** is one of the persons or entities described in clause 12.3.

**Respondent** is a person about whom a complaint is made under Rule 12.1.

**Screening** has the meaning as set out in clause 9.1.

**Serious Sex Offence** is as defined in clause 9.6.

**Sexual Harassment** is as defined in clause clauses 11.5 and 11.6.

**Social Networking** is as defined in clause 11A.1.

**Sub-association** means an entity which is an affiliated Member of a Tennis Region or a Tennis Association in accordance with the Constitution of that Region or Association.

**Tennis Association** means a tennis association which is a member of, or is affiliated to, a Tennis Region.

**Tennis Region** means a Region established under the TNZ Constitution.

**Tennis New Zealand** or **TNZ** means Tennis New Zealand Incorporated (215373).

**Tribunal** is a tribunal established under Rule 5.2.6 and Rule 5.3 and includes a National Protection Tribunal and a Regional Protection Tribunal.

**Vilification** is as defined in clause 11.18.

### **3. Who does this Policy Apply to?**

**3.1** This Policy applies to the following individuals:

- (a) Persons and administrators acting on boards of directors and/or committees (including sub-committees or any similar governance role of all NZTEs), including office bearers such as presidents, vice-presidents, treasurers, secretaries and selectors and any unpaid volunteers acting in any managerial role;
- (b) Employees of NZTEs; including Chief Executive Officers and General Managers;
- (c) Any unpaid volunteer acting in a managerial or administrative role in any NZTE;

- (d) Officials appointed or elected by an NZTE in relation to players and/or teams which represent such entities including team management personnel such as coaches, managers and physiotherapists;
- (e) Tennis coaches (including assistant coaches) who:
  - (i) are appointed and/or employed by an NZTE (whether paid or unpaid);
  - (ii) are members of a coaching organisation or entity which is a member of or affiliated to a Tennis Region, Tennis Association or Affiliate or member club or sub-association including Tennis Coaches New Zealand and internationally recognised coaching associations;
  - (iii) have an agreement (whether or not in writing) with an NZTE to coach tennis at a facility owned or managed by, or affiliated to that NZTE.
- (f) referees, umpires and other officials (e.g. lines persons) involved in the regulation of the game of tennis appointed by an NZTE ;
- (g) tennis players who:
  - (i) enter any tournament, competition, activity or event (including camps and training sessions) which are held or sanctioned by an NZTE; or
  - (ii) are registered with a Tennis Region, a Tennis Association and/or member club as a player and/or member of that Tennis Region, Tennis Association and/or member club;
- (h) any other person who is a member of or affiliated to an NZTE (including life members); and
- (i) any other person or entity (for example a parent/guardian, spectator or sponsor) who or which agrees, in writing, (whether on a ticket, entry form or otherwise) to be bound by this Policy.
- (j) any person or entity who or which contracts with an NZTE for work or services performed on that NZTE's premises.

## **4. General Code of Conduct**

- 4.1 TNZ has developed and issued a General Code of Conduct setting the parameters of expected behaviour of all the people participating in the activities of NZTEs and to which they all agree to be bound. The Code is set out in Attachment A of this Policy.

4.2 The General Code of Conduct is designed to encourage individuals associated with NZTEs to conduct themselves in a way which TNZ considers is appropriate taking into account community expectations and standards governed by human rights legislation.

## **5. Procedural Obligations of NZTEs**

5.1 All NZTEs must:

- (a) adopt and comply with this Policy;
- (b) recognise and enforce any penalty imposed under this Policy;
- (c) publish, distribute and promote this Policy (and any amendments made to it from time to time) to their members, in the manner required by TNZ and upon reasonable request make this Policy available for inspection, or copying;
- (d) make such amendments to their constitution, rules or policies necessary for this Policy to be enforceable; and
- (e) ensure that its members adopt the Policy thus imposing it on its members' members (e.g. a Tennis Region imposes the Policy on its member clubs and the clubs in turn impose it on their individual club members).
- (f) promptly deal with any breaches or complaints made under this Policy in a sensitive, fair, timely and confidential manner.

5.2 In addition TNZ and each of the Tennis Regions must:

- (a) appoint a Protection Information Officer (respectively a National Protection Information Officer and a Regional Protection Information Officer) to fulfil the functions set out in clauses 12,13 and 14 of this Policy, and to publish and display the names and contact details of such person to their Members; and
- (b) establish a Tribunal (respectively a National Protection Tribunal and a Regional Protection Tribunal) in accordance with clause 14 of this Policy, to fulfil the functions set out in clauses 14 and 15.

5.3 All other NZTEs not referred to in 5.2 may establish procedures for dealing with Complaints and Hearings under Part IV of this Policy but are not required to do so. If they wish to do so, however, they must comply with the requirements of clause 5.2. If they do not wish to do so, then a Complaint shall be made in accordance with Rule 12.3.

5.4 All procedures set out in this Policy shall follow the principles of Natural Justice.



5.5 All NZTEs to such extent as they are able shall use their best endeavours, when entering into contracts, obligations or relationships with other entities which have a direct or indirect involvement in the sport of tennis (such as for example a trust which owns or operates a tennis facility) to encourage that entity to adopt, promote and agree to be bound by the terms of this Policy to the extent that such other entity agrees to do so.

## 6. Status of this Policy

6.1 This Policy is issued by resolution of the Board of TNZ under Rules 13.16(g) and 22.1 of the TNZ Constitution.

## 7. Policy Review and Promotion

7.1 This Policy will be reviewed on a regular basis. In addition to this regular review, recommendations for changes to this Policy may be submitted to the CEO of TNZ for consideration. In the event that changes are approved, the Policy will be updated via TNZ's website.

7.2 This Policy will be made available to the general public on the TNZ website, and will be communicated to all Board and staff members of TNZ and all NZTEs.

## 8. Contact

8.1 Should a person wish to make any enquiries in relation to this Policy he or she should contact the National Protection Information Officer at such phone number or email address as shall be advised on the website of TNZ or a Regional Protection Information Officer at such phone number or email address as shall be advised on the website of the relevant Tennis Region.

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## **PART II**

# **RECRUITMENT AND SCREENING**

## **9. Screening**

**9.1** Screening is an important element of TNZ's prevention and reduction of the risk of Child Abuse and other improper conduct occurring. For the purposes of this Policy, Screening shall mean:

- (a) Checking referees - including making verbal or written enquiries of the person's nominated referees (preferably at least two) as to the person's suitability for the role and their suitability for involvement with children under 18 years of age and vulnerable adults;
- (b) Interviewing the person - including questioning the person as to their suitability for the role and their suitability for involvement with children under 18 years of age and vulnerable adults;
- (c) Obtaining a Police Vetting Check – investigating to see whether the person has any previous criminal convictions; and

Screening under this policy is not a replacement for any other procedure required by law.

**9.2** If a person is required to be screened under legislation which has an equivalent or higher standard than that set under this Policy, the requirement to screen under this process outlined in this clause 9 need not be followed provided the NZTE sights the original documentation evidencing that the Preferred Appointee or Existing Appointee has undergone the legislative screening and is appropriate to work with children under 18 years of age and vulnerable adults.

