



SURF LIFE SAVING
NEW ZEALAND

SLSNZ Member Protection Guidelines

November 2013 (version 3)

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A. SLSNZ Member Protection Statement

Surf Life Saving New Zealand Inc. (SLSNZ) and its Member Clubs (Clubs) are committed to the health, safety and the well-being of all SLSNZ members and are dedicated to providing a safe environment for participating in surf lifesaving activities.

These Guidelines do not attempt to address all membership protection matters and there are a number of SLSNZ documents that relate to Member Protection that Clubs should be aware of, including:

- SLSNZ Competition Safety Manual.
- SLSNZ Regulations in particular the Member Protection Regulation, Code of Conduct Regulation and Health and Safety Regulation.
- SLSNZ Patrol Operations Manual.

Purpose of these Guidelines

The purpose of the Membership Protection Guidelines (Guidelines) is to provide guidance to Clubs around the best practice procedures in relation to the protection of Members of Clubs with particular reference to Minors and Vulnerable Adults.

The Guidelines are consistent with, but subject to, the SLSNZ Constitution, Regulations and all policy directives of the SLSNZ Board. These Guidelines must be interpreted in accordance with the Constitution and Regulations. To the extent that there is any inconsistency between these Guidelines and the Constitution or Regulations, the Constitution and Regulations (in that order) will prevail.

The Guidelines may be amended by SLSNZ at any time. Amendments will be issued in accordance with the Constitution and Regulations and will be available on the SLSNZ website.

The Guidelines are not enforceable against Clubs however SLSNZ encourages all Clubs to comply with the Guidelines to ensure the safety of their Club Members.

Summary of Guidelines

These Guidelines convey a message to all SLSNZ Members and prospective members that the abuse of Members, particularly those U18, by other Members or an external source, is not acceptable and SLSNZ encourages all incidents of such abuse to be reported immediately to the appropriate authorities.

Last Reviewed: November 2013

Signed

Signed

Paul Dalton
CEO
SLSNZ

Geoff Hamilton
Chairperson
SLSNZ

B. Introduction & Duty of Care

Introduction

The policies and guidelines referenced within this document and its various appendices are those of SLSNZ. The principles of both the Guidelines and the Appendices are based on our moral and ethical duty to ensure all Members can enjoy surf lifesaving in a safe environment and as such they reflect current best practice.

SLSNZ wishes to ensure that all those taking part in surf lifesaving are able to do so protected and kept safe from harm while they are with staff, coaches and / or volunteers. This is particularly true in respect of children and vulnerable adults.

Defined Terms

- *Board* means the Board of SLSNZ as defined in the Constitution.
- *Club* means a club as defined in the Constitution.
- *Constitution* means the Constitution of SLSNZ.
- *Member* means a member of SLSNZ as defined in the Constitution.
- *Minor/Child/Children* means a person under the age of 18.
- *Vulnerable Adult* means a person who is, or may be, in need of community care services by reason of mental or other disability, age or illness and who is or may be unable to take care of him or herself, or unable to protect him or herself against significant harm or exploitation.

Duty of Care

These Guidelines provide Clubs with a clear understanding of what their 'duty of care' is and how this relates to their position in providing activities and being responsible for their Members.

For the purpose of these Guidelines, a 'Duty of care' generally means: *"The duty which rests upon an individual or organisation to ensure that all reasonable steps are taken to ensure the safety of any person involved in any activity for which that individual or organisation is responsible"*.

Adults also have a responsibility to ensure Children and Vulnerable Adults are protected. In relation to surf lifesaving, all Clubs have a duty to ensure the highest possible standards of care are achieved in relation to Children and Vulnerable Adults taking part in surf lifesaving.

In an activity such as surf lifesaving, safety and keeping people safe is all about risk assessment and minimising the risks involved at all levels of participation. In organised activity there is a heightened duty of care and as such we should be aware that the principal risks extend to the quality of control exercised by those in charge. This duty may extend to Club managers, coaches, officials, event managers or administrators. Therefore they should all take 'reasonable' steps to safeguard those directly taking part in surf lifesaving activities as at any time they may be deemed responsible for those in their charge. For example, circumstances where a duty of care may be owed includes in vehicles, during journey's to and from surf lifesaving activities, during events, team training events and camps etc.

