



**ASNZ**

**Health and Safety Policies  
and Procedures, including**

**Care and Protection Policy and  
Procedures**



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# Contents

Page 2	Health and Safety, Wellbeing Policy
Page 4	Health and Safety Procedures
Page 5	Links to supporting documentation re Identifying Risk and Hazards
Page 7	Incident Reporting
Page 8	Procedures for Events, Trips and Travel forms and Safety Action Plan
Page 9	Information for Coaches, Athletes and Volunteers
Page 10	Trips and Competition Templates
Page 11	<p>Appendix - Other Health and Safety Procedures and Protocols including:</p> <ul style="list-style-type: none"> <li>• Health and Safety Work Act</li> <li>• Due Diligence</li> <li>• Storage of Hazardous Substances</li> <li>• Plant and Equipment Safety</li> </ul>
Page 14	Self Review Plan of Policies and Procedures
Page 15	CARE AND PROTECTION of the CHILD and ADULT
Page 16 and 17	CARE AND PROTECTION Policies and Procedures including supporting diversity
Page 19	Safety Checks
Page 21	Privacy Guidelines
Page 22	Volunteer Forms for Trips- CARE AND PROTECTION of Child Procedures
Page 24	<p>Procedures for Conflict Management including:</p> <ul style="list-style-type: none"> <li>• Informal complaints</li> <li>• Formal complaints</li> <li>• Harassment</li> </ul>
Page 28	Dispute and Discipline Policy and Procedures
Page 35	Induction Presentation Guide - to support induction of new coaches, staff etc

# Health and Safety and Wellbeing Policy

This policy should be read in conjunction with the Health and Safety at Work Act 2015 <http://www.legislation.govt.nz/act/public/2015/0070/latest/DLM5976660.html> as well as policies and procedures that align with the clubs training pool facility (Add Pool Name) policies and procedures. (Link to the pools procedures and evacuation plan)

## Purpose

The club is committed to ensuring the health and safety of all coaches, volunteers, athletes, and any other people who interact with us by complying with relevant health and safety legislation, regulations, New Zealand standards, and approved codes of practice.

The Club will work to make sure all coaches, athletes and volunteers are provided with training, support, systems, procedures and equipment required to enable the achievement of this commitment to health and safety. We commit to continually improving our processes, demonstrate leadership, and promote safety.

## We will achieve this through:

- Providing and maintaining a safe physical and emotional environment for coaches, athletes and any other people who interact with us
- Understanding the nature of the Club's activities, and the hazards and risks associated with these - identifying them clearly to all participants
- Upholding our primary duty of care to everyone - working with our athletes and coaches to improve the health and safety systems within the club
- Making health and safety a key part of our role. Ensure that the Club uses appropriate resources and processes to eliminate or minimise risks, injury or illness with the activities being carried out.
- Doing everything reasonably possible to remove or reduce the risk of injury or illness
- making sure all incidents, injuries and near misses are recorded in the appropriate place at training, competitions
- Investigating incidents, near misses and reducing the likelihood of them happening again
- having emergency plans and procedures in place
- Training everyone about hazards and risks so everyone can work safely.
- Ensuring that coaches, volunteers, athletes and their parents are engaged and have the opportunity to participate in submitting, receiving, recording and considering information regarding incidents, hazards, and risks - and the Committee and Coaches will respond in a timely way to that information
- Providing appropriate induction, training and supervision for all new and existing members

- Helping coaches and swimmers who were injured or ill return to the club safely
- Ensuring that the Club implements processes, procedures and standards for complying with any duty or obligation under the Health and Safety at Work Act 2015
- Regularly review the resources and processes identified in this policy to assess their effectiveness

All coaches, athletes and volunteers must take responsibility for their own personal health, safety and wellbeing, as well as play a vital and responsible role in maintaining a safe and healthy workplace, ensuring their actions or omissions do not adversely affect the health and safety of any other person. They can do this by:

- being involved in improving health and safety systems at work
- following all instructions, rules, procedures and safe ways of working
- reporting any pain or discomfort as soon as possible
- reporting all injuries, incidents and near misses
- helping new members, staff members, trainees and visitors to the club understand the safety procedures and why they exist
- reporting any health and safety concerns or issues through the reporting system
- keeping the work spaces tidy to minimise the risk of any trips and falls

## The club has:

- A Health and Safety section within their meeting procedures, where a designated member of the committee conducts an annual internal audit of the club's health and safety compliance and practices.
- The club has appointed Health and Safety Coordinator ([Sample of Job Description from NZ Sport](#))
- The coaches/ swimmers are kept informed of health and safety matters, and are consulted in the development and review of procedures.

## Others in the Workplace

All members and visitors are encouraged to:

- follow all instructions, rules and procedures while in the clubs care during lessons
- report all injuries, incidents and near misses to the coach

Athletes are provided with basic health and safety rules, information and training and are encouraged to engage in positive health and safety practices.

# Health and safety is everyone's responsibility.

The club has the following procedures to support the implementation of the Health and Safety/Welfare Policy

- The internal procedures are implemented by coaches every day. These include:
  - Athletes supervision
  - Guidelines for plant and machinery safety, and storage and use of hazardous substances
  - Administering medication, communicable diseases, handling of blood
  - Visitors to the club, including parents

## The club maintains:

- a hazard register, and any identified hazard is eliminated or minimised, this may run alongside the local pool authority.
- an accident register, including first aid records and all accidents and near misses, and informs WorkSafe NZ and the club chair as soon as practicable when a notifiable incident occurs in any place controlled by the (add club name).
- specific planning for trip activities, including risk management. Planning includes submitting the relevant documentation to the committee, which must approve trips and holds the ultimate responsibility for approved excursions.
- The club follows abuse reporting procedures, and trains staff in recognising and reporting abuse.
- The club applies behaviour management strategies.

Next review date: March 2020

# Health and Safety Procedures

Any event, practice where people are involved we need identify under Health and Safety any potential risks and hazards. Outlined below are procedures and template guidelines to assist in measuring risk and identify hazards.

## STEP 1: IDENTIFICATION OF RISK AND HAZARDS

To regularly identify the risks and hazards in the environments in which we operate. These hazards may include:

**Venue specific risks/hazards** e.g. slippery surfaces, chlorine levels, pool temperatures, undesirable observers etc

**Pool hazards specific to synchro** e.g. electrical equipment near and in water, hypoxia, concussion,

coach: athlete ratios at different ability levels

**Competition risks/hazards** e.g. travel to or from competitions, Health and Safety procedures in accommodation or pools used during competitions

**Wellbeing hazards** e.g. eating disorders, pre - existing conditions, vulnerable children protection

Where there are significant risks identified we will take reasonably practicable steps to: **E**liminate or **M**inimise the risk to health and safety by using a risk matrix . Please refer to the matrix diagram on the right.

- Substituting the hazard with something that gives rise to a lesser risk
- Isolating the hazard, e.g. preventing a coach, athlete or volunteer coming into contact with the hazard

Where the risks may only be minimised, it is important:

- Good practices are used and maintained
- Coaches, athletes and volunteers are properly trained informed and/or supervised
- All coaches, athletes and volunteers are aware of emergency and evacuation procedures in whatever environment they are in.

### Risk Rating Matrix

Once identified, risks should be assessed for potential consequence (degree of harm), and likelihood of occurrence, to identify which ones to focus on.

Likelihood of injury/harm	Consequences of injury/harm			
	Insignificant No / Minor injuries	Moderate Medical treatment	Major Extensive injuries	Catastrophic Fatalities
Very likely	Medium	High	Extreme	Extreme
Likely	Medium	High	High	Extreme
Unlikely	Low	Medium	High	Extreme
Highly unlikely	Low	Low	Medium	High

Extreme	= Stop, look for alternative activity!
High	= Control to eliminate risk
Medium	= Control to minimise risk as far as reasonably practicable
Low	= Continue

Nb: Assessing risk is not an absolute science:

- Multiple sources of information will help you derive a best estimate
- It is best considered by a team approach to achieve consensus.

To recognise Hazards within the working swimming environment that swimmers, coaches and volunteers will be working in, use the following: [Hazard Identification – Task Analysis Form](#)

**It is vital that coaches, volunteers and coaches have an induction programme  
And ongoing support training around Health and Safety Practices.**

### EMERGENCY AND EVACUATION PROCEDURES

In the event of any emergency, or natural disaster, please follow these principles:

Prevention of harm to all persons on site.

Raise the alarm.