**9.3** Screening is mandatory by NZTEs for Preferred Appointees and Existing Appointees in the following types of roles:

- (a) persons who are appointed or seeking appointment (whether employed, contracted or otherwise) to work with or in any way supervise children under 18 years of age or vulnerable adults, as coaches, team managers, tournament directors, officials and umpires (paid or volunteer); and
- (b) persons appointed or seeking appointment to a role in which they are likely to have unsupervised contact with children under 18 years of age or vulnerable adults.

**9.4** It is mandatory that NZTEs also screen Preferred Appointees and Existing Appointees for any role likely to have contact with children under 18 years of age, or vulnerable adults, but where such contact is supervised at all times by another adult.

**9.5** If the Police Vetting Check or requirements as set out in clause 9.2 of this Policy reveals that the person has been found, or has pleaded, guilty of any criminal offence, whether or not a

conviction is recorded, the following requirements apply:

- (a) regardless of when the offence occurred, if it involved an offence of violence, abuse or assault against a child, murder or a Serious Sex Offence (as defined in clause 9.6) then:
  - (k) in the case of a Preferred Appointee, the person must not be appointed.
  - (ii) in the case of an Existing Appointee, subject to obtaining and following appropriate legal advice beforehand the appointment of the person should be ended or its terms amended to ensure that the objectives of this Policy are met.
- (b) If the offence is one other than an offence identified in clause 9.5(a) then:
  - (i) the Preferred Appointee may, at the discretion of the relevant NZTE, be appointed, subject to satisfaction of any other criteria for the role;
  - (ii) an Existing Appointee may continue in his/her role subject to any modifications to his/her duties that the relevant NZTE may within its power but otherwise in its complete discretion make.

**9.6** Under this Policy, **“Serious Sex Offence”** means an offence involving sexual activity or acts of indecency including but not limited to:

- (a) Indecent assault (s 135 of the Crimes Act 1961);
- (b) Sexual violation and attempted sexual violation (s 128B & s 129 of the Crimes Act 1961)
- (c) Assault with intent to commit sexual violation (s 129) of the Crimes Act 1961;
- (d) Incest (s 130 of the Crimes Act 1961);
- (e) Sexual conduct with a child under the age of 12 (s 132 of the Crimes Act 1961);
- (f) Sexual conduct with a young person under the age of 16 (s 134 of the Crimes Act 1961);
- (g) Meeting young persons following sexual grooming (s 131B of the Crimes Act 1961);
- (h) Sexual offences against people with impaired mental functioning (including s 138 of the Crimes Act 1961);
- (i) Abduction and detention (Sections 208 and 210 of the Crimes Act 1961);
- (j) Sexual conduct with consent induced by certain threats (s 129A of the Crimes Act 1961);
- (k) Sexual conduct with dependent family member (s 131 of the Crimes Act 1961);
- (l) Bestiality (s 143 of the Crimes Act 1961);
- (m) Compelling indecent act with animal (s 142A of the Crimes Act 1961);
- (n) Indecency with animal (s 144 of the Crimes Act 1961);

- (o) Soliciting acts of sexual penetration or indecent acts, other than conduct not prescribed as an offence after the Homosexual Law Reform Act 1986 came into force on 11 July 1986.
  - (p) Offences involving objectionable or restricted publications under the Films, Videos and Publications Classification Act 1993;
  - (q) Sexual conduct with children and young persons outside New Zealand (s 144A of the Crimes Act 1961) and party or accessory to such sexual conduct (s 144AB of the Crimes Act 1961)
  - (r) Organising or promoting child sex tours;
  - (s) Any other sexual offences under New Zealand law; and
  - (t) Any earlier statutory enactment of any sexual offences under New Zealand law including earlier offences under the Crimes Act 1961 now repealed.
- 9.7** All Existing Appointees and Preferred Appointees for roles of the type set out in clause 9.3 must agree to a Police Vetting Check. Subject to clause 9.2 the Police Vetting Check must be obtained prior to the appointment of a Preferred Appointee and immediately for Existing Appointees. A Police Vetting Check evidenced by original documentation must be provided to the NZTE and must then be obtained every three years.
- 9.8** If a Preferred Appointee or Existing Appointee is not willing to agree to the Screening, the NZTE:
- (a) in the case of a Preferred Appointee, shall not appoint that person to the role concerned;
  - (b) in the case of an Existing Appointee, shall take steps within its power to transfer the person to another role which is not set out in clause 9.3. If no appropriate alternative role exists, subject to obtaining appropriate legal advice beforehand, the appointment of the person should be ended.
- 9.9** All information obtained during Screening, including the Police Vetting Check, must be kept strictly confidential by the NZTE which seeks it. Disclosure of such information should be limited to the legal advisers and the persons within an NZTE who have been delegated the task of Screening or making the appointment. All such information must be returned to any Potential Appointees not appointed to the role or destroyed unless that person agrees to that information or a part of it being retained by the NZTE.
- 9.10** If any successful Preferred Appointee or Existing Appointee is charged with any criminal offence subsequent to their initial Police Vetting Check, he or she is required to provide

immediate, written notification of this to the Protection Information Officer (or, in their absence, their nominee) of the NZTE that appointed them.

- 9.11** The obligations and responsibilities under this Part 9 are the specific obligations of each NZTE at each level of the TNZ hierarchy in regard to its employees, contractors, volunteers, officers, officials and others defined in clause 3.1 and the higher entities in the hierarchy of which each NZTE is a member do not have responsibility for compliance by each NZTE in respect of its obligations under this Policy.

## **10. Declaration**

- 10.1** In addition to Screening, another mechanism designed to minimise the chances of inappropriate behaviour occurring is mandatory Participant Protection Declarations of all Preferred Appointees and Existing Appointees appointed to a role set out in clause 10.2.

- 10.2** It is mandatory for an NZTE to obtain a Participant Protection Declaration (Attachment B) from Preferred Appointees and Existing Appointees in the following types of roles:

- (a) persons who are appointed or seeking appointment (whether employed, contracted or otherwise) to work as coaches, team managers, tournament directors, officials and umpires, or in any role that has regular contact with children or vulnerable adults (paid or volunteer); and
- (b) persons appointed or seeking appointment to a role in which they are likely to have unsupervised contact with children under 18 years of age, or vulnerable adults.

- 10.3** If a Participant Protection Declaration reveals that a person has something relevant to disclose, the relevant NZTE will:

- (a) provide an opportunity for the person to respond/provide an explanation; and
- (b) make an assessment as to whether the person may pose a risk to or be unsuitable to work with children under the age of 18 years or vulnerable adults having regard to clause 9.5.

- 10.4** If not satisfied that a Preferred Appointee or Existing Appointee is appropriate to hold a position under clause 10.2, then the NZTE will:

- (a) in the case of a Preferred Appointee, not appoint that person to the role concerned;
- (b) in the case of an Existing Appointee, take steps within its power to transfer the person to another role which is not set out in clause 10.2. If no appropriate alternative role exists, subject to obtaining and following appropriate legal advice beforehand, the appointment of the person should be ended.



Te Tēhēhi o Aotearoa

## **PART III**

# **HARASSMENT, ABUSE, CHILD ABUSE, DISCRIMINATION AND SOCIAL NETWORKING**

## **11. Harassment, Abuse, Child Abuse and Discrimination**

**11.1** Harassment, Abuse, Child Abuse, Discrimination and Vilification are unlawful and prohibited and constitute an offence under this Policy.

**11.2** **Harassment** is any unwelcome behaviour or pattern of behaviour which is offensive, abusive, belittling or threatening to a person. It can be express or implied, physical, verbal or non-verbal.