The content of these Guidelines provides specific information in respect of the protection of minors and the protection of vulnerable adults so that Clubs can appreciate their 'duty of care' with regard to these groups of people, risk assess their positions and support and advise those at risk.

The guidelines presented within this document, provide Clubs with ideas and recommendations to assist them in implementing specific procedures and safeguards to protect young and vulnerable members.

C. Understanding Abuse and Harassment

This section of the Guidelines provides definitions of abuse and harassment and sets out some recommendations to assist Clubs and Members in recognising abuse and bullying.

Abuse

Abuse is defined as anything which individuals or organisations do, or fail to do, that directly or indirectly harms people or damages their prospects of a safe and healthy development. It is generally acknowledged that there are four main types of abuse - Physical, Sexual, Emotional and Neglect. Abuse generally occurs within a relationship of trust or responsibility and is an abuse of power and/or trust.

Physical Abuse

Physical abuse is just what the term implies - hurting or injuring another person e.g. by hitting, shaking, squeezing, burning or biting them. In sport this might result if the nature or intensity of training is inappropriate for the capacity of the performer or where drugs are tolerated or advocated.

Sexual Abuse

Where others, especially Children/Vulnerable Adults, are used by adults to meet their own sexual needs. It could range from sexually suggestive comments to full intercourse and could include the use of pornographic material.

Emotional Abuse

Emotional abuse occurs when a person is not given love, help and encouragement and is constantly derided or ridiculed e.g. racial or sexual remarks. It can also occur if a child/vulnerable adult is over protected. Abuse can occur where a parent or coach has unrealistic expectations over what a child/vulnerable adult can achieve.

Neglect

Failing to meet the basic needs of children/vulnerable adults', such as food, warmth, adequate clothing, and medical attention or constantly leaving them alone. It could also mean failing to ensure they are safe or exposing them to harm or injury.

Bullying and Harassment

Bullying and harassment in all forms is regarded by SLSNZ as unacceptable. The bully in surf lifesaving can be an adult – ie the parent/caregiver who pushes too hard, the coach who adopts a win-at-all-costs philosophy or adults who attempt to assert unacceptable behaviour on younger person to make them unwelcome or prevent them using club equipment. Bullying can also occur between young people.

Cyber Bullying

Given the emergence of new telephone and internet social networks, the opportunity for unwanted and improper comments and statements has dramatically increased. Messages or statements made in these ways using these means of communication are largely instantaneous, and can easily be abused. Others may also manipulate a person by encouraging a statement to be made on twitter or facebook, for example, when the writer may be upset or vulnerable. Bullying has the potential to cause great anxiety and distress to the person who has been the target of any comments or statements.

Indications of Abuse

There are physical and behavioural signs that might raise your concern about the welfare or safety of a Member. They are only indicators - not confirmation. Some examples are:

Where the person(s):

- Says that she or he is being abused, or another person says they believe (or actually know) that abuse is occurring.
- Has an injury for which the explanation seems inconsistent.
- Behaviour changes, either over time or quite suddenly, becoming aggressive, withdrawn or unhappy.
- Appears not to trust adults, e.g. a parent or coach with whom she / he would be expected to have, or once had, a close relationship.
- Shows inappropriate sexual awareness for his/her age and sometimes behaves in a sexually explicit way.
- Becomes increasingly neglected-looking in appearance, or loses or puts on weight for no apparent reason.

Bear in mind that physically disabled Children and Children with learning difficulties and Vulnerable Adults are particularly vulnerable to abuse and may have added difficulties in communicating what is happening to them.

What if you accidentally hurt a child?

You should report such incident immediately to another Club coach/official and make a brief written note of it. You should also inform the child's parents/carergivers, preferably in person.

Is touching OK?

If a coaching technique would benefit from physical contact or support, then first ask the athlete/person permission (e.g. would you mind if I held your shoulders to show you what I mean?). It is useful to take time to explain why and how this is used to the person and their parent or caregiver (if under 18). Touching can be OK and appropriate as long as it is neither intrusive nor disturbing or for the wrong reason.

