



New Zealand Ice Hockey Federation

Youth Protection Policy

Introduction

1. The NZIHF is committed to the safety and welfare of youth participants' in its sport.
2. Staff and volunteers provide a valuable contribution to ice hockey in New Zealand, particularly the experiences of junior participants.
3. To the extent of any inconsistency between this policy set out in this document and any other document, this policy shall prevail in relation to all complaints under this policy.

Definitions

4. *Bullying*: Intimidation of other members of a group through intimidation, harassment.
5. *Child abuse*: children at risk of harm (usually by adults, sometimes by other children) and often by those they know and trust. Children may be harmed by both verbal and physical actions and by people failing to provide them with basic care. Child abuse may include:
 - a) *physical abuse*: hurting a child or a child's development (e.g. hitting, shaking or other physical harm; giving a child alcohol or drugs; giving bad nutritional advice; or training that exceeds the child's development or maturity);
 - b) *sexual abuse*: encouraging or forcing a child 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*: ill-treating a child (e.g. humiliation, taunting, sarcasm, yelling, negative criticism, name calling, ignoring or placing unrealistic expectations on a child);
 - d) *neglect*: failing to give food, water, shelter or clothing or to protect a child from danger or foreseeable risk of harm or injury.
6. *Complainant*: Person who makes a complaint about actions of child abuse.
7. *Complaint*: Any notice, formal or informal, about actions of child abuse.
8. *Hazing*: Bullying done in a team environment, often to new players.
9. *Investigator*: A suitably qualified individual, unconnected to all parties in the complaint.
10. *Junior participants*: persons under the age of eighteen years old.

11. *Mediator*: An independent person with skills and experience in mediation.
12. *NZIHF*: New Zealand Ice Hockey Federation.
13. *NZIHF Management Committee*: The governing body of the NZIHF.
14. *NZIHF President*: The New Zealand Ice Hockey Federation President. In the event that this person is in any way involved in this process as a complainant, alleged victim, or respondent, the NZIHF Management Committee will appoint a nominee who will act for them in all parts of this policy in relation to the relevant complaint.
15. *Respondent*: The person, persons, or organisation accused under this policy.

Policy

16. The NZIHF will implement the following policy:
 - a) Youth have the right to participate in our sport without fear of any form of abuse.
 - b) The NZIHF will screen people whose role requires them to work with junior participants and or have direct and unsupervised contact with children. Each region will do the same, this includes but is not limited to relevant police checks.
 - c) Codes of conduct, particularly for roles associated with junior sport, are promoted, enforced and reviewed.
 - d) Procedures for raising concerns or complaints about child abuse are provided.
 - e) Education and/or information will be provided to those involved in the sport on child abuse and child protection. Regions are able to request this information via the NZIHF General Secretary.
 - f) Junior players must not play in senior contact leagues until an appropriate age and level of development.
 - g) All allegations of child abuse will be dealt with promptly, seriously, sensitively and confidentially. A person will not be victimised for reporting an allegation of child abuse and the privacy of all persons concerned will be respected.

Screening Procedures

17. This procedure applies to, but is not limited to:
 - a) All permanent staff positions;
 - b) Representative team Coaches, Managers and support persons where the team includes players under the age of 18;
 - c) Coaches and/or delivery personnel involved in NZIHF participation, development and high performance programs.
18. Screening under this policy is not a replacement for any other procedure required by law. If legislation sets an equivalent or higher standard of screening, the requirement to screen people under the process outlined below need not be followed, and the legislation should be followed instead. All regions will screen for their own representative teams and the NZIHF will be responsible for screening all National team appointments as noted in (b) above.