**11.3** Whether or not the behaviour is Harassment is determined from the point of view of the person receiving the behaviour, assessed objectively. That is, it must be behaviour that a reasonable person with those characteristics would find unwelcome. It does not matter whether or not the person harassing intended to offend or not.

**11.4** **Harassment includes:**

- (a) Sexual Harassment (see clauses 11.5 to 11.7 below);
- (b) Abuse (see clauses 11.8 to 11.10 below); and
- (c) Discrimination, including Vilification (see clauses 11.13 to 11.19);
- (d) Harassment as defined in Section 3 of the Harassment Act 1997.

**11.5** **Sexual Harassment** means:

- (a) an unwelcome sexual advance;
- (b) an unwelcome request for sexual favours;
- (c) unwelcome conduct of a sexual nature (including oral or written statements of a sexual nature),

In circumstances where a reasonable person would have anticipated that the person receiving the behaviour would be offended, humiliated or intimidated.

**11.6** **Examples of Sexual Harassment may include:**

- (a) Uninvited touching, kissing, embracing, massaging;
- (b) Staring, leering, ogling;
- (c) Smutty jokes and comments;
- (d) Persistent or intrusive questions about people's private lives;
- (e) Repeated invitations to go out, especially after prior refusal;
- (f) Unwanted sexual propositions;
- (g) The use of promises or threats to coerce someone into sexual activity;
- (h) The display of sexually explicit material e.g. internet use, computer screen savers, calendars, posters;
- (i) Getting undressed in front of others of the opposite sex;



- (j) Invading the privacy of persons while showering or toileting;
- (k) Photographing others while undressing, showering or toileting;
- (l) The use of sexually offensive emails, letters, faxes, notes; and
- (m) Sexual insults and name-calling.

**11.7** Sexual Harassment may be a criminal offence, for example indecent assault, rape, sex with a minor, photography including “upskirting”, obscene telephone calls or letters. If you suspect that a criminal offence may have been committed you should notify the police and/or seek legal advice.

**11.8 Abuse** is a form of Harassment. It includes:

- (a) **Physical abuse**; this occurs when any person subjects another person to non-accidental physically aggressive acts. The abuser may inflict an injury intentionally, or inadvertently as a result of physical punishment or the aggressive treatment. Physically abusive behaviour includes (but is not limited to) shoving, hitting, slapping, shaking, throwing, punching, biting, burning, kicking; or training that exceeds the persons development or maturity.
- (b) **Sexual abuse**; this occurs when a person involves another person in any sexual activity. It includes both contact and non-contact behaviour, and when a person is encouraged or forced to watch or engage in a sexual activity, or any other inappropriate conduct of a sexual nature. Examples include sexual intercourse, masturbation, kissing or fondling, oral sex, making sexual comments, engaging a person in sexual conversations in-person or via social media, voyeurism (i.e. observing a person in an action that is considered to be of a private nature, such as undressing in a change room), nudity (i.e. an abuser exposing themselves or another person) touching a person’s genitals or breasts, encouraging a person to view pornography including child pornography or other inappropriate touching or conversations; and exploiting a person through prostitution.
- (c) **Emotional abuse** or **psychological abuse**; this occurs when any person repeatedly rejects or threatens a person. Often there is a pattern of emotional or psychological abuse, rather than a single incident. Such abuse may involve humiliating, terrorising, name-calling, belittlement, inappropriate symbolic acts, taunting, sarcasm, yelling, negative criticism, placing unrealistic expectations on a person or continual coldness from any person, to an extent that results in significant damage to the person’s physical, intellectual or emotional wellbeing and development.

- (d) **Neglect**; this is the persistent failure or deliberate denial to provide a person with the basic necessities of life. (E.g. failing to give adequate food, clean water, adequate supervision, medical attention, shelter, and clothing or to protect a child from danger or foreseeable risk of harm or injury).
- (e) **Abuse of power**; which the harasser holds over the harassed. For example relationships that involve a power disparity such as a coach-player, adult-child, manager-player, employer-employee, doctor-patient have the potential for abuse of that power. People in such positions of power need to be particularly wary not to exploit that power; particularly around children.
- (f) **Grooming**; this is a term used to describe what happens when a perpetrator builds a relationship with a vulnerable person with a view to abuse them at some stage. Grooming does not necessarily involve any sexual activity or even discussion of sexual activity – for example, it may only involve establishing a relationship with the child, parent or carer (e.g. giving special attention, providing favours, and giving gifts) for the purpose of facilitating sexual activity at a later time.
- (g) **Family violence**; this occurs when a person is forced to live with violence between people in his or her home. It can include witnessing violence or the consequences of violence. Family violence is defined as violence between members of a family or extended family or those fulfilling the role of family in a person's life. Exposure to family violence places people, in particular, children at increased risk of physical injury and harm and has a significant impact on their wellbeing and development.

**11.9** Examples of abusive behaviour may include:

- (a) Bullying and humiliation of players by coaches;
- (b) Abuse and insults directed by players or parents at opposing participants;
- (c) Child Abuse;
- (d) Abuse of Officials by players, coaches or parents;
- (e) Bullying, humiliation and physical intimidation of other players in competition; and
- (f) Practical jokes which cause significant embarrassment or which endanger the safety of others.

Some forms of abuse may constitute a criminal offence for example common assault. If you suspect that a criminal offence may have been committed you should immediately notify the police.

**11.10 Child Abuse** means any Abuse where the offending conduct is against a child, and includes, but is not limited to:

- (a) Physical abuse by hurting a child or a child's development (e.g. hitting, shaking or other physical harm; giving a child alcohol or drugs; or training that exceeds the child's development or maturity);
- (b) Sexual abuse by adults or other children where a child is encouraged or forced to watch or engage in sexual activity or where a child is subject to any other inappropriate conduct of a sexual nature (e.g. sexual intercourse, masturbation, oral sex, pornography including child pornography or inappropriate touching or conversations);
- (c) Emotional abuse by ill-treating a child (e.g. humiliation, taunting, sarcasm, yelling, negative criticism, name calling, ignoring or placing unrealistic expectations on a child); and
- (d) Neglect (e.g. failing to give food, water, shelter or clothing or to protect a child from danger or foreseeable risk of harm or injury).

**11.11** If a person suspects or has been provided with information that indicates Child Abuse has or may have occurred then that person must notify the police and any relevant government agency.

**11.12** Notwithstanding Rule 12.5, where an allegation of Child Abuse has been reported, the Protection Information Officer must immediately report any incident to the police and other relevant government agency:

- (a) If the allegation involves a child at risk of harm, the incident should immediately be reported to the police or relevant government agency. The Protection Information Officer may need to report to both the police and the relevant government agency;
- (b) New Zealand Police or Oranga Tamariki - Ministry for Children must be contacted for advice if there is any doubt about whether the complaint should be reported;
- (c) If the child's parent/s or guardians are suspected of committing the abuse, the allegation must be reported to the police and/or relevant government agency.

**11.13 Discrimination** is treating or proposing to treat a person less favourably than someone else in certain areas of public life on the basis of an attribute or personal characteristic. Requesting, assisting, instructing, inducing or encouraging another person to engage in Discrimination is also considered Discrimination.