Contact Emergency Services - Dial 111 for Fire/Police/Ambulance

1. Call from a safe place
2. Use a cordless or mobile phone if practical
3. Tell the operator which emergency service you want
4. Wait until that service answers
5. Give the address \_\_\_\_\_
6. Do not hang up until told to do so by the emergency service
7. Make sure someone is available to direct the emergency service to the scene

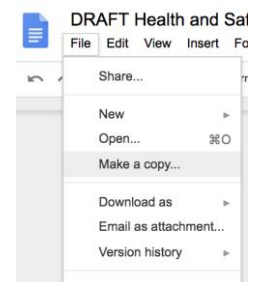
## Hazard Identification Forms and templates

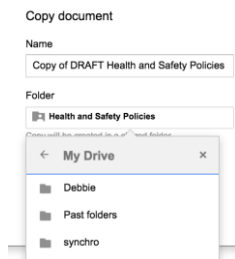
**The below documents are templates clubs can use and adapt. Email [synchroswimnz@gmail.com](mailto:synchroswimnz@gmail.com) if you would like any support or cannot access them. Before using them and recording information please make a copy of the templated.**

**TO make a COPY** - To do this follow the following steps

**Step 1:** Go up to the top left hand corner of the document and click on File. Scroll down to make a copy.

**Step 2:** In your Google Drive select where you would like to save it to in your Drive





**Step 3:** Once saved the title of the document will have COPY on the title and then it becomes yours to adapt and change.

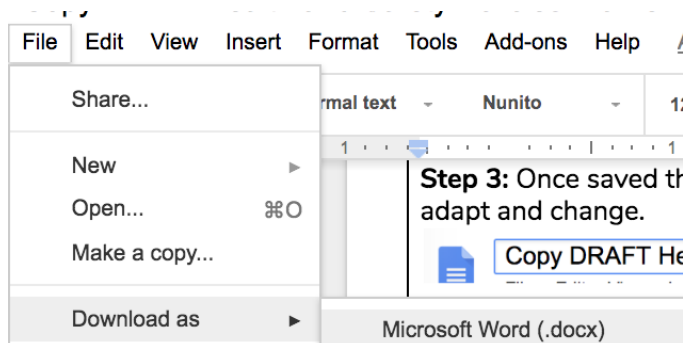


Copy DRAFT Health and Safety Policies Framework

Alternatively you can download the template onto your computer

To do this follow the following steps

**Step 1:** Go up to the top left hand corner of the document and click on File. Scroll down to download as... word doc



**Step 2:** This will then download as a Word Document for you to save onto your computer, ready to adapt

## Hazard ProcedureS - Templates TO ASSIST IN IDENTIFICATION

[Hazard Identification – Task Analysis Form](#)

### 1st Step:

This form assists in the first step of identification of risks and potential hazards.

[Physical Activity and Pool Environment Hazard Register 2018.](#)

### 2nd Step:

Once completed a Hazard Identification Analysis you then form a Hazard Register. The following template is a starting basis for swimming as has main hazards and risks identified. Clubs will need to add to this.. This is the comprehensive outline and should be easily on hand for people to view at the pool.

[Draft Pool Safety Operational Plan \(SOP\)](#)

### 3rd Step:

This is a summary of the hazard register and can be copied



<p><b>For Coaching sessions at the pool</b></p>	<p>and given to any volunteer, helper and swimmers to read over and sign. <b>It provides the key safety operational points for day to day working conditions</b></p> <p>This is a base model to start with. Clubs will need to adapt and modify based on their hazard analysis + procedures and systems, systems and procedures of the pool facility.</p>
<p><a href="#"><u>Coach/Volunteer Induction/Training Record</u></a></p>	<p><b>4th Step:</b></p> <p>It is important to support any new members to the team and provide ongoing support training.</p>
<p><a href="#"><u>Hazard Identification Form</u></a></p>	<p>This form is used as a continued monitoring form and when something has been identified.</p> <p>You can then record the process used to eliminate or minimise the hazard. Suggest a physical onsite folder be created where forms can be accessed.</p>

## INCIDENT RECORDING, REPORTING AND INVESTIGATION PROCEDURES:

- All Events and incidents must be notified to the Club Chairperson or the Health & Safety Coordinator immediately, or as soon as is reasonably practicable after the occurrence.
- Do not disturb the scene, unless it is for the purpose of releasing an injured person and administering first aid.
- All incidents and events regardless of severity must be recorded in an Incident Report Form, and recorded on the Event / Incident Register (see Master Forms).
- Notification may be given by phone or in writing - but the Incident Report form must be completed in writing.
- Upon receipt of the Event/Incident Report Form, the Health and Safety Coordinator will conduct an investigation and identify any changes required to the Manual.
- The Health and Safety Champion will inform all coaches and volunteers of the outcome of the event/incident investigation, i.e. new hazard identified and/or changes to hazard controls.

The forms below are designed to capture the information relative to events/incidents that may occur in the workplace.

### Managing Serious Injury

Always follow the correct procedure for [dealing with blood and other body fluids](#).

Comfort the patient but **do not** move them, or leave them unattended. Assess the scene to ensure your own safety and that of the first aiders. Keep calm.

Ask for help to:

- Summon the trained first-aiders
- Call an ambulance, if necessary. **Do not hesitate to do this.**
- Prevent further injury if a hazard was involved, for example, direct traffic away
- Notify the principal
- Secure the scene
- Record names of witnesses
- Keep unnecessary people away from the site.

If the injured person is a student, contact their caregivers as soon as possible.

[Record and report](#) as appropriate.

### Preserving the site of the event

The people in charge at the time must take all reasonable steps to keep the site undisturbed until authorised by an inspector. This doesn't prevent assisting an injured person, making the site safe to avoid further injury, or removing a deceased person.

Actions done or directed by a member of the police performing their duties are allowed, and any actions an inspector has given permission for.

The chairperson must be notified as soon as possible in the event of a death or [notifiable injury](#). Depending on the seriousness of the accident, and its effect on the community, the club may need to employ the **Crisis Management Plan**. Definition of a Notifiable Injury or Illness, Incident, and Event

### **A notifiable injury or illness includes:**

- any of the following injuries or illnesses that require the person to have immediate treatment (other than first aid):
  - the amputation of any part of his or her body
  - a serious head injury
  - a serious eye injury
  - a serious burn
  - the separation of his or her skin from an underlying tissue (such as degloving or scalping)
  - a spinal injury
  - the loss of a bodily function
  - serious lacerations.
- an injury or illness that requires, or would usually require, the person to be admitted to a hospital for immediate treatment
- an injury or illness that requires, or would usually require the person to have medical treatment within 48 hours of exposure to a substance
- any serious infection (including occupational zoonoses) to which the carrying out of work is a significant contributing factor, including any infection that is attributable to carrying out work:
  - with microorganisms; or
  - that involves providing treatment or care to a person; or
  - that involves contact with human blood or bodily substances; or
  - that involves handling or contact with animals, animal hides, animal skins, animal wool or hair, animal carcasses, or animal waste products; or
  - that involves handling or contact with fish or marine mammals.
- Any of these injuries or illnesses that happen to an employee, student, volunteer, or visitor must be notified to WorkSafe.

**A notifiable incident** is any unplanned or uncontrolled incident in relation to a workplace that exposes a person to serious risk to their health and safety arising from an immediate or imminent exposure to a hazard, including:

- an escape, spillage, or leakage of a substance
- an implosion, explosion, or fire
- an escape of gas or steam, or pressurised substance
- an electric shock
- the fall or release from a height of any plant, substance, or thing.

For a full list of notifiable incidents, see the [definition in the Act](#). And Notifiable Diseases [NZ Health](#)

**A notifiable event** is any of the following events that arise from work, i.e. at the pool, on a trip etc

- the death of a person
- a notifiable injury or illness
- a notifiable incident. See **Reporting and Recording Accidents and Incidents** templates below.

## Incident Procedure - Templates

<a href="#">Notification of circumstances of Accident or Serious Harm Form</a>	This form is an ACC form when someone has been injured It outlines to the medical team what has happened and what first aid has taken place. Suggest a couple of copies are on file for easy access.
<a href="#">Accident Investigation Form</a> <a href="#">Worksafe Notification form of Death, Notifiable illness and accident</a>	This form is used when an accident has occurred Suggest a couple of copies are on file for easy access.
<a href="#">First aid register</a>	Record of administering first aid

## INFORMATION AND TRAINING FOR COACHES, ATHLETES AND VOLUNTEERS

This will be the responsibility of the Health and Safety Coordinator on the Committee to support training and ongoing monitoring of systems and procedures.

### Coach, Athlete and Volunteer Responsibilities is to:

- Take reasonable care of his or her own health and safety; and
- Take reasonable care that his or her acts or omissions do not adversely affect the health and safety of other persons; and
- Comply with any reasonable instruction that is given by the Club to allow the Club to comply with the Act or regulations; and
- Co-operate with any reasonable policy or procedure of the Club relating to health or safety at the venues that has been notified to coaches, athletes and volunteers.

