

# CHILD AND YOUTH PROTECTION POLICY

MotorSport New Zealand is committed to establishing a safe environment for young people.

This policy firmly emphasises that the welfare and interests of the young people in our care must come first, and that their safety and protection is paramount. The purpose of this policy is to outline what is safe for young people within our Sport and to offer guidance on how to provide a safe sporting environment. This will assist in creating a great sporting experience as well as ensuring they are not subject to harm caused by an adverse social/or physical environment.

The general duty of care expected of those working with young people has been interpreted by the courts as being that of a 'reasonably careful parent'. Although there is no definition of a reasonably careful parent, there are some indications that a person who does not take reasonable steps to ensure a child's safety would be seen as negligent.

For the purposes of this policy and associated procedures, children or young people are recognised as people under the age of 18 years and this policy also includes conduct between youths.

**Policy Principles-** In implementing this policy, we are committed to the following principles:

- Young people have a right to participate in sport and recreation that is safe,
- They should feel respected, valued, and encouraged to enjoy their participation and to reach their full potential
- MotorSport New Zealand and those officiated under its banner have a duty of care to all participants

**Codes of Conduct-** These Codes are an essential part of a proactive approach to:

- Keep them safe
- Counter to inappropriate or unacceptable behaviour
- Treat them with respect
- Provide a quality experience for all involved

**Creating a safe environment**

- Exercise common sense and avoid situations where you are alone with a youth, therefore ensuring another adult is with you.
- Ensure that all physical contact with children is relevant and appropriate to the activity.
- Do not engage in any intimate, over-familiar or sexual relationships with people under the age of 18 years.
- Keep your private life and personal conversations separate and out of earshot or sight of children and young people.
- Ensure parents/caregivers give informed consent by providing them with detail on any:
  - 1:1 working and physical contact
  - trips / overnight stays including travel arrangements inc sleeping arrangements
  - filming or photography
- Ensure that any filming or photography of children is appropriate and with consent.
- Do not drink alcohol in their presence and do not offer alcohol to anyone under the age of 18 under any circumstances.
- Do not engage in communication with a child, on a one-on-one basis, through social media, texting or email, other than for relevant sport feedback or administration.
- Do not bully or place unnecessary pressure on young people.
- Do not invite or encourage children to your home.
- Do not share a room with a child that is not your child.
- Travelling creates higher-risk environments. Take extra care to ensure participants and volunteers are not exposed to undue risk.

### Travel Procedures

- Consent forms must be signed by all parents and caregivers giving permission for the child to attend the event.
- General good practise guidelines for children and young people travelling and attending overnight events:
  - MotorSport New Zealand will create a ratio of adult to youth appropriate to the event being undertaken.
  - There should be a lead person who has oversight of the trip, who can distribute information to parents and caregivers and will have access to all necessary contact details.
  - Where possible there should be a mix of male and female adults, accompanying children and young people when the event consists of different genders, especially on overnight activities.
  - Children and young people of different genders should sleep in separate rooms.
  - There should be an alcohol policy in place for all people travelling including adults. Note: The person(s) responsible for the group at any given time should always remain in a state that they can react appropriately to any situation that might arise.
  - Have processes in place to ensure drivers and vehicles are licensed and in a fit state for their purpose.

### Categories of Abuse

Whilst there are clear categories of abuse, a cycle of abuse may involve more than just one type, and it may be unhelpful to focus on just one type of abuse.

- Emotional abuse is any act or omission that results in impaired psychological, social, intellectual and/or emotional functioning and development of a child or young person. It may include, but is not limited to, rejection, isolation, deprivation of affection or simulation, threats, constant criticism, humiliation and exposure to family violence.
- Physical abuse is any act or acts that result in inflicted injury to a child or young person, examples of which would be, bruises and welts, burns, fractures and sprains.
- Neglect is any act or omission that results in impaired physical functioning, injury and/or development of a child or young person, including non-organic failure to thrive, examples of which include under-nourishment, untreated illness or abrasions, and inadequate care.
- Sexual abuse is any act that results in the sexual exploitation of a child or young person, whether consensual or not. It may include non-contact abuse, exposure to pornographic material and exhibitionism.

The following may be indicators of child abuse:

- physical signs
- unexplained changes in mood or behaviour
- nervousness, watchfulness
- inappropriate relationships with peers and/or adults
- inappropriate sexual language
- attention seeking behaviour
- scavenging, compulsive stealing
- persistent fatigue
- running away
- disclosure (accounts may be vague and in a language appropriate to the child's age).

### Relevant Legislation

There are numerous pieces of legislation relating to the protection of children that may impact on sport and recreation providers.

- Health and Safety in Employment Act 1992
  - This Act deals with the health and safety obligations of an employer to its employees. If a child is an employee of the sports club, the general health and safety obligations of employers under the Act will apply.
  - There is also an obligation to ensure the safety of volunteers (some of whom may be children) while they undertake the work activity.
  - Employers will be held vicariously liable to a third party for acts of its employees. For example, if an employee coach breached a sports club's duty of care to a child member, the club can be liable.



- Oranga Tamariki Act 1989 (formally Children, Young Persons and their Families Act 1989)
  - This Act deals with the responsibility for reporting likely or actual harm in the form of physical or sexual child abuse.
  - Section 15 of the Act provides that: Any person who believes that any child or young person has been, or is likely to be, harmed (whether physically, emotionally or sexually), ill-treated, abused, neglected or deprived may report the matter to a Social Worker or a constable.
  - Section 16 of the Act provides protection for people who report ill-treatment or neglect No civil, criminal, or disciplinary proceedings shall lie against any person in respect of the disclosure or supply, or the manner of the disclosure or supply, by that person pursuant to section 15 of information concerning a child or young person (whether or not that information also concerns any other person), unless the information was disclosed or supplied in bad faith.
  
- Crimes Act 1961 – Protection of Children
  - The key purpose of this part of the Act is to ensure that children are adequately protected from assault, neglect and ill-treatment.
  - It places greater responsibility on adults (parent or persons in place of a parent) who have actual care or charge of a child to take reasonable steps to protect that child from injury. While ‘a person in place of a parent’ is not defined in the Act, it appears possible that sports club personnel could at times be considered to be ‘a person in place of a parent’. For example, when taking children away to an event or tournament.
  - The Act also compels people who live with a child and those who are in frequent contact with children and know, or ought to know, that the child is at risk of death, grievous bodily harm or sexual assault to take reasonable steps to protect the child from that risk.

### **Vetting**

Individuals who have direct contact/supervise youths under the MotorSport New Zealand banner need to be vetted by completing a form (upon request to the MotorSport New Zealand Office). The MotorSport New Zealand office will submit this to an independent panel (confidentially) on the individual’s behalf.

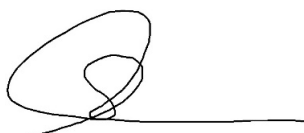
### **Partnership with Safeguarding Children - Tiakina ngā tamariki**

MotorSport New Zealand in conjunction with Sport NZ is working in partnership with Safeguarding Children with a joint purpose of providing education, policies, procedures and e-learning to help create safer organisations and environments for children and young people in play, active recreation and sport in New Zealand.

Safeguarding Children is a registered charity (cc49059) and a leading provider of child safeguarding and protection education and guidance in New Zealand.

All individuals who have direct contact or supervise youths under the MotorSport New Zealand banner will, as part of the vetting process, be required to complete the e-learning module which can be accessed by the following link:

[Sport NZ E-Learning Module](#)



Elton Goonan  
Acting Chief Executive Officer

17 March 2021