**11.14** The personal attributes or characteristics against which a person may be discriminated are:

- (a) Age;
- (b) Disability – this includes loss of bodily function (e.g. deaf or blind), presence of disease (e.g. hepatitis or HIV), loss of part of the body, disfigurement, malfunction of part of the body, psychological disease, intellectual disability;
- (c) Marital status – this covers whether the person is single, married, de facto, married but living separately from their spouse, divorced, or widowed;
- (d) Family/Carer status - this includes whether the person is a step parent, adoptive parent, foster parent or guardian and also includes whether the person is childless or is a carer (e.g. of children, or other dependents);
- (e) Gender Identity and Transgender or Intersex status;
- (f) Homosexuality and sexual orientation;
- (g) Irrelevant medical record;
- (h) Irrelevant criminal record;
- (i) Physical features – this includes a person weight, size, height and other physical features;
- (j) Political belief or activity;
- (k) Pregnancy and breastfeeding– this includes whether the person has or supposedly has the signs or symptoms of pregnancy (e.g. morning sickness);
- (l) Race;
- (m) Religious beliefs or activity; and
- (n) Sex or gender.

**11.15** Discrimination also includes victimisation. Victimisation occurs when one person subjects, or threatens to subject, another person to some form of detriment or harm, because that person has asserted a right (for example, that person has exercised their right to lodge a harassment complaint, or supported someone else’s complaint of a similar nature).

**11.16** TNZ will take all reasonable steps to ensure that people involved in a complaint are not victimised by anyone for coming forward with a complaint or for providing assistance in relation to a complaint. Conduct which amounts to victimisation is a breach of this policy and will not be tolerated. There are laws which may protect a person from being victimised for making a complaint.

**11.17 Exemptions** under the New Zealand legislation may permit certain forms of Discrimination. These may include Discrimination:

- (a) in relation to the selection of a team for competition or entry to a competition, where the strength, stamina and physique of the competitor is relevant;

- (b) if it is necessary to protect the health and safety or property of any person or of the public generally.

NZTEs are strongly advised to obtain independent legal advice or consult the Human Rights Commission if such Discrimination is considered.

**11.18 Vilification** is a form of Discrimination and involves a person inciting hatred towards, serious contempt for, or severe ridicule of, a person or group of persons by a public act, including any form of communication to the public and any conduct observable by the public. Vilification is an offence under this Policy where it is based on any of the attributes or characteristics set out in clause 11.14.

**11.19** Some forms of Vilification may constitute a criminal offence, for example where harm is threatened. If you suspect that a criminal offence may have been committed you should notify the police and/or seek legal advice.

## **11A. Social Networking**

**11A.1** Social Networking refers to any website or technology that enables persons to communicate and/or share content via the internet. This includes social networking websites such as Facebook and Twitter.

**11A.2** Persons bound by this policy must conduct themselves appropriately when using social networking sites to share information related to Tennis.

**11A.3** In particular, social media activity including, but not limited to, postings, blogs, status updates and tweets:

- (a) must not contain material which is, or has the potential to be, offensive, aggressive, defamatory, threatening, discriminatory, obscene, profane, harassing, embarrassing, intimidating, sexually explicit, bullying, hateful, racist, sexist or otherwise inappropriate;
- (b) must not contain material which is inaccurate, misleading or fraudulent;
- (c) must not contain material which is in breach of laws, court orders, undertakings or contracts;
- (d) should respect and maintain the privacy of others; and
- (e) should promote Tennis in a positive way.



# **PART IV**

# **COMPLAINTS**

# **PROCEDURE**

## 12. Complaints

- 12.1** If any person considers that this Policy has been breached he or she may make a complaint (“**Complaint**”).
- 12.2** A Complaint must be in writing and be received by the relevant authority as outlined in clause 12.3 (“the Recipient of the Complaint”) within 14 days of the alleged breach; however a person may provide information verbally during an enquiry or Investigation under clause 13.1. The Recipient of a Complaint in its discretion, may extend or waive the requirement that a Complaint be received within 14 days of the alleged breach where the Recipient is of the reasonable belief that the circumstances warrant it, giving consideration to the nature of the Complaint and the age of the Complainant at the time of the alleged breach and such other factors as it in its discretion deems appropriate.
- 12.3** A Complaint must be made to any of:
- (a) a Protection Information Officer of an NZTE (if any) of which the Complainant is a member, or if the Complainant is not a member of any NZTE then to the NZTE where the event or activity giving rise to a complaint is held, or incident occurred (“Relevant NZTE”), if that NZTE has established procedures for dealing with Complaints in accordance with clause 5.3; or
  - (b) the Regional Protection Information Officer, or in his or her absence the CEO or General Manager, of the Tennis Region in which the conduct the subject of the Complaint occurred.
  - (c) Where a breach may have occurred at a tournament event or activity operated or conducted primarily by TNZ, the National Protection Information Officer of TNZ provided that if for whatever reason an NZTE is unable or unwilling to take responsibility for addressing the Complaint or if the National Protection Information Officer should consider in his or her discretion that a particular Complaint should be referred to another NZTE (including TNZ), the National Protection Information Officer shall determine which NZTE is to take responsibility for addressing the complaint.
- 12.4** Where the Complaint is referred to the Relevant NZTE and that NZTE has not established a procedure for dealing with Complaints in accordance with clause 5.3 of this Policy then the Complaint should be referred to the Protection Information Officer of the Tennis Region in which the conduct the subject of the complaint occurred in the manner set out in 12.3(b) above.
- 12.5** If a Complaint is received, then the Recipient of the Complaint listed under clause 12.3 must:

- (a) Ask the Complainant whether he or she wishes him or her to:
  - (i) listen and advise the Complainant about what the options are;
  - (ii) facilitate a mediation between the Complainant and the Respondent to try and resolve the Complaint by agreement, or
  - (iii) If the Complaint relates to discrimination, refer the matter to the Human Rights Commission;
  - (iv) refer the Complaint to the Relevant NZTE for a hearing to be held under clause 11.
- (b) Having determined the Complainant's wishes in accordance with clause 12.5(a), the Recipient of the Complaint shall:
  - (i) act in accordance with the Complainant's wishes;
  - (ii) keep the matter confidential and only discuss it with people the Complainant has authorised him or her to speak to about the Complaint or as permitted under this Policy;
  - (iii) inform the relevant governmental authority, if required by law.

**12.6** If the Complainant wishes the Recipient of the Complaint to arrange a mediation the relevant Protection Information Officer shall:

- (a) immediately notify the Respondent, in writing, that a Complaint has been made and provide him or her with a copy of the written Complaint;
- (b) attempt to arrange a mediation between the Complainant and the Respondent; and
- (c) not act personally as the mediator.

**12.7** If a resolution is reached at mediation the outcome is confidential to the parties and no further action may be taken under this Policy (except by agreement between the parties). This does not prevent action being taken under legislation or criminal or civil law.

**12.8** If the Complaint is not resolved at the mediation, or at the Complainant's request under clause 12.5, the Recipient of the Complaint shall refer the matter to a Tribunal of the NZTE which appointed him or her.

## **13. Enquiries and Investigations**

**13.1** If a Protection Information Officer of an NZTE receives information which suggests on reasonable grounds that this Policy may have been breached, then he or she shall:



- (a) make enquires about the information to ascertain whether or not it appears to him or her that, prima facie, there has been a breach of this Policy; and
- (b) if it appears that there has been a breach of this Policy, refer the matter to the relevant person listed in clause 12.3 and follow the procedures set out in clauses 12.4 to 12.8 insofar as they are applicable as if a Complaint had been received.