### All Coaches, Athletes and Volunteers are to be aware of:

- Hazards and risks they are likely to be exposed to in the environment, and the relevant hazard/risk controls or procedures to be taken to effectively manage the risk and to prevent any harm or damage to themselves, other person(s) and property.
- What to do in an emergency.
- Make sure coaches have **first aid training (This assists in minimising risk)** [First aid register](#)
- Where all necessary safety gear or safety equipment and materials are kept.

### To ensure that the club compiles and maintains Health and Safety procedures, it will:

1. Make sure new, and existing Coaches, athletes and volunteers read and understand the requirements of health and safety in this manual, plus any other relevant information in the induction.
2. Ensure the Health and Safety Manual is available and accessible to all new, and existing coaches, athletes and volunteers, and is posted on the website.
3. Review the Health and Safety Manual every two years or as required.
4. Maintain records to ensure all coaches, athletes and volunteers have read and understood the detail and content of the Health and Safety Policy and Procedures (recorded on the Induction Training Record - see Master Forms). [Coach/Volunteer Induction/Training Record](#)

## Trips and Competitions

When organising trips and away competitions Health and Safety needs to be considered and following documentation conducted to ensure the safe running of the event/ travel.

Safety Action Plan for Trips and Events- Here is a template of the Safety Action Plan for all team members to understand and follow while away. Please also read alongside CARE AND PROTECTION of the child policy.

[Event / Trips Safety Operational Plan \(SOP\)](#) - this is a draft and starting point. It would need to be adapted for the specific trip or event.

### Pre Planning and Trip Documentation- Templates

<a href="#"><u>Event Proposal</u></a>	This proposal can developed
<a href="#"><u>Event Checklist</u></a>	This assists that all aspects have been considered and covered
<a href="#"><u>Equipment Log</u></a>	Sign out sheet of equipment going on trip
<a href="#"><u>Parental Consent Form</u></a> <a href="#"><u>Important Info for parents - quick reference</u></a>	This is an example of one to modify
<a href="#"><u>Swimmers Medical Form</u></a>	This should be taken with you when away
<a href="#"><u>Parent Volunteer Medical Form</u></a>	This should be taken with you when away Check if any parents have first aid training - <b>they need to provide a certificate</b>
<a href="#"><u>Health Care Plan</u></a>	This is only if a member of the team has special health needs - work with parents on this- This should be taken with you when away
<a href="#"><u>Event Medication Administration Form</u></a>	Use of medication is required to be administered- keeps a record of what swimmers have taken - This should be taken with you when away
<a href="#"><u>Car Volunteer Form</u></a>	Drivers of Cars to complete and sign
<a href="#"><u>First aid register</u></a>	Record of administering any first aid

## Appendix - Other health and safety Policies, procedures and practices

### The Health and Safety at Work Act

The Health and Safety at Work Act 2015 (HSWA) requires every workplace to have systems in place for managing health and safety, and focuses on the prevention of harm.

#### The Act

- recognises that a well-functioning health and safety system relies on participation, leadership, and
- accountability by government, business, and workers
- acknowledges everyone's responsibilities in keeping workers healthy and safe in workplaces
- clarifies the responsibilities and accountabilities and strengthens worker participation
- promotes effective risk management.

#### Summary of Responsibilities

Person and People and organisations who are not PCBU's. At club level, the PCBU is the board / committee as an entity.

Under HSWA, the following are not PCBU's:

- volunteer associations (incorporated and unincorporated)
- home occupiers, and or
- workers.

#### Volunteer Associations:

Under HSWA, a volunteer association (incorporated and unincorporated) is defined as a group of volunteers working together for a purpose, and where none of the volunteers, or the association as a whole, employs anyone to carry out work for them.

The group may be involved in the promotion of art, culture, science, religion, education, medicine, or for charity, sport and recreation purposes.

Volunteer groups that only employ contractors, instead of having employees, are not classed as PCBU's. A volunteer group would be a group of volunteers coming together to complete a community project (for example beach clean, community tree planting).

The board/ committee as PCBU holds the primary duty of care for the health and safety of everyone in the club "so far as is reasonably practicable".

The PCBU's leadership role includes making decisions that influence health and safety.

The committee must:

- exercise due diligence to ensure that the club meets its health and safety obligations
- ensure that the necessary policies, procedures, and resources are in place

- monitor the policies, procedures, and resources.

#### **Worker:**

A worker is anyone working for the PCBU, i.e. coaches, contractors; and volunteer workers.

**Volunteer workers** are people who regularly work on an ongoing basis for the club and are integral to its operations, for example, coaches. [Information for volunteers from Worksafe](#)

#### **Workers/ Coaches must:**

- take reasonable care for their own health and safety
- take reasonable care that what they do, or don't do, doesn't adversely affect the health and safety of others
- comply, so far as reasonably able, with any reasonable instruction given by the committee that enables it to comply with the HSWA and regulations
- cooperate with any reasonable pool policies, and or procedures relating to health or safety of the pool.

#### **Other persons**

- Other persons are anyone in the club/pool environment, i.e. swimmers, swimmers, parents and caregivers, visitors, casual volunteers, and members of the public.
- Casual volunteers are involved in activities, such as fundraising activities, assisting at swimming events or helping with synchro activities.

#### **Other persons must:**

- take reasonable care for their own health and safety
- take reasonable care that what they do, or don't do, doesn't adversely affect the health and safety of others
- comply, so far as reasonably able, with any reasonable instruction given by the committee that enables it to comply with the HSWA and regulations. [Worksafe](#)

## **Due Diligence**

The Act encourages officers to proactively undertake due diligence to ensure health and safety is prioritised by the club/ committee. This not only improves health and safety, but reduces the risk of liability. Due diligence involves making decisions that do not adversely or negatively affect health and safety, and taking reasonable steps to:

- know about work health and safety matters and keep up-to-date



- gain an understanding of the operations of the club and the hazards and risks generally associated with those operations
- ensure the club/ committee has appropriate resources and processes to eliminate or minimise those risks
- ensure the club/ committee has appropriate processes for receiving information about incidents, hazards, and risks, and for responding to that information
- ensure the club/ committee has, and implements, processes for complying with any duty or obligation of the club/ committee
- verify that these resources and processes are in place and being used.

As part of our due diligence, we:

- include health and safety as a standing agenda item at team/ club meetings
- regularly review our resources and processes for managing potential risks
- talk to staff, swimmers and parents about health and safety issues and encourage feedback
- encourage feedback from staff, swimmers and parents in reviewing club policies
- observe day-to-day activities
- include health and safety issues in club communications such as the newsletter
- ensure resources are planned and budgeted, and used for health and safety issues
- keep up to date with implementation audits and reports engage health and safety advisors when appropriate
- include risk management in all trip/ team/ club event planning, including discussing health and safety requirements with providers
- collaborate with the pool and other clubs and organisations when planning shared events to establish responsibilities and actions regarding health and safety.

## Failure to take due diligence

There are three offences under the Act relating to failure to take due diligence:

- Reckless conduct in respect to duty
- Failing to comply with duty that exposes individual to risk of death or serious injury or serious illness
- Failing to comply with duty.

These offences carry penalties depending on who has failed in exercising due diligence, and the severity of the non-compliance. For example, voluntary officers and committee members have the duty of due diligence, but are not liable for breach of duty and will not be fined or prosecuted.

The coach, as a paid officer, and the club as an entity may be subject to prosecution and/or penalties if they fail to meet the duty of due diligence.

Although individual board/ committee members are not liable, it is important that they exercise due diligence as

individuals to protect the club/ committee as an entity. WorkSafe will prosecute in the most serious situations where non-compliance has been serious or flagrant, or harm or potential harm is severe.

See Prosecutions on WorkSafe New Zealand.

## Storage and Use of Hazardous Substances

All staff, use safe practices when storing or using hazardous substances.

- Users always read the label and follow the safety instructions.
- Personal protective equipment, such as rubber gloves, eye protection, overalls is available and used as appropriate.
- All inflammable substances, such as petrol, paint, and cleaners, are stored securely and in their original containers.
- Spills are dealt with promptly and appropriately. Children have no access to hazardous substances. <https://www.hazardoussubstances.govt.nz/>

## Plant, Equipment and Machinery Safety

**Plant** - All plant is inspected regularly and we maintain a maintenance log (detailing plant or equipment name, location, serial or identity number, work carried out, date, time, and who the work was carried out by).

**Machinery** - Machinery is stored safely and securely i.e. sound system. Children are not permitted in the machinery

storage area. Machinery clean and well maintained, and attends to repairs immediately. Machinery is used with the appropriate care and supervision. Swimmers only have access to machinery when appropriately supervised.