19. The screening procedures are:

- a) Identify positions (paid and voluntary) that involve working with people under the age of 18 years;
- b) Obtain a completed Prohibited Persons Declaration (PPD) from identified people. It is at the discretion of the NZIHF as to the frequency with which any person is requested to complete a PPD.
- c) If a PPD is not provided, or it reveals that a person does not satisfactorily meet with one or more of the clauses in the PPD (e.g. has a relevant criminal conviction), the NZIHF will:
 - i. provide an opportunity for the person to respond/provide an explanation; and
 - ii. make an assessment as to whether the person may pose a risk to or be unsuitable to work with people under the age of 18 years.
- d) Check a person's referees (verbal or written) and interview a person about his/her suitability for the role and his/her suitability for working with children for both paid and voluntary positions.
- e) Ask identified people applying for a position to sign a 'consent to disclosure of information' form for a National police check. (Information on police checks and forms can be found at www.police.govt.nz/service/vetting/guidelines.html).
- f) Submit the 'consent to disclosure of information' form to the New Zealand Police.
- g) If the police check indicates a relevant offence, the NZIHF will:
 - i. provide an opportunity for the person to respond/provide an explanation; and
 - ii. make an assessment as to whether the person may pose a risk to or be unsuitable to work with people under the age of 18 years.
- h) If the person does not agree to a national police check after explaining why it is a requirement, the NZIHF shall make an assessment as to whether the person may pose a risk to or be unsuitable to work with people under the age of 18 years.
- i) If unsatisfied at any stage of this process, then the NZIHF will:
 - i. in the case of an existing employee/volunteer, seek legal advice and transfer the person to another role which does not require them to work directly and unsupervised with people under the age of 18 years. If this is not possible, then end the appointment; and
 - ii. in the case of someone applying for or being considered for the position/role, not appoint them.
- j) Decide whether to offer the person the position or, if applicable, retain the person in the position, taking into account the result of the police check and any other information the NZIHF has available.
- k) Where it is not practical to complete the police check prior to employment commencing, the NZIHF must still complete the check as soon as possible. The NZIHF will advise the person that their ongoing employment is conditional upon the satisfactory outcome of the check.
- l) Where a National police check is obtained under this Policy, another organisation which is also required to screen may obtain a copy of the national police check

provided that the consent of the relevant person is obtained and the national police check was performed in the immediately preceding two years.

- m) Protect the privacy of any person who is checked and the confidentiality of any information obtained through the checking process. Information collected during screening (such as a completed PPD form, police records and referee reports) will be returned to the relevant person if that person is not appointed to/will not remain in the position, or otherwise be destroyed with the consent of the person concerned.
- n) In situations where a person is deemed suitable to work for the NZIHF, all documents used in the screening procedure will be kept in a secure place within the NZIHF office indefinitely. This reflects the historical relevance of a national police check if an allegation of child abuse is made long after the alleged incident may have occurred.

Codes of Conduct

- 20. The NZIHF will maintain a code of conduct for all participants in the sport.
- 21. This code of conduct will include reference to this policy.
- 22. The NZIHF will ensure that affiliated regions and clubs have a similar code of conduct.

Education

- 23. The NZIHF will advise members of this policy and provide general education about the protection of youth, child abuse, and safety.

Junior Players in Senior Contact Leagues

- 24. At all times when selecting junior players to play in senior contact leagues organisers, coaches, and officials must have regard for the safety of the junior player first.
- 25. In relation to this policy, age grade leagues which structurally include players both under eighteen and eighteen years and over (for example an under 19 or under 20 league) are considered to be junior leagues to which this policy also applies.
- 26. Players under eighteen are permitted to play in senior contact leagues only with the informed consent of the player, their parent or guardian, coach if appropriate, and league organisers. If appropriate the opinion of a qualified medical professional may be sought. Consideration should be given to:
 - a) Safety of the junior player above all other factors;
 - b) Physical size and development;
 - c) Skill level;
 - d) The nature of the league in which they are seeking to play.
- 27. Players under sixteen are only permitted to play in senior contact leagues in exceptional circumstances, with consideration given to the above factors.

Bullying & Hazing

- 28. Bullying and hazing are explicitly banned by the NZIHF as a form of abuse. Any team rituals must be consensual and harmless in nature.

Complaints Procedure

29. A complainant may report a complaint about a person/s or organisation bound by this policy if they reasonably believe that a person/s or a sporting organisation has breached this policy. A complaint should be reported to the NZIHF President or other member of the NZIHF Management Committee if the complaint involves them in some way. The President or Management committee will advise the region concerned. The President or Management committee will take any actions that they deem necessary to aid in the investigation of the complaint.
30. A complaint must be reported as a formal complaint. The NZIHF decides whether the complaint will be dealt with informally or formally unless the NZIHF considers that the complaint falls outside the parameters of this policy and would be better dealt with another way.
31. In the event that a complaint is of serious or criminal nature, the NZIHF President (or if the NZIHF President is unavailable, a nominated person on the NZIHF Management Committee) will:
 - a) Immediately inform the police or other relevant authority of the complaint.
 - b) If appropriate, temporarily remove the accused person from any position of authority where such abuse could occur. If not appropriate, put in place procedures and support structures to ensure that safety of all children who come into contact with the accused.
 - c) Activate this policy once the relevant authorities have completed their work.
32. All complaints will be dealt with promptly, appropriately, sensitively and confidentially.
33. The complaint always belongs to the complainant, who will along with the NZIHF determine how their complaint is dealt with.
34. All details of the complaint and this process will be confidential except as noted in this policy and when a person is required by law to report the matter to governmental authorities.