**13.2** The Recipient of the Complaint may request copies of relevant documents and all persons bound by this Policy shall comply with all reasonable requests for relevant information by the Recipient of the Complaint and co-operate in the conduct of the Investigation.

## **14. Hearings**

**14.1** On referral of a Complaint by the Recipient of the Complaint for Hearing under clause 12.5(a)(iv) or 12.8, the Recipient of the Complaint shall as soon as possible:

- (a) Determine the composition of the Tribunal, as detailed in clause 14.2;
- (b) Send to the Respondent:
  - (i) a written Complaint notification setting out the alleged breach or offence including details of when and where it is alleged to have occurred, and setting out the date, time and place for the hearing of the alleged breach or offence which shall be as soon as reasonably practicable after receipt of the Complaint or information;
  - (ii) a copy of the Complaint or the information received if in writing; and
  - (iii) a Notice of Intent to Attend, requiring the Respondent to advise the Tribunal of his or her intention to attend the hearing.

(“Collectively referred to as **Notice of Complaint**”)

- (c) Send to the Complainant(s) and the Chairperson of the Tribunal a copy of the Notice of Complaint.
- (d) Send a Notice to Attend to any witnesses required to attend the hearing for the purpose of giving evidence.

**14.2** The Tribunal for each hearing shall be appointed by the Board of Directors or Committee (however described) of the Relevant NZTE and shall be comprised of the following persons:

- (a) a lawyer or, if after reasonable attempts have been made to obtain one without success, a person with considerable previous experience in the legal aspects of a tribunal (who shall be the Chairperson);
- (b) a person with a thorough knowledge of tennis; and

- (c) one person with experience and skills suitable to the function of the Tribunal.

However the following cannot be Tribunal members: a person who is a member of the Board of Directors or Committee (however described) of the NZTE which appoints the Tribunal; or a person who would or might, by reason of his or her relationship with the Complainant or the Respondent, or otherwise, be reasonably considered to be other than impartial.

- 14.3** If the Respondent considers that the Complaint is frivolous, vexatious or malicious, the Respondent must notify the Recipient of the Complaint in writing within 48 hours of receipt of the Notice of Complaint. On receipt of such notice, the Protection Information Officer must refer it to the Chairperson, who, sitting alone, shall first determine that issue and advise the parties of his or her determination. This determination shall be made as soon as practicable and in whatever manner the Chairperson considers appropriate in the circumstances, provided that he or she does so in accordance with the principles of Natural Justice. The decision of the Chairperson under this clause 14.3 may be appealed within 48 hours of notification of the determination to the relevant appeal body under clause 16.
- 14.4** The Tribunal shall hear and determine the alleged breach or offence in whatever manner it considers appropriate in the circumstances (including by way of teleconference, video conference or otherwise) provided that it does so in accordance with the principles of Natural Justice. The purpose of the hearing shall be to determine whether the Respondent is in breach of this Policy. The Tribunal may not discuss and consider any prior relevant behaviour or conduct at the Hearing. If the Tribunal finds the Complaint proven on the balance of probabilities, it may impose any one or more of the penalties set out in clause 15 and may then take into account prior behaviour and conduct.
- 14.5** The Respondent and any witnesses sent a Notice to Attend will be required to attend the hearing before the Tribunal at the time and place notified to them (however it is conducted). If within 30 minutes of the notified time for commencement of the hearing, the Respondent or any witness is not present, the Tribunal may elect to conduct the hearing in the absence of that person or adjourn the hearing and reconvene at a later date advised to the Respondent and witnesses.
- 14.6** The parties to the hearing shall include the Complainant, the Respondent, and the Relevant NZTE, whose role shall be to assist the Tribunal by presenting evidence, including material facts, and to make any submissions on behalf of the NZTE on the appropriateness of penalty.
- 14.7** If at any stage the Tribunal considers that the safety and welfare of the Complainant or others is in jeopardy, it may order that the Respondent be:
- (a) suspended from any role he or she holds within the relevant NZTE;

- (b) banned from any event or activities held by or sanctioned by the relevant NZTE;
  - (c) required not to contact or in any way associate with the Complainant or other person to whom the alleged breach or offence relates pending the determination of the Complaint.
- 14.8** There is no right of appeal against an order of the Tribunal under clause 14.7.
- 14.9** Any party to the hearing may be represented at the hearing by a lawyer or other person who is not a lawyer.
- 14.10** Each party to the hearing shall bear his or her own costs in relation to the hearing.
- 14.11** The Tribunal shall give its decision in writing as soon as practicable after the hearing and will include in that written decision a statement of its written reasons (together with information regarding the appeal process) to the following:
- (a) the President or Chairperson of the NZTE which established the Tribunal;
  - (b) the Complainant;
  - (c) the Respondent;
  - (d) any other party represented at the hearing; and
  - (e) the National Protection Information Officer.
- 14.12** Each member of a Tribunal established under this Policy shall be indemnified by the NZTE which appointed them, from any claim or action for loss, damages, or costs made against them arising out of or in connection with their function as a member of the Tribunal under this Policy.
- 14.13** Except as otherwise provided in this Policy, all members of a Tribunal and others present at the Hearing shall keep all matters relating to the hearing, other than the decision, including but not limited to the nature of the Complaint, information obtained before and during the hearing, confidential.
- 14.14** A Complainant may seek anonymity in regard to the process under this Regulation 14 and if sought, no particulars of the Complainant such as name, address or other information which might identify the Complainant is to be disclosed or published in every form.

## **15. Penalties**

- 15.1** If the Tribunal considers that a person, to whom this Policy applies, has breached this Policy, it may impose any one or more of the following penalties:
- (a) direct that the Respondent attend counselling to address their conduct;
  - (b) recommend that relevant NZTEs terminate the appointment of any role which the

Respondent holds with those Organisations;

- (c) impose a monetary fine for an amount determined by the Tribunal;
  - (d) impose a warning;
  - (e) in the case of a Coach, direct the relevant Affiliate or member affiliate and/or coaching organisation or NZTE to suspend or cancel such accreditation or affiliation for a period or indefinitely;
  - (f) withdraw any ranking points, awards, placings, records won in any tournaments, activities or events held or sanctioned by an NZTE;
  - (g) direct the Respondent to repay all or part of any financial assistance (excluding any fee for service, wages or expenses) given to them by Sport New Zealand, any national or regional funding agency, the New Zealand Olympic Committee, the New Zealand Commonwealth Games Committee, or an NZTE or any other organisation which has provided funding to the Respondent;
  - (h) suspend the Respondent from competition for such period as the Tribunal sees fit;
  - (i) impose a fully or partially suspended sentence on the Respondent with a period of good behaviour; and
  - (j) any other such penalty that the Tribunal considers appropriate.
- 15.2** If an Respondent commits a second or subsequent offence under this Policy, then the Tribunal shall have regard to the previous offence, the penalty imposed and any other relevant factors, in imposing a penalty for the second or subsequent offence.
- 15.3** If a penalty is imposed by the Tribunal under clause 15.1, the President or Chairperson (or nominee) of the NZTE that established the Tribunal shall, as soon as possible, notify the NZTE of which the Respondent is a member.
- 15.4** Every NZTE required to adopt this Policy shall recognise and enforce any decision and penalty imposed by a Tribunal under this Policy.