**Electrical testing** - Electrical appliances are safely maintained to meet the requirements of AS/NZS 3760:2010 In-service safety inspection and testing of electrical equipment

[https://drive.google.com/open?id=1fFX6olqlDSCYLjYnbzrCGzJS\\_sLIWW52](https://drive.google.com/open?id=1fFX6olqlDSCYLjYnbzrCGzJS_sLIWW52)

# Self review of Health and Safety policy and procedures

<b>Weekly</b>	Hazard and Risks	
<b>Monthly / Termly</b>	Hazard and Risks at Club Committee Level - update hazard register and safety operation plan if needed Complete Evacuation Procedure Drill Termly linking with Pool Go through Health and Safety procedures with updates to swimmers / volunteers etc - suggest do this on the first session of each term.	
<b>Yearly</b>	Health and First Aid systems and procedures Trips procedures and systems Check Police Clearance - suggest do this at the beginning of each year Volunteer Disclosure forms - suggest do this at the beginning of each year Check First Aid training requirements Induction	Review Year
<b>Bi annually</b>	Protected Disclosure Policy and Procedures Medical systems and procedures Behaviour Management Systems- code of conduct Child Protection systems and procedures included protected disclosures	2019 2021 2023
<b>Tri annually</b>	Health and Wellbeing Policy Review Privacy guidelines Complaints and Harassment procedure / policy	2019 2022 2025



# CARE AND PROTECTION OF CHILDREN and Adult Policies and Procedures



Debbie Dickson  
January 2021

# Care and Protection Policy

Synchro is committed to acting at all times in the best interests of the children, young people and vulnerable adults to whom it provides a service.

**Objective:** The safety of our athletes is our prime consideration at all times.

**Related Documents:** The Child Protection policy is to be used in conjunction with our Health & Safety Policy and adheres to the following Acts:

- Health and Disability Commissioner Act 1994
- Children Young Persons and Their Families Act 1989
- Privacy Act 1993
- Human Rights Act 1993
- Education Act 1989/1998
- Domestic Violence Act 1995
- Care of Children Act 2004
- Employment Relations Act 2000
- Child Young Person and their Families Act 1989
- Code of Health and Disability Services Consumers' Rights

**Scope:** This Policy applies to all children who are athletes in our club, and to those with whom personnel come into contact with in the course of their work with the Synchro club, e.g. in Synchro in (add club name)s programmes etc. It applies to staff, coaches, team managers, volunteers and committee members.

**Definitions:** A child is defined as anyone under the age of 18. An adult receiving a service as a result of their deafness or disability could be regarded as a 'vulnerable adult' and is also covered by this policy. 'Staff' is defined as those who are employed directly by, or volunteer for the club - including Team Managers and Committee Members. It also includes staff and volunteers of partner organisations whilst they are working with children and young people in the care or supervision of the club.

- **NZ Crimes Act 1961 definition of a vulnerable person:** “ an **adult** who is unable, by reason of detention, age, sickness, mental impairment or any other cause, to, withdraw himself or herself from the care of another. <chrome-extension://oemmndcbldboiebfnladdacbfdmadadm/https://anzasw.nz/wp-content/uploads/SW-Guide-to-Crimes-Amendment-Act-No-3-20111.pdf>

“Parents/caregivers” are defined as the person/people named on the enrolment form at the time the athlete joined the club.

## Responsibilities

*The person, or persons, who hold the responsibility for child protection, and therefore this policy, within the organisation should be named. This function should be carried by someone who has the ability within the organisation to implement change and the authority to influence the principles of your organisation. This function can be referred to as the Designated Person for Child Protection or the Protection Coordinator, or some other easily identified title to ensure that the person carrying this functioned is easily identified by staff, volunteers and parents/caregivers or whānau.*

**The ASNZ Protection Coordinator is a delegated ASNZ Board Member**

The Protection Coordinator will be responsible for training all new staff members to clearly explain this policy.

## Confidentiality and Information Sharing

The Club recognises that all staff must act within the legal requirements of the Privacy Act, Children, Young Persons and their Families Act, Health Information Act and other statutes. There are provisions within each of these acts for sharing information needed to protect children and enable other people to carry out their legitimate functions. In general staff will not share information if they believe that by doing so this will endanger the child. Staff will only share information with guidance from those organisations.

## Relationship with External Agencies

With respect to child protection, the club is aware of the Child, Youth and Family organisation, and with Police. Any relevant communication from these organisations relating to sporting organisations protecting their athletes will be passed onto synchro staff. ,

**Review:** This Policy and all its sub policies and related policies, will be reviewed at the same time as the Health & Safety Policy – in February every second year.

## SUPPORTING DIVERSITY (Based on Sport NZ Principles)

An area of development 11 June 2019

Every Kiwi has the right to participate in sport and recreation within a welcoming and inclusive environment, and to be treated with respect, empathy and positive regard irrespective of age, ability, ethnicity, gender, national origin, race, religion, sexual orientation, political beliefs or socio-economic status.

### SUMMARY

All those who deliver sport should ensure they create an environment which is inclusive and supports diversity - understanding that each individual is unique, and recognising, and responding to, our individual differences and needs.

Sport NZ's participant-centred approach provides a starting point for encouraging diversity in sport and requires consideration of the social and physical environment that must be created to ensure that the needs of all participants can be met.

**Resources:** Click on the links

- Please note this is an area of development for ASNZ linking to IOC/ FINA and NZ Sport
  - [FINAL STATEMENT ENG \\_DRAFT 8 - NZ Olympic Committee](#)
  - [Transsexual People and Sport - Guidance for Sporting Bodies](#)
  - [International Olympic Committee meeting on sex reassignment and hyperandrogenism](#)
  - [Transgender Athletes - FinaTrans and Gender Diverse Inclusion | Sport Australia](#)

## Care and Management procedures of Swimmers

The Club promotes a culture of care and protection for all (athletes, coaches, and adults working within the club environment), and we expect a high degree of **professionalism** from our coaches in working with children. We treat all swimmers with care, courtesy, and appropriate language. Coaches create a positive and safe learning environment and promotes positive **swimmers behaviour**. Unacceptable behaviour, including **bullying**, is dealt with through the clubs behaviour expectations. (Clubs need to define what these are)



## Safe Working Practices

All members of staff, whether paid or voluntary, are expected to follow the guidelines in this policy. The Child Protection Coordinator will review these annually with staff to ensure that the guidelines meet the needs arising from ever-changing environments and situations.

Staff are to inform their senior manager/Chairperson of any potential situations of possible compromise or conflict of interest that arise as part of their work. No-one is to enter into any relationship with a child, young person or family, which could mean that this policy is compromised.

### Contact between coaches/ volunteers and swimmers

There are times when athletes are in one on one coaching sessions with coaches. This will be restricted to public pools. Parents/caregivers must be made aware of the swimmer being in a one on one session and are invited to attend sessions as well.

When coaches are interacting with a student one-on-one, they ensure wherever possible that the space is not closed off from other people.

Coaches take particular care with swimmers who express themselves freely and seek close physical contact. When this is a problem, it is always discussed with the child's parents.

Coaches are aware that swimmers who require **support** may have particular needs with regards to safety and supervision. Corporal punishment is prohibited and coaches avoid physical contact with swimmers that could be considered intimate, sexual, threatening, or violent.

Staff members are not allowed in changing rooms while swimmers are undressed. There are opportunities for this to happen from time to time particularly during competitions – staff members should do their best to always take another person with them if they need to go into changing rooms.

Fitting of competition togs is a typical synchro requirement. This must always be done with swimmers wearing togs or underwear beneath togs being fitted, or when measurements are being taken. The togs designer is never to be alone with a swimmer; ideally fitting two swimmers at one time or with another adult in attendance. Swimmers' caregivers will be notified and invited to supervise any togs fittings if they wish to attend.



Spray tans if required - it is suggested that spray tanning take place with a service provider. Spray tanning can occur by staff with written permission from the athletes' parents/caregivers. Caregivers are welcome to supervise any spray tanning.

When travelling to competitions or training camps, staff members are not permitted to share overnight accommodation solely with athletes. Every attempt should be made to have at least one other athlete/adult in the room in those situations to protect both swimmers and staff.

If a coach is attacked by a swimmer, they protect themselves without causing injury to the swimmer involved, and immediately report this incident to the committee/ parent, and seeks other adult support.

## Out-of-club time contact between staff and swimmers

- Coaches are vigilant about safe and appropriate out-of club/ training contact with athletes, including through **social media**, texting, and emails.
- During trips, staff ensure safe interactions, sleeping, and travel arrangements for all athletes, and follow the procedures in **Supervision** and **Parent Help**.

## Safety checks

The [Vulnerable Children Act 2014 \(VCA\)](#) introduced safety checks as one of the measures to help reduce the risk of harm to children. Safety checks must be completed for all people employed or engaged in work that involves regular or overnight contact with children.