Informal Complaint Resolution Procedure

35. It is not necessary to provide a written complaint under this clause.
36. A complainant may seek to resolve the complaint informally. The complainant may make an initial approach to:
 - a) the NZIHF President or in their absence their nominee; or
 - b) another appropriate person within the organisation (e.g. staff member, team manager, coach etc), who will pass it onto the NZIHF President or other member of the NZIHF Management Committee.
37. The NZIHF President (or nominated Management Committee person if the NZIHF President is unavailable) will:
 - a) listen to and inform the complainant about their possible options;
 - b) keep the matter confidential and only discuss it with those people whom the complainant has authorised them to speak to about the complaint;

- c) inform the relevant governmental authority, if required by law.
38. Nothing in this Policy prevents the complainant taking action under legislation.

Mediation

39. If the complainant wishes to try and resolve the complaint by mediation, the NZIHF President (or nominated Management committee person if the President is unavailable) will arrange for a mediator to mediate the complaint.
40. The mediator will:
- a) notify the respondent that an informal complaint has been made and provide them with details of the complaint;
 - b) attempt to mediate a resolution between the complainant and the person complained about;
 - c) If helpful as part of the process, ask the NZIHF President (or nominated Management Committee person) to appoint an investigator as under the 'Investigation Procedure' to provide a report to all parties involved in mediation.
41. Lawyers are not able to negotiate on behalf of the complainant and/or respondent as part of the mediation process.
42. If an agreed resolution is reached between the complainant and the person complained about, the complaint shall be deemed to have been withdrawn and no further action in relation to that complaint may be taken (except for that which is agreed) under this policy.
43. If the complaint is not resolved informally following this process, the complainant may make a formal complaint as set out below.

Formal Complaint Resolution Procedure

44. In order for a complaint to be dealt with in accordance with this procedure, a complaint must be made in writing to the NZIHF President or other member of the NZIHF Management Committee (however it need not be called or referred to as a complaint).
45. If those options have not already been explored, the complainant has the options listed under 'Informal Complaint Resolution Procedure' available to them before pursuing the formal complaint resolution procedure.
46. Upon receipt of the complaint the NZIHF President (or nominated Management committee person if the President is unavailable) will:
- a) Listen to and inform the complainant about their possible options;
 - b) Keep the matter confidential and only discuss it with those people whom the complainant has authorised them to speak to about the complaint;
 - c) Inform the relevant governmental authority, if required by law;
 - d) Activate the 'Investigation Procedure' if the complainant wishes.
47. If a complainant withdraws the complaint, no further action in relation to that complaint will be taken (unless required by law) under this policy.

No Complainant Procedure

48. If a complaint is not received, but the NZIHF President receives information (whether or not in writing) which gives them reasonable cause to suspect that a breach of this policy may have been committed, then he or she shall use their reasonable endeavours to advise the person who is suspected of being subject to harassment, of the complaints procedures under this Policy.

Investigation Procedure

49. The NZIHF President (or nominated Management Committee person if the President is unavailable) will appoint an investigator.
50. An investigation will be conducted, following these steps:
 - a) A written brief will be provided to the investigator to ensure the terms of engagement and scope of the investigator's role and responsibilities are clear;
 - b) The complainant will be interviewed and the complaint documented in writing;
 - c) The details of the complaint will be conveyed to the respondent in full. The respondent must be given sufficient information to enable them to properly respond to the complaint;
 - d) The respondent will be interviewed and given the opportunity to respond. The respondent(s) response to the complaint will be documented in writing;
 - e) If there is a dispute over the facts, then statements from witnesses and other relevant evidence will be obtained to assist in a determination.
51. The investigator will make a finding as to whether the complaint is:
 - a) substantiated (there is sufficient evidence to support the complaint);
 - b) inconclusive (there is insufficient evidence either way);
 - c) unsubstantiated (there is sufficient evidence to show that the complaint is unfounded);
 - d) mischievous, vexatious or knowingly untrue.
52. A report documenting the complaint, investigation process, evidence, findings, and recommendations will be given to the NZIHF President who in turn will report to the NZIHF Management Committee.
53. Copies of this report will be given to the complainant and the respondent.
54. The NZIHF President will enact the report recommendations unless they have serious misgivings as to their nature, in which case they will present the report to the NZIHF Management Committee which will vote on the report recommendations.
55. Both the complainant and the respondent are entitled to support throughout this process from their chosen support person/adviser.

Appeals Tribunal Procedure

56. Either the complainant or the accused may appeal the report findings, by writing to the NZIHF President within 20 working days of being presented with a copy of the report. The

appeal must be accompanied by \$200 which is non-refundable.