## **16. Appeals**

- 16.1** Subject to Rule 14.8, a party to a hearing held under clause 14 (**Appellant**) may appeal a decision of a Tribunal (**Original Tribunal**) only in one or more circumstances where:
- (a) the Appellant's ability to earn his or her primary source of income is substantially affected by the decision of the Original Tribunal; or
  - (b) new evidence is available that, despite reasonable diligence, was unable to be presented to the Original Tribunal and which, if accepted, would on the balance of

probabilities be likely to have affected the decision of the Original Tribunal; or

- (c) an alleged breach of Natural Justice. Natural Justice incorporates the following principles:
- (i) a person who is the subject of a complaint must be fully informed of the allegations against him or her;
  - (ii) a person who is the subject of a complaint is entitled to respond to the allegations and raise any relevant matters in his or her own defence;
  - (iii) all parties need to be heard and all relevant submissions considered; and
  - (iv) the decision maker/s must be unbiased, fair and just.

**16.2** Subject to clause 16.3, an appeal shall be made to the Tribunal established by the next highest NZTE in the TNZ constitutional hierarchy ("**Appeal Body**").

**16.3** An appeal against a decision of a Tribunal established by TNZ shall be made to the Sports Tribunal of New Zealand ("STNZ") (also referred to as the "**Appeal Body**").

**16.4** There is only one right of appeal following the decision of the Original Tribunal. Any appeal must be solely and exclusively resolved by the Appeal Body and the decision of such Appeal Body is final and binding on the parties.

**16.5** The process for such appeal is as follows:

- (a) the Appellant shall within 72 hours of the Original Tribunal delivering its decision:
- (i) notify the Protection Information Officer in writing of the next highest NZTE of the Appellant's intention to appeal (Notice of Intention to Appeal);
  - (ii) in the case of an appeal to STNZ, complete and file an application to appeal with STNZ in accordance with its procedures and the TNZ Constitution.
- (b) for all appeals, except those to STNZ, as soon as possible after receipt of the Notice of Intention to Appeal, the Protection Information Officer of the next highest NZTE shall:
- (i) in the case of an appeal under clause 16.1, refer the matter to the Chairperson of the Appeal Body to determine in his or her sole discretion whether the Appellant has satisfied the criteria for an appeal under clause 16.1. If satisfied the Chairperson shall direct the Protection Information Officer to convene a Tribunal to hear and determine the appeal;
  - (ii) in the case of an appeal under clause 14.3(b), the Chairperson shall direct the

Protection Information Officer to convene a Tribunal to hear and determine the appeal.

- (c) the Appeal Body shall comprise of persons who comply with clause 14.2 of this Policy and were not members of the Original Tribunal; and
- (d) within 7 days of lodging the Notice of Intention to Appeal, (or such shorter time as determined by the Appeal Body if there is urgency) the Appellant shall:
  - (i) pay any stipulated appeal fee to the Appeal Body, or in the case of an appeal to STNZ the relevant fee which shall be as per the Code of Sports-related Arbitration applicable to STNZ; and
  - (ii) submit to the Chairperson of the Appeal Body or STNZ (as the case may be) the grounds of the appeal in writing, copies of which will be provided by the Disciplinary Officer to the complainant, the President of the organisation which established the Original Tribunal and the President of the next highest NZTE.

If either of the requirements in sub-clause (a) or (d) are not met by the due time the appeal shall be deemed to be withdrawn.

**16.6** The Appeal Body may withhold all or part of the appeal fee to cover the costs of the appeal.

**16.7** (a) on completion of the procedures in clause 16.5 (a) to (c) above, the Chairperson of the Appeal Body shall determine a place, time and date for the hearing of the appeal and as soon as possible thereafter notify all parties to the appeal in writing of such details; and

(b) the procedure for the appeal shall be the same as the procedure for the Original Tribunal set out in clause 11 except where the Appeal Body is STNZ, in which case the Code of Sports-related Arbitration shall apply.

**16.8** Upon hearing the appeal, the Appeal Body may do any one or more of the following:

- (a) dismiss the appeal
- (b) grant the appeal
- (c) impose any of the penalties set out in clause 15, and/or
- (d) reduce, increase or otherwise vary any penalty imposed by the Original Tribunal.

**16.9** The Appeal Body has no power to award costs and each party shall bear his or her own costs in relation to any appeal.

**16.10** All members of an Appeal Body and others present at the Appeal hearing shall keep all matters relating to the hearing confidential.

## Tennis New Zealand General Code of Conduct

As a member of a New Zealand Tennis Entity (“NZTE”) or a person required to comply with TNZ’s Participant Protection Policy, you must meet the following requirements in regard to your conduct during any activity held or sanctioned by TNZ and any NZTE and in any role you hold within TNZ or an NZTE.

1. Respect the rights, dignity and worth of others.
2. Be fair, considerate and honest in all dealing with others.
3. Be professional in, and accept responsibility for, your actions.
4. Make a commitment to providing quality service.
5. Be aware of, and maintain an uncompromising adherence to, TNZ’s standards, rules, regulations and policies.
6. Operate within the rules of the sport including national and international guidelines which govern TNZ and NZTEs.
7. Do not use your involvement with TNZ or an NZTE to promote your own beliefs, behaviours or practices where these are inconsistent with those of TNZ and NZTEs.
8. Demonstrate a high degree of individual responsibility especially when dealing with persons under 18 years of age, as your words and actions are an example.
9. Avoid unaccompanied and unobserved activities with persons under 18 years of age, wherever possible.
10. Refrain from any form of harassment of others.
11. Refrain from any behaviour that may bring TNZ and NZTEs into disrepute.
12. Provide a safe environment for the conduct of the activity.
13. Show concern and caution towards others who may be sick or injured.
14. Be a positive role model.



## Member Protection Declaration

Tennis New Zealand has a duty of care to its members and to the general public who interact with its employees, volunteers, members and others involved with Tennis New Zealand's activities. As part of this duty of care and as a requirement of Tennis New Zealand's Participant Protection Policy, Tennis New Zealand and New Zealand Tennis Entities (as defined in the Tennis New Zealand Participant Protection Policy) must enquire into the background of:

- persons who are appointed or seeking appointment (whether employed, contracted or otherwise) as a coach, team manager, tournament director or umpire, or any role (paid or volunteer) that has regular contact with children or vulnerable adults; and
- persons appointed or seeking appointment to a role in which they are likely to have individual and unsupervised contact with players under 18 years of age or vulnerable adults

I, ..... (name)

..... (address) Date of Birth ...../...../.....

SINCERELY declare:

1. I do not have any criminal charge pending before the courts.
2. I do not have any criminal convictions or findings of guilt for, or related to, violence, child abuse, serious sexual offences or offences related to children.
3. I have not had any disciplinary proceedings brought against me by an employer, sporting organisation or similar body involving child abuse, sexual misconduct or harassment, acts of violence, intimidation or other forms of harassment.
4. To my knowledge there is no other matter that Tennis New Zealand or any New Zealand Tennis Entity may consider to constitute a risk to its members, employees, volunteers, athletes or reputation by engaging me.
5. I will notify the President or appointed person within the New Zealand Tennis Entity engaging me immediately upon becoming aware that any of the matters set out in clauses [1. to 4.] above has changed for whatever reason.