- Employee/ coach - a person of any age employed by an employer to do any work for hire or reward
- Engaged – someone other than an employee who is engaged to do any work for gain or reward – e.g. a contractor

Under the VCA there are no requirements to complete safety checks for volunteers, however volunteers often work with children and NZSTA recommend that a Police vet is completed for all volunteers.

Under the VCA the safety check consists of

<p>Identity confirmation <a href="#">s5 (VCA regulations)</a></p>	<p>What do you need to do to ensure that someone is who they say they are?</p>
<p>Information about previous criminal convictions (if any) <a href="#">s6 – (VCA regulations)</a></p>	<p>A Police vet will identify any criminal convictions that would prevent them from working at your club.</p> <p>Newly entered Overseas coaches will need to apply for a police vett from their country they were last residing in and this needs to be presented to the club. Once living in NZ after 6 month as NZ vett will needed to be lodged. an overThe results <b>must stay</b> in a locked confidential file with each club and the chair and protection officer is the people who will view these.</p> <p><b>EVALUATION OF A NEGATIVE POLICE VET</b></p> <ul style="list-style-type: none"> <li>• If the vet reveals criminal offences or concerns that need to be given consideration, the following factors are to be considered:</li> <li>• How serious was the offence?</li> <li>• How long ago was the offending?</li> <li>• Has a sentence been served, or is there Periodic Detention/Community Service still being served?</li> <li>• Was it a one-off offence, or is there a pattern of offending?</li> </ul> <p><b>What is the role in the club, and how does the type of offence relate to it?</b></p> <p>The concerns raised by a 'Red Stamp' (A Red Stamp indicates police have concerns about the person working with children).</p> <p><b>Relevant Offences:</b></p> <p>Individuals will be disqualified from holding positions that require direct contact with children/ adults if their criminal records include any of the following:</p> <ul style="list-style-type: none"> <li>• Past history of sexual abuse of children</li> <li>• Conviction for any crime in which children were involved</li> <li>• History of any violence or sexually exploitative behaviour</li> </ul> <p><b>Other Factors that need to be considered by the when evaluating criminal history records are:</b></p> <ul style="list-style-type: none"> <li>• The circumstances surrounding the conduct in question.</li> <li>• The age of an individual at the time of the offence.</li> <li>• Societal conditions that may have contributed to the nature of the conduct.</li> </ul>

	<ul style="list-style-type: none"> <li>•The probability that an individual will continue the type of behaviour in question.</li> <li>• The individual's commitment to rehabilitation and to changing the behaviour in question.</li> </ul> <p>It is the responsibility to inform the club if there is an incident or pending criminal conviction currently under review by the Police. The club will then work through the process with the person concerned based on the issue</p>
Other information <a href="#">s7 – (VCA regulations)</a>	E.g. is there anything in their previous work history that identifies any concerns?
Risk assessment <a href="#">s8 – (VCA regulations)</a>	Does the person pose any risk to the safety of children?  What do we need to do to make sure they are safe to work with children?
Periodic safety checks <a href="#">part 2 – (VCA regulations)</a>	How do we ensure ongoing commitment to child safety?

## Identity confirmation

You need: One primary form of identification, for example:

- NZ or overseas passport
- NZ full birth certificate that is issued on or after 1 Jan 1998 with a unique ID number

A secondary form of official identification, for example:

- NZ drivers licence
- Community Services Card
- IRD number

One of the forms of identification must include a photo. You can also use electronic identification for example RealMe. If the name of the person differs from the name on the documentation they provide, e.g. marriage or deed poll, they will need to produce a supporting document that shows evidence of the name change.

If it is identified that a name has been used by another person please contact Police for further advice.

## Additional Information

You must interview any applicant who you may wish to employ or engage. ASNZ recommends that this is done face to face or via Skype/ Zoom. During the interview you must consider;

- would the person poses a risk to children and if so, to what extent?
- what is their attitude to child safety?

You should include questions to find out about;

- the applicant and their qualifications
- their view on discipline and keeping children safe
- their attitudes and experiences when working with children

Reference checking allows you to find out if there are any gaps or differences from what the candidate has told you.

The candidate must provide at least 1 but preferably 3 referees who are not related to the applicant. One of the referees must be from an organisation or authority they have worked for or belong to. One of their referees should be their immediate past employer or if possible their current employer. If they are reluctant to provide their current employer, check the reasons why.

## Periodic safety checks

Periodic checks must be completed on anyone who is employed or engaged at the (add club name) within 3 years of their last safety check. As part of this check they must;

- confirm whether he or she has changed their name since the last safety check.

## Privacy guidelines

The Privacy Act 1993 is primarily concerned with good information handling practices, and is made up of 12 information privacy principles. The following guidelines apply these principles.

### Guidelines for collecting, using and storing personal information

#### privacy principle

When we collect personal information about an individual, we make known the purpose of collecting it, who will have access to it, and whether it is compulsory or optional information. We advise that individuals have the right to request access to, and correction of, their personal information.

We only collect personal information:

- for purposes connected with the function of the club, and only when it is necessary to have this information
- directly from the person concerned, or, if a student, their parent or guardian, unless it is publicly available from elsewhere, or the person's interests are not prejudiced when we collect information from elsewhere
- in a transparent and respectful manner.

We have reasonable safeguards in place to protect personal information from loss, unauthorised access, use, or disclosure. These safeguards include the use of individual logins for computers, and lockable filing cabinets. We may require volunteers and third party contractors to sign confidentiality agreements.

- If an individual wants access to information we hold about them, we provide it. Individuals may request correction of this information or, when not corrected, that a record of the request is attached to the information.
- We take reasonable steps to make sure personal information is correct, up to date, relevant and not misleading.
- We only keep information for as long as it is needed, and for the purposes for which it was obtained. When a student moves to a new school and their records are requested, we forward the relevant information that we hold.
- Information is only used for the purposes for which it was obtained except in certain circumstances (for example, for statistical purposes where the person's identity is not disclosed).
- We safeguard students' information and we do not release that information to third parties unless we are allowed, or required, to release information by law. This covers disclosure to persons other than those able to legitimately access material about their own children.
- As a general rule, information about any person is not given to a third party without the person's knowledge, unless: the information is already publicly available
- the right to privacy is overridden by other legislation
- it is necessary for the protection of individual or public health and safety.

For most purposes, the best guide is to use good sense and to treat information about people with great respect. When in doubt, seek advice from the school's privacy officer or the [Office of the Privacy Commissioner](#).

[Legislation](#) Privacy Act 1993  
[vulnerable children](#)

[Resources](#) Privacy Commissioner: [Sharing information about](#)

## Travel/ Camps and Parent/ Volunteer Help

Trips can not take place without the help of parent volunteers. Planned activities invite parents to help with supervision, transport, or other assistance.

Team members should not be taken alone on journeys, however short. Transportation arrangements should be made as far in advance as possible and children must be accompanied by a parent, Team Manager, coach or other adult acting in a caring or supervisory role with the consent of the child's parent. This consent should be documented - typically in the Competition Parent Approval forms.

If an exceptional situation arises where a Child under the age of 18 cannot be accompanied by such a person, the coach/team manager needs to notify the athlete's caregivers prior to the travel and make a note of the length of time staff and athlete were alone together.

## General guidelines

Communicate to parents, as early as possible, so that they can make the necessary arrangements to be involved.

- When there are more offers of help than required, the club declines some of the offers.
- The club reserves the right to decline offers of help at any time.
- It is not always appropriate for siblings to come along with the parent helper. Please discuss this with the coach or key committee coordinator before the event/activity.

Coaches or key coordinator will brief parent helpers and instructors about:

- their specific roles, including supervision
- transport guidelines, according to the Transport Volunteer Agreement
- the medical needs of specific swimmers, and any other relevant information
- other guidelines outlined in Parent Involvement.

Depending on the activity, there may be forms for the parent helper to complete such as the Transport Volunteer Agreement, Volunteer Assistant Agreement, Activity Leader/Assistant Competence form or the Health Profile and Medical Consent form.