57. Upon receipt of the appeal, the NZIHF President shall as soon as possible do the following:
 - a) Determine the composition of the Appeals Tribunal:
 - i. An individual with a suitable legal background, such as a barrister, solicitor or law student (who shall be the "chairperson") or, if after reasonable attempts have been made to obtain one without success, then a person with considerable previous experience in the legal aspects of a disciplinary/hearings tribunal;
 - ii. A person with a thorough knowledge of the sport of ice hockey, who is not a member of the NZIHF Management Committee;
 - iii. A person from the management board of another sport.
 - iv. None of the appointed persons would, by reason of their relationship with the complainant or the person complained about, be reasonably considered to be other than impartial.
 - b) Send to all parties:
 - i. a copy of the written appeal;
 - ii. a notice setting out the date, time, place, and tribunal members for the hearing of the alleged breach which shall be as soon as reasonably practicable after receipt of the complaint; and
58. No party to the hearing may be represented by a barrister or solicitor. However the chairperson of the Appeals Tribunal may grant leave for a party to the hearing to be represented by a barrister or solicitor where their livelihood or proprietary is at risk. A party may be represented by an advocate who is not a barrister or solicitor at the hearing.
59. Each party to the hearing shall bear their own costs in relation to the hearing.
60. The Appeals Tribunal shall give its decision as soon as practicable after the hearing and the NZIHF President (or nominated Management Committee person if the President is unavailable) will deliver to the following a statement of the written reasons:
 - a) the complainant;
 - b) the respondent;
 - c) any other party represented in the hearing.
61. Each member of each Appeals Tribunal established under this policy shall be indemnified by the organisation 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 Appeals Tribunal under this policy.
62. Except as otherwise provided in this policy, all members of the Appeals Tribunal shall keep all matters relating to the hearing confidential.

Frivolous, Vexatious or Malicious Complaints or Actions

63. If, at any stage of the process, the NZIHF President or Appeals Tribunal determines that a person has knowingly provided untrue information or their complaint is vexatious or malicious, the matter may be referred to the NZIHF Management Committee for appropriate action, which may include disciplinary action against the complainant.

64. The NZIHF will also take all necessary steps to make sure that people involved in a complaint are not victimised by anyone for coming forward with a complaint or for helping to resolve it. Disciplinary measures will be imposed on anyone who victimises another person for making a complaint.

Outcomes

65. Possible outcomes of this process include but are not limited to:
- a) Satisfactory mediated outcome.
 - b) Disciplinary action imposed on one or more people for a breach of this policy.
 - c) No action taken due to no breach of this policy, or insufficient evidence.
 - d) Action taken against a complainant or other person because of a Frivolous, Vexatious, or Malicious Complaint or Action.
66. The NZIHF President (or nominated person on the Management Committee if the President is unavailable) , after receiving a report by an Investigator, the NZIHF Management Committee, or the Judicial Hearings Tribunal may apply the following punishments:
- a) Written warning;
 - b) Suspension of a person from any role they hold with the NZIHF or role under the jurisdiction of the NZIHF;
 - c) Banning of a person from any event or activities held by or sanctioned by the NZIHF;
 - d) Suspension of individual or organisational membership of the NZIHF;
 - e) Directions to a person to complete any reasonable task, eg. Letter of apology, completion of an appropriate course;
 - f) Directions to a person to limit their contact with junior players in any appropriate way, eg. Not entering changing rooms, not having any contact with the complainant not having any contact with players under the age of eighteen.
 - g) Recommend that an affiliated club or region carry out any of the above.
 - h) Supply details information to the police or other relevant government agencies.
 - i) Any other actions considered appropriate.
67. The form of discipline to be imposed on an individual or organisation will depend on factors such as:
- a) any difficulty that might arise in enforcing the penalty;
 - b) nature and seriousness of the behaviour or incidents;
 - c) in regard to an informal complaint, the wishes of the complainant;
 - d) if the individual concerned knew or should have known that the behaviour was a breach of the policy;
 - e) level of contrition of the respondent;
 - f) the effect of the proposed disciplinary measures on the respondent including any

personal, professional or financial consequences;

- g) if there have been relevant prior warnings or disciplinary action, or breaches of this policy;
- h) if there are any mitigating circumstances such that the respondent should not be disciplined at all or not disciplined so seriously.

68. Any disciplinary measure imposed under this policy must:

- a) observe any contractual and employment rules and requirements;
- b) conform to the principles of natural justice;
- c) be fair and reasonable;
- d) be based on the evidence and information presented;
- e) be within the powers of the relevant person or body to impose the disciplinary measure.

External Procedure

69. There may be a range of external options available to a complainant depending on the nature of the complaint. These include the Human Rights Commission (more information available at <http://www.hrc.co.nz/>).

Policy Review - Every 3 years

June 2017

Next February 2020