Declared at (location): .....

On (date) ...../...../..... Signature .....

**OR**

I, ..... (name)

Of.....(address) Date of Birth...../...../.....

SINCERELY declare:

That, I have the following to disclose [please provide details of the offence for which you are unable to make the above declaration, including the nature of the offence, when it was conducted, and any disciplinary action or penalty imposed as a result of the offence]

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

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

Name: .....

Signature: ..... Date: ...../...../.....

## Tennis NZ Police Vetting Policy & Procedure

**Tennis New Zealand takes all practicable steps to verify the suitability of individuals wishing to be involved in coach development opportunities, national programme delivery, or engaging directly with Tennis New Zealand as a performance/touring coach or support staff.**

### **POLICY**

To contribute to a safe and secure tennis environment, Tennis New Zealand requires all coaches who engage directly with Tennis New Zealand, and any Tennis New Zealand staff who have sole or joint responsibility for children to undergo a Police vetting check every three years. This relates to, but is not limited to, the following groups of people:

- Formal qualification attendees (Junior Development and Club Professional, High Performance courses)
- National programme deliverer applicants (Tennis Hot Shots, Cardio Tennis, Tennis Xpress)
- All contractors/staff prior to being directly engaged by Tennis New Zealand who have sole or joint responsibility for children (Performance/touring Coaches)

All appointments on; formal qualification courses, national participation programmes or individuals who have sole or joint responsibility for children, are subject to the individual receiving either a 'no result', or a 'released with results' deemed not serious enough to preclude the coach from involvement with Tennis New Zealand. In addition, Tennis New Zealand may undertake further police vetting at any time it considers appropriate, (subject to fresh consent by the individual). If the procedure reports a previously undisclosed incident or behaviour relevant to this policy, the future of the individual's continued involvement with Tennis New Zealand will be reviewed and may, if appropriate, be terminated.

As national programme delivery takes place at clubs/schools/centres, Tennis New Zealand reserves the right to provide the details of any police vet released either 'with results' or 'no results' once obtained to relevant personnel at their delivery location/s and governing Tennis Association or Region.

For the sake of clarity, Tennis New Zealand nor any Regions, Association nor clubs have any obligations under the Vulnerable Children Act 2014.

### **PROCEDURE**

#### *Police Vetting Checks*

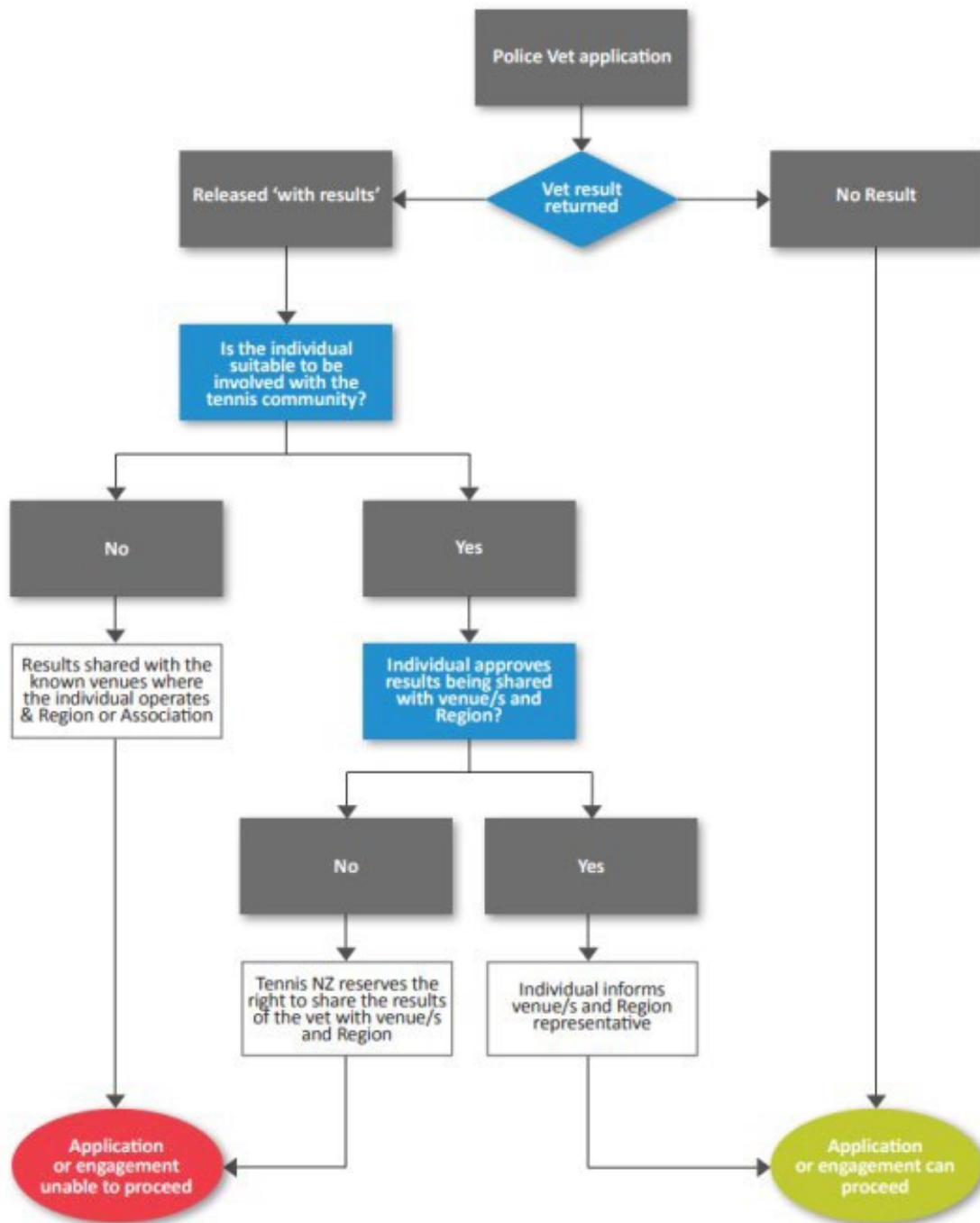
- Tennis New Zealand qualify as an 'approved agency' by the New Zealand Police. This entitles Tennis New Zealand to request a Police vetting check to be carried out on any individual associated with Tennis New Zealand and its activities such as Formal qualification attendees (Junior Development, Club Professional and High Performance courses), National programme deliverer applicants (Tennis Hot Shots, Cardio Tennis, Tennis Xpress), and all contractors/staff directly engaged by Tennis New Zealand who have sole or joint responsibility for children.
- A Police vetting report will provide information regarding any convictions, dates of those convictions, types of offences and the sentence imposed. The report will also advise whether the Police recommend that an individual does not have access to children, young people or vulnerable members of society due to behaviour of a violent or sexual nature (that may not, for whatever reason, have resulted in a conviction).
- Tennis New Zealand require the individual to authorise the request of a Police vetting report by completing the official Consent to Disclose Information form. As part of this process the individual will be required to agree to authorise Tennis New Zealand to have the right to pass on any 'released with results' reports deemed serious enough to preclude the individual's involvement in coach development, participation programme delivery or engaging directly with Tennis New Zealand to any clubs, Associations or Regions that engage the services of the individual.