**Parent volunteers are not required by law to be vetted but the club may choose to do so.**

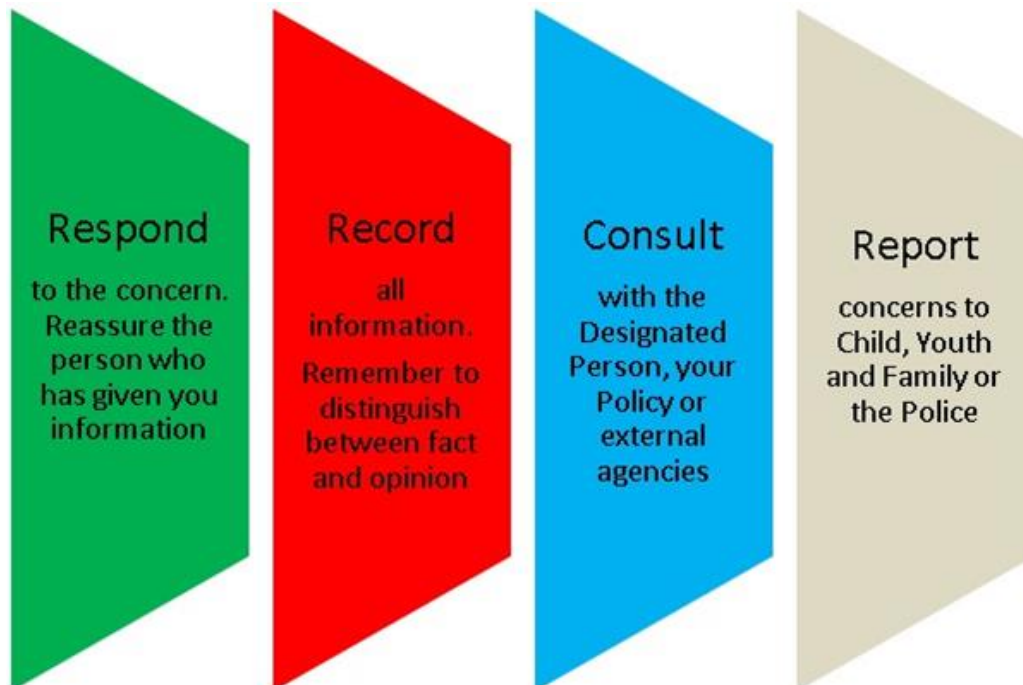
At \_\_\_\_\_ club , we police vet parent volunteers for camp or overnight activities. The application must be directed to the [Vetting and Validation Section of NZ Police](#) For further information, refer to the [NZ Police website](#).

No adults (i.e. staff, instructors, visitors, or parent volunteers) participating in an trip/ camp activity may consume or be under the influence of alcohol, illegal drugs, or other harmful substances.

Optional Forms can be used as a safety measure for club. These include:

<a href="#"><u>Volunteer Agreement Form</u></a>	This is an agreement form for 1 off situations
<a href="#"><u>Car Volunteer Form</u></a>	Drivers to complete if taking swimmers
<a href="#"><u>Regular Volunteer CARE AND PROTECTION and Health and Safety Form</u></a>	This is for people who are regularly working in the club
<a href="#"><u>Vulnerable Children Declaration Form</u></a>	This is a club or organisation declaration form that volunteers complete instead of a police clearance

## Procedure for conflict management and reporting Abuse



Any issues of suspected child abuse must be taken seriously and handled in an appropriate manner that ensures the child's safety.

The Child Protection Coordinator is responsible for ensuring that the procedure for reporting child abuse is effective and timely. If a member of staff has a child protection concern then they must inform this person as soon as possible. [Template for Record of Issue or Concern](#)

## Managing Allegations against Staff

The club will respond to suspicions and allegations of child abuse by a member of staff immediately, in a manner which best ensures children's or young persons' immediate and long-term safety. The Child Protection Coordinator will work with the Chairperson (or other appropriate Committee Member) to investigate the matter, and will treat suspicions or allegations against a staff member with the same seriousness as suspicions or allegations made against any other person.

## Guidelines for Informal Complaints

Our primary goal is to create the best learning environment for the swimmers. We encourage open communication and prefer that parents come to the coach and to talk through a problem rather than discuss it in the community.

These are recommended guidelines for parents making informal complaints.

Discuss the issue with the right person (Coach or Chairperson of the club)

- If the matter is a general issue (*\*general **issue is the** question or point that is being questioned, or wanting to be discussed for clarification*). discuss it with the person concerned or a member of the management team or the principal.
- If you have a complaint about a staff member, contact the person involved and discuss the matter. We ask that parents make this direct approach as soon as possible. Be prepared to make a time to discuss your complaint if the coach is unable to talk with you straight away. Be open to listening to the other side of the story to avoid communication breakdowns.



If you do not wish to approach the person concerned, contact the chair of the committee. The Chair may communicate with the coach concerned.

- If you have a complaint about one of our athletes, contact the coach to discuss the matter.
- If the matter concerns the coach and you have not first resolved it by discussion, or you feel uncomfortable directly approaching the coach, contact the chairperson.
- If the matter concerns a committee member, contact the chairperson or if it is the chairperson contact a committee member.

**Work towards a resolution.**

- In most cases, constructive discussion will resolve the issue.
- If you are unhappy with the outcome of your initial meeting, contact the chair to discuss further resolution. They will consider and respond to the complaint as appropriate.

If an informal meeting does not resolve your concern or complaint, you can make a formal complaint.

If a staff member is the complainant (including complaints about colleagues), the same procedure must be followed, commencing with an initial discussion with the people concerned to try to resolve matters.

**DRAFT: DISPUTES/ Discipline POLICY and Procedures**

If an informal meeting does not resolve your concern or complaint, you can make a formal complaint. In the interests of fairness, any formal complaint or serious allegation must be made in writing and resolved in a timely fashion. All parties should respect confidentiality. Follow this process:

Responsibility	Action	
Complainant	1.	Put your concerns in writing, either as a signed letter or an email. Give as many details as possible, including details of efforts that have been made to resolve the issue. Include names and contact phone numbers.

		<p>Please note when lodging a formal complaint this must be accompanied by a fee of \$100.</p> <p>If the complaint is upheld the \$100 will be reimbursed.</p>
	2.	<p>Send the letter marked Confidential to the chairperson of the club/ Or if it is a ASNZ Matter to <a href="mailto:synchroswimnz@gmail.com">synchroswimnz@gmail.com</a></p>
<b>Coach</b> (if complaint is about a staff member)	3.	<p>Acknowledge receipt of the complaint in writing or by email to the complainant.</p> <p>Give a copy of the complaint to the staff member concerned and then meet with the person for a response</p> <p>Inform the chairperson</p> <p>Coordinate a meeting with the person who has raised the concern</p> <p>At the meeting work through the issues ensuring impartiality and that both sides voices are heard</p> <p>Work through a process of resolution or agreement</p>
<b>Chair</b> (if the complaint is about the coach)	4.	<p>Acknowledge receipt of the complaint in writing or by email to the complainant. Give a copy of the complaint to the coach.</p> <p>Give a copy of the complaint to the staff member concerned and then meet with the person for a response</p> <p>Coordinate a meeting with the person who has raised the concern</p> <p>At the meeting work through the issues ensuring impartiality and that both sides voices are heard</p> <p>Work through a process of resolution or agreement</p>

When a formal complaint is received, the club may choose to investigate it if it is deemed serious enough to warrant it after considering the initial response from the person the complaint is about.

Not all complaints require an investigation but all written complaints should be disclosed to the staff concerned at the earliest opportunity, and followed up with the complainant.

**If the complaint relates to ASNZ squad member or team the following procedures would occur**

If an informal meeting/ discussion does not resolve your concern or complaint, you can make a formal complaint. In the interests of fairness, any formal complaint or serious allegation must be made in writing and resolved in a timely fashion. All parties should respect confidentiality. Follow this process:

Responsibility	Action (Draft)	
Complainant	1.	Put your concerns in writing, either as a signed letter or an email. Give as many details as possible, including details of efforts that have been made to resolve the issue. Include names and contact phone numbers.
	2.	Send the letter marked Confidential to <a href="mailto:synchroswimnz@gmail.com">synchroswimnz@gmail.com</a>
ASNZ will	3.	<p>Acknowledge receipt of the complaint in writing or by email to the complainant. Give a copy of the complaint to the staff member concerned</p> <p>Inform the chairperson</p> <p>Give a copy of the complaint to the staff member concerned and then meet with the person for a response</p> <p>Inform the chairperson</p> <p>Coordinate a meeting with the person who has raised the concern</p> <p>At the meeting work through the issues ensuring impartiality and that both sides voices are heard</p> <p>Work through a process of resolution or agreement</p>

## Harassment

Harassment is any behaviour that is ongoing or repeated, that is unwelcome, intimidating, intrusive or offensive to the receiver. It includes any unwanted comment, conduct or gesture directed toward an individual or a group of individuals which is insulting, intimidating, humiliating, malicious, degrading or offensive, and is either repeated or an isolated incident which is so significant that it adversely affects

someone's performance, contribution, or work environment. This conduct delivered through emails, texts, phone calls, social media, etc, is still harassment.

Harassment includes [sexual](#) and [racial harassment](#), and harassment based on ethnicity, age, disability, gender, sexuality, and religion. Harassment exposes the victim to physical injury or psychological harm; it affects productivity and staff morale, and contributes to an unsafe work environment and unhealthy workplace culture. Harassment, and bullying behaviour is not tolerated by the club.

Our harassment procedures enables us to:

- work towards a safe and effective learning environment where staff and swimmers are free from harassment
- provide educational programmes which promote positive attitudes to racial and other differences, and to the bi-cultural heritage of New Zealand
- educate and inform what is acceptable, and what is unacceptable behaviour
- promote respectful interactions
- follow appropriate and proper procedures to handle complaints of harassment
- meet the requirements of the Human Rights Commission and employment legislation.

Any member, including volunteer, parent, who feels that they are suffering harassment, should follow the following procedure:

## Harassment Complaints Procedure

Many harassment complaints can be resolved informally through confronting the person responsible, explaining that their behaviour is offensive and seeking an assurance that it will stop. It may be necessary to approach another member for support at this stage.

If the harassment is very serious, or continues after an initial confrontation about it, the person being harassed can take the following actions:

- report it to the police, especially if the harassment involves sexual or physical assault. Note that it is an offence that can result in a fine of up to \$1000 to insult, abuse, or intimidate a member of the (add club name) staff.
- report it to the Human Rights Commission, if the complainant doesn't want to complain to the (add club name) management, or is not satisfied with the result of an internal investigation
- consult a lawyer and consider applying for a restraining order.
- If a coach is suffering harassment from a parent/caregiver, that continues despite attempts to resolve it, the club can serve a trespass order or apply to the District Court for a restraining order. The order prevents the harasser from making contact in any way or

continuing the harassment. It can include special conditions. It is a criminal offence to breach a restraining order.

Strict confidentiality must be maintained in both informal and formal management of a harassment complaint to avoid victimisation, humiliation, and **defamation**.

## Procedures

*This policy and procedure is based on FINA and Swim NZ Policy and Procedures*

### Position Statement

In pursuing its aim of encouraging participation in all aspects of Artistic / Synchronised Swimming at all levels, ASNZ New Zealand condemns Misconduct on the part of its members as

being contrary to the ethics and spirit of Artistic / Synchronised Swimming and fair play.

### Definitions

2.1 In this Disputes & Disciplinary Policy, the following words have the following meanings:

- (a) **Anti-Doping Rule Violation** has the meaning given by the Sports Anti-Doping Rules;
- (b) **Board** means the board of ASNZ as defined by the Constitution;
- (c) **Board Member** means a member of the Board of Artistic / Synchronised Swimming New Zealand;
- (d) **Code of Conduct** means the ASNZ Code of Conduct ordered by the Board and as amended by the Board from time to time;
- (e) **Constitution** means the constitution of ASNZ in force and as amended from time to time;
- (f) **CPA** means Child Protection Advisor appointed by ASNZ;
- (g) **FINA** is the international governing body for swimming;
- (h) **GM** means a general meeting of Swimming New Zealand called in accordance with the Constitution, whether an AGM or SGM;
- (i) **Member** has the meaning given by the Constitution;
- (j) **Care and Protection Policy** means the ASNZ Care and Protection Policy ordered by the Board as amended from time to time;
- (k) **Panel** means the panel formed by the ASNZ Board Chair
- (l) **ASNZ Board Chair** means the ASNZ Chair
- (M) **ST** means the Sports Tribunal of New Zealand.
- (N) **ASNZ** means Artistic / Synchronised Swimming New Zealand

### Objectives

3.1 The Objectives of the Disputes & Disciplinary Policy are:

- (a) To determine alleged breaches of the Code of Conduct;
- (b) To determine alleged breaches of the Care and Protection Policy;

- (c) To resolve disputes that arise between Members;
- (d) To make decisions on appeals by a Member against a decision of a Regional Club Association or Member Club involving suspension, expulsion, penalty or material detriment to the Member.

#### **4. When this Disputes & Disciplinary Policy Applies**

4.1 **Resolution in Region at first instance:** Subject to rules 4.2 and 4.2(e) below, it is the intention that alleged breaches of the Code of Conduct, Care and Protection Policy, or disputes between Members shall be dealt with in the first instance by the Regional Club Association whose Member is in breach or between whose Members the dispute has arisen.

4.2 In relation to alleged breaches of the Code of Conduct and Member Protection Policy, this Disputes & Disciplinary Policy shall only apply where:

- (a) The alleged breach is by a member of the ASNZ High Performance programme; or
- (b) The alleged breach is by a person who is not a member of a Club Regional Association;
- (c) The alleged breach relates to a complaint made under the Code of Conduct or Care and Protection Policy which the complainant knew was untrue;
- (d) The Regional Club Association who has jurisdiction to determine the breach under rule 4.1 above requests that ASNZ determine the breach in accordance with this Disputes & Disciplinary Policy and the Board agrees;
- (e) Where the Board considers in its sole discretion that the breach is of such severity and significance to the sport of swimming that it should be determined under this Disputes & Disciplinary Policy.

4.3 In relation to disputes that arise between Members, this Disputes & Disciplinary Policy shall only apply where:

- (a) The dispute involves an important activity or responsibility of ASNZ and which the Board considers in its discretion is of such importance or is causing such a level of disruption to Members or activities of ASNZ that it must be addressed; AND
- (i) The dispute is not able to be resolved at a regional club level; or
- (ii) One of the parties to the dispute is a Regional Club Association.

4.4 Where any breach or dispute is to be determined by a Regional Club Association it shall be determined in accordance with the rules of that Regional Club Association. Where a Regional Club Association has no rules which deal with disciplinary matters or disputes, the Regional Club Association shall determine the matter in accordance with rules 8 to 10 of this Disputes & Disciplinary Policy amended as follows:

(a) Rule 8.1 shall be amended so that the board or executive committee of the Regional Club Association shall determine the members of the panel to hear the matter;

(b) Rule 9.3 shall be amended to reflect that in relation to breaches of the Code of Conduct and Member Protection Policy there is a right of appeal to S SNZ under rule 7 of this Disputes & Disciplinary Policy. Determinations in relation to disputes between members shall be final and binding.

**4.5 Relationship to Constitution:** This Disputes & Disciplinary Policy must not be interpreted as restricting or limiting the powers of ASNZ, the Board or the ASNZ Board Chair as provided for in the Constitution or the powers of a Regional Club Association under its rules.

**4.6 Relationship to law:** Any action taken under this Disputes & Disciplinary Policy shall be without prejudice to any right or remedy ASNZ or a Regional Club Association may have in law.

**4.7 Doping:** This Disputes & Disciplinary Policy does not apply to Anti-Doping Rule Violations for which the provisions of:

- (a) Any FINA or IOC anti-doping rules; and / or
- (b) The Sports Anti-Doping Rules; shall apply to Members.

**4.8 Selection appeals:** this Disputes & Disciplinary Policy shall not apply to appeals against:

- (a) A Member's non-selection to a New Zealand swimming team;
- (b) A Member's non-nomination or non-selection to a New Zealand squad or team

## **5. Investigation of Breaches of the Code of Conduct or Member Protection Policy**

**5.1** Where this Disputes & Disciplinary Policy applies in accordance with rule 4.2:

(a) the ASNZ Board Chair may of his own motion investigate breaches of the Code of Conduct or Care and Protection Policy.

(b) Any Member, Board Member, Regional Club Association Board Member, ASNZ Board Chair may report a breach of the Code of Conduct or the Care and Protection Policy to the ASNZ Board Chair, but any subsequent action in relation to that complaint shall be in the ASNZ Board Chair's sole discretion.

**5.2** The ASNZ Board Chair may postpone investigation of any alleged breach or enforcement of the Code of Conduct or Care and Protection Policy pending any separate investigation by an outside agency.

**5.3** In investigating a possible breach of the Code of Conduct or Care and Protection Policy the ASNZ Board Chair may require a Member to provide such information as necessary to assist with that investigation for the purpose of determining whether there is a case to answer. **5.4** Where the ASNZ Board Chair determines that there is a case to answer in

relation to the allegation the ASNZ Board Chair shall convene a Panel in accordance with rule 8.1.

5.5 Where the ASNZ Board Chair determines that there is no case to answer the ASNZ Board Chair shall take no further action in relation to the allegation.

5.6 In relation to alleged breaches of the Care and Protection Policy the ASNZ Board Chair may delegate any of his powers of investigation under this rule to a CPA.

## **6. Disputes Between Members**

6.1 Where a Member who has a dispute with another Member believes that this Disputes & Disciplinary Policy may apply in accordance with rule 4.2(e) above, that Member may refer the dispute to the ASNZ Board Chair in writing.

6.2 Upon receipt of notice of that dispute the ASNZ Board Chair may investigate the dispute by asking the parties to the dispute to provide further information.