#### *Refusal to Consent*

- If the individual does not authorise Tennis New Zealand to obtain a Police vetting report Tennis New Zealand will consider it necessary to reject the application to take part in a coaching qualification course or deliver national participation programmes or terminate an existing delivery agreement.

#### *Administration*

- In some cases, it will be necessary to obtain the equivalent of a Police vetting report or a copy of criminal conviction record from another country where the individual concerned has resided.
- The Head of Participation and Coaching is responsible for organising a Police vetting report.
- The individual concerned is entitled to request a copy of the Police vetting report obtained by Tennis New Zealand
- The Head of Participation and Coaching will receive and review the Police vetting report. If it is a 'no result' the individual's course application or participation programmes application can continue, or engagement can proceed.
- If the Police vetting report is returned 'released with results' Tennis New Zealand will make a decision regarding the suitability of the individual to be involved with Tennis New Zealand. If Tennis New Zealand already engages the individual they may suspend the individual pending the decision to either cease or continue their involvement with Tennis New Zealand. If the individual is applying to take part in either coach development or National Participation programmes for the first time, their application will be placed on hold pending the decision. When making this decision Tennis New Zealand may consider the following when assessing the results of a vetting report:
  - The offence is listed as one of the 'Specified Offences' as listed in the Vulnerable Children Act
  - The nature of the offence and relevance to involvement with Tennis New Zealand
  - Length of time since the crime was committed
  - Age and maturity now as compared to when the crime was committed, the seriousness of the crime e.g. length of sentence, use of a weapon, the circumstances at the time of violent behaviour.
  - Pattern of offending, e.g. a short spate may indicate a 'phase' but a regular pattern may indicate continued inappropriate behaviour
  - Any other factors deemed relevant
- Tennis New Zealand will work in conjunction with the coach to provide the details of any police vet released 'with results' to relevant personnel at their delivery location/s and governing Tennis Association or Region.
- The specifics of the report or record will be kept confidential to the Tennis New Zealand senior leadership team, and any clubs, Associations or Regions that engage the services of the individual.



## Information for Reporting Allegations of Abuse

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

- We will treat any allegation of abuse or neglect promptly, seriously and with a high degree of sensitivity.
- All people working with an NZTE in a paid or unpaid capacity have a duty to report any concerns to the appropriate authorities, following the steps outlined below.

### Step 1: Receive the allegation

- If a child or vulnerable adult raises with you an allegation of abuse or neglect that relates to them or to another child/vulnerable adult, it is important that you listen, stay calm and be supportive.

DO	DON'T
Make sure you are clear about what the child or vulnerable adult has told you	Do not challenge or undermine the child or vulnerable adult
Reassure the child or vulnerable adult that what has occurred is not their fault	Do not seek detailed information, ask leading questions or offer an opinion
Explain that other people may need to be told in order to stop what is happening	Do not discuss the details with any person other than those detailed in these procedures.
Promptly and accurately record the discussion in writing	Do not contact the alleged offender.

### Step 2: Report the allegation

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

### Step 3: Protect the child or vulnerable adult, and manage the situation

- The Protection Information Officer will assess the immediate risks to the child or vulnerable adult and take interim steps to ensure their safety and the safety of any other children/vulnerable adults. This may include redeploying the alleged respondent to a position where there is no unsupervised contact with children or vulnerable adults, supervising the alleged respondent or removing/suspending him or her until any investigations have been concluded. Legal advice should be sought before any interim steps are made if the person is in paid employment with an NZTE.
- The Protection Information Officer will consider what services may be most appropriate to support the child or vulnerable adult and their parent/s or guardian/s.
- The Protection Information Officer will consider what support services may be appropriate for the alleged respondent.

- The Protection Information Officer will put in place measures to protect the child or vulnerable adult and the alleged respondent from possible victimisation and gossip.

#### Step 4: Take internal action

- Different investigations could be undertaken to examine allegations that are made against a person to whom this policy applies, including:
  - a criminal investigation (conducted by the police)
  - a child protection investigation (conducted by the relevant child protection agency)
  - a disciplinary or misconduct enquiry/investigation (conducted by Tennis New Zealand or an NZTE).
- Regardless of the findings of the police and/or child protection agency investigations, the NZTE will assess the allegations to decide whether the alleged respondent should return to his or her position, be dismissed, be banned or face any other disciplinary action.
- A Protection Information Officer of the NZTE will consider all information relevant to the matter – including any findings made by the police, the child protection authority and/or court – and then set out a finding, recommend actions and the rationale for those actions.
- If disciplinary action is recommended, the NZTE will follow the procedures set out in the Participant Protection Policy.
- The NZTE will provide the relevant government agency with a report of any disciplinary action we take, where this is required.

## CONTACT DETAILS FOR ADVICE OR TO REPORT AN ALLEGATION OF ABUSE

<b>NEW ZEALAND POLICE</b>	<b>If you believe a child is in immediate danger call 111</b>
<b>Oranaga Tamariki (Ministry for Children)</b>	<p>If you're worried about a child and want to make a referral or report of concern, call freephone <b>0508 326 459</b> (lines open 24/7) or email <a href="mailto:contact@ot.govt.nz">contact@ot.govt.nz</a> (<a href="mailto:contact@mvcot.govt.nz">mailto:contact@mvcot.govt.nz</a>).</p> <p>Hours: from 5.00pm to 8.00am Monday to Friday, weekends and public holidays, social workers will only assess emergency situations. But you are encouraged to call if you're unsure.</p> <p>If your enquiry is not about a child but relates to the Oranga Tamariki organisation e.g. policy, procedures, finance, training etc. you can still call our main line <b>0508 326 459</b> or email <a href="mailto:enquiry@ot.govt.nz">enquiry@ot.govt.nz</a> (<a href="mailto:enquiry@mvcot.govt.nz">mailto:enquiry@mvcot.govt.nz</a>).</p>
<b>Netsafe</b>	<p>You can contact Netsafe for free and confidential help or advice about online challenges like bullying, abuse, scams, security and other online issues.</p> <p>Freephone: 0508 NETSAFE (0508 638 723)          Email: <a href="mailto:help@netsafe.org.nz">help@netsafe.org.nz</a>          Complete an online contact form          Text "Netsafe" to 4282</p> <p>Netsafe's contact centre is available to help from 8.00am - 8.00pm Monday to Friday and 9.00am to 5.00pm on weekends.</p>
<b>Parent Help</b>	<p>The Child Abuse Prevention Parent Helpline is the only nationwide parenting helpline in New Zealand that is available seven days a week. They have no time limit on calls and their friendly telephone support workers are able to offer not only immediate help but also information, referral, and on-going support to those affected by child abuse, concerned about the welfare of a child or needing family or parenting support.</p> <p>Call 0800 568 856.</p>

### Other organisations providing training and advice include:

<b>Child Matters</b>	<p>National Office</p> <p>Postal Address: PO Box 679, Hamilton 3240</p> <p>Physical Address: 480 Anglesea Street, Hamilton 3204</p> <p>General Enquiries: Phone: 07 838 3370          Fax: 07 838 9950          Email: <a href="mailto:info@childmatters.co.nz">info@childmatters.co.nz</a></p>
<b>Safeguarding Children</b>	<p>Email: <a href="mailto:office@safeguardingchildren.org.nz">office@safeguardingchildren.org.nz</a>          Address: 18 Nile Street, Nelson 7010          Phone: 027 772 4469</p>