6.3 When the ASNZ Board Chair is satisfied that he has all the information relevant to the dispute the ASNZ Board Chair shall refer the dispute to the Board which shall determine in its sole discretion whether such dispute meets the criteria set out in rule 4.2(e) of this Disputes & Disciplinary Policy.

6.4 Where the Board is satisfied that the dispute meets the criteria in rule 4.2(e) it shall:

- (a) Refer the parties to the dispute to mediation to be facilitated by the ASNZ Board Chair or such person suitably qualified to mediate the dispute; and

- (b) Direct the ASNZ Board Chair to appoint a Panel in accordance with rule 8 to resolve the dispute in the event that mediation is unsuccessful.

6.5 Where the Board is not satisfied that the dispute meets the criteria in rule 4.2(e) it shall either:

- (a) Refer the parties to the dispute to mediation to be facilitated by the ASNZ Board Chair or such person suitably qualified to mediate the dispute; or

- (b) Take no further action in relation to the referral.

## **7. Appeals from Regional Club Member and Member Clubs**

7.1 Any Member who wishes to appeal a decision of a Regional Association or Member Club involving suspension, expulsion, penalty or any other material detriment may appeal to Swimming New Zealand by providing written notice to the Board within 28 days of the date of the decision appealed against.

7.2 The written notice provided under rule 7.1 shall:



- (a) Include a copy of the decision being appealed against;
- (b) Include a summary of the reasons why the Member wishes to appeal against the decision; and
- (c) Indicate whether the Member wishes to appeal against a part of the decision (and if so the grounds for doing so) or wishes to have a rehearing of the entire matter;
- (d) Be copied to the Regional Association or Member Club who made the decision being appealed against.

7.3 Upon receipt of the notice the ASNZ Board Chair may either:

- (a) Convene a Panel in accordance with rule 8; or
- (b) Require that the Regional Member / Member Club and the Member submit to the jurisdiction of the ST for the hearing of the appeal.

## 8. Hearing

8.1 **Appointment of Panel:** the CEO shall appoint a panel of enquiry which comprises a three members made up as follows:

- (a) An appropriately qualified person who shall act as the Panel's Chair;
- (b) Such other persons as he judges to be suitable to hear the matter.

8.2 **Conflict of interest:** No person may sit on the Panel who has an actual or potential conflict of interest which may affect their impartiality in hearing the matter before them.

8.3 **Procedures to be adopted:** In hearing any matter under this Disputes & Disciplinary Policy, the Panel will have the right to determine all procedures to be adopted.

8.4 **Non-attendance by party to hearing:** Once a hearing is convened, the Panel has the power to make a determination upon the available evidence on the date set for the hearing, or such later date, irrespective of whether any party attends the hearing or makes written submissions.

8.5 **Documents:** any documents upon which any party to the hearing wishes to rely must be sent to the other party and the Panel at least two business days prior to the date convened for the hearing. The Panel may exclude any documents not sent to them in accordance with this rule.

8.6 **Witnesses:** The Panel may, in relation to any hearing, require the attendance of any person and ask any questions and call any evidence as the Panel, in its absolute discretion, thinks fit. It is acknowledged that the Panel has no legal power to compel such witnesses to attend, other than Members who are contractually bound to do so.

8.7 **Written submissions:** Any party to a hearing (including the ASNZ Board Chair and / or CPA) may make any written submissions to the Panel provided that copies of such written submissions are provided to the Panel and the other parties prior to their presentation.

8.8 **Representation:** At any hearing any Member may be represented by a support person who may make submissions on that Member's behalf but who shall not be entitled to provide evidence on that Member's behalf.

8.9 **Confidentiality:** all hearings before the Panel shall be confidential and any matters discussed shall be held in the strictest confidence between those in attendance at the hearing.

## 9. Determination

9.1 **General justice and fairness:** The Panel will make its determinations in the following manner:

- (a) by reference to considerations of general justice and fairness;
- (b) consistently with any contractual or employment rules which may apply;
- (c) based on the evidence presented to the Panel and the seriousness of the breach.

9.2 **Written Reasons:** The Panel will with as little delay as possible after the conclusion of a hearing, contemporaneously provide a written determination to the parties, which sets out the reasons for the determination.

9.3 **Determinations final and binding:** Subject only to the right of appeal set out in rule 11, all Determinations of the Panel will be final and binding.

9.4 **Determinations confidential:** All determinations of the Panel shall be confidential between the parties unless the Panel determines that publication of the determination is in the best interests of the sport (for example, to deter others from similar conduct).

9.5 **Manifest error:** The Panel may at any time correct, vary or set aside a determination where there is a manifest error in the determination.

9.6 **What the Panel may determine:** After hearing the evidence, the Panel may make one or more of the following orders:

- (a) In relation to alleged breaches of the Code of Conduct or Care and Protection Policy:
  - (i) Make an order that the Member is found to have breached the Code of Conduct or Care and Protection Policy and shall refrain from committing any further breach of either the Code of Conduct or Member Protection Policy;
  - (ii) Find the alleged breach of the Code of Conduct or Care and Protection Policy to have been proven and impose a sanction;
  - (iii) Find the alleged breach of the Code of Conduct or Care and Protection Policy or any part to be proven, but declined to take any further action in the matter;
  - (iv) Find the alleged breach of this Code of Conduct or Care and Protection Policy or any part of it not proven and make an order that the allegation be dismissed.

(b) In relation to a dispute between Members, make such findings of fact or other such orders which the Panel considers necessary in order to resolve the dispute which may include (but not necessarily be limited to):

- (i) Ordering one Member to pay the other Member a sum in compensation which represents any actual financial loss suffered by that Member which is caused by the other Member;
- (ii) Requiring any Member to comply with any rule, regulation or policy of ASNZ or a Regional Club Association.
- (c) In relation to an appeal by a Member from a decision of a Regional Club Association or Member Club:
  - (i) Allow the appeal and set aside the decision being appealed against and substitute its own decision;
  - (ii) Dismiss the appeal.

## **10. Sanctions for Breaches of the Code of Conduct or Care and Protection Policy**

10.1 If a Member is found to have breached any part of the Code of Conduct or Care and Protection Policy, the Panel may impose one or more of the following sanctions:

- (a) Issue a written warning;
- (b) Direct that the Member attend counselling to address their behaviour as a condition of their membership;
- (c) Withdrawal of any awards, placings, records, activities or events sanctioned by ASNZ;
- (d) Suspend the Member's membership rights in ASNZ for a period;
- (e) Suspend the Member from participating in any swimming related activity which is run under the auspices of ASNZ, a Regional Club Association or a Member Club;
- (f) Require an apology, or order reparation or compensation to any Member affected by the breach;
- (g) Recommend the expulsion of the Member from either ASNZ, the Member's Regional Club Association or Member Club;
- (h) Enforce any sanction imposed by the IOC, FINA or the ST in addition to any sanction of its own which it thinks appropriate in the circumstances;
- (i) Any other form of discipline the Panel considers appropriate;
- (j) Where the Member is a Regional Club Association or Member Club:
  - (i) Direct that any funding granted or given to it by ASNZ cease from a specified date;
  - (ii) Direct that any rights or privileges or benefits provided cease from a certain date;
  - (iii) A direction that ASNZ cease to sanction events held by or under its auspices.
- (k) Decline to take any further action.

10.2 In determining what sanction to impose the Panel shall take into account the following factors:

- (a) Nature and seriousness of the breach;
- (b) If the person knew or should have known that the behaviour was a breach;

- (c) Level of contrition;
- (d) The effect of the proposed disciplinary measures on the person including any personal, professional or financial consequences;
- (e) If there have been relevant prior warnings or disciplinary action;
- (f) Ability to enforce discipline if the person is a parent/guardian or spectator;
- (g) Any mitigating circumstances.

10.3 **Child Protection:** Where a determination involves child protection concerns the safety of the child is the priority and the Panel must consult with the CPA assigned to the matter prior to making any determination or imposing any sanction.

10.4 Without limiting the generality of the remedies available to the Panel and this rule, the Panel may suspend the enforcement of any such remedy on such terms and conditions as it thinks fit.

10.5 **Costs:** Each party will be responsible for bearing its own costs in relation to the Hearing.

## **11. Right of Appeal**

11.1 Any Member against whom a determination has been made under rule 4.2 may appeal that determination to the ST in accordance with the Rules of the ST. Until such appeal is determined, any sanction imposed by the Panel shall remain in place.

11.2 No appeal shall lie against determinations made under rules 4.2(e) or 7 which shall be final and binding.

This manual has linked into sport New Zealand Health and Safety guidelines

<https://sportnz.org.nz/managing-sport/search-for-a-resource/guides/health-and-safety-for-clubs>