D. Minors and Vulnerable Adults

The welfare of Minors/Vulnerable Adults is everyone's responsibility, particularly when it comes to protecting Minors/Vulnerable Adults from abuse. Everyone can help - administrator, club official, coach, parent, friend and children themselves.

The common law principle *in loco parentis* imposes a duty on a person to provide the degree of care towards Children in their care that could be expected from a reasonably careful and prudent parent. This includes taking reasonable measures to prevent foreseeable risks of injury to Children and young people.

SLSNZ recognises that some children and young people have additional vulnerabilities or are disadvantaged by their experiences such as children with disabilities or who come from minority ethnic groups. Bearing in mind that children and young people can be and are disadvantaged by these and other experiences, it is important for all those that work with Children to be extra vigilant in creating a safe culture.

Abuse can occur wherever there are Children/Vulnerable Adults - at home, at school, in the park, at the club. Sadly, there are some people who will seek to be where Minors/Vulnerable Adult are simply in order to abuse them. We believe that everyone in surf lifesaving has a moral responsibility and therefore a part to play in looking after the children and vulnerable adults with whom we are associating.

While the welfare of Minors is SLSNZ's first consideration in establishing a protection of Minors programme, it is also seen that the interests of coaches themselves need to be taken account of, particularly where falsely accused. A feature of SLSNZ's policy on protection of Minors is to ensure that we provide coaches with access to a confidential advice, guidance and support path.

The protection of Minors procedures stem from the following principles:

- The child's welfare is paramount.
- Anyone under the age of 18 is classed as a Minor.
- All children, regardless of age, any disability they have, gender, racial origin, religious belief and sexual identity and/or social/economic status have a right to be protected from abuse.
- Respect and promote the rights, wishes and feelings of young people.
- Clubs and Members (particularly those holding positions of authority e.g. coaches, officials, managers) need to be provided with advice to raise awareness of best practice and guidance and support should they become involved in an abuse situation.

By following these guidelines you will help to protect both the Minor/Vulnerable Adult in our Clubs and our Club coaches/helpers from wrongful allegations:

- Avoid situations where you are alone with one Minor/Vulnerable Adult. SLSNZ acknowledges that occasionally there may be no alternative, for example, where a Minor/Vulnerable Adult falls ill and has to be taken home. We would stress, however, that one to one contact must never be allowed to occur on a regular basis.
- If any form of physical support is required ask the persons permission, explain what you are doing and why to both the Minor/Vulnerable Adult and their parents/caregivers.
- Where possible ask parents/caregivers to be responsible for Minors/Vulnerable Adults in changing rooms. Always ensure that whoever supervises young people work in pairs.
- Where there are mixed teams/groups away from home, they should always be accompanied by an adult male and female coach/helper.
- Don't allow physically rough or sexually provocative games, or inappropriate talking or touching.
- If it's necessary to do things of a personal nature for Minors/Vulnerable Adult, make sure you have another adult accompanying you. Get the consent of the parent/caregiver and if possible the Minor/Vulnerable Adult. Let them know what you are doing and why.
- Ensure that any claims of abuse by a Minor/Vulnerable adult are taken seriously and that it is dealt with by people who know what to do.
- Ensure that the nature and intensity of training and competition does not exceed the capacity of a

- Minor's/Vulnerable Adult immature growing body and ability.
- Follow the SLSNZ guidelines for photography and video use (see reference sheet 'Guidelines for use of Photographic and Filming Equipment').
 - Follow the overnight stay & alcohol policies from your Club.

E. Reactive measures and process

This section of the Guidelines sets out a process for Clubs and Members if there are concerns about the welfare of another Member involved in Surf Life Saving. In particular, it sets out some examples of situations where a Member may have concerns over the welfare of another Member including a Child or Vulnerable Adult.

If there is suspicion on reasonable grounds that abuse is/has taken place:

This may be by one of the following:

- When a Member tells you they have been abused (see below for specific actions).
- When someone else tells you a Member has been abused.
- A Member tells you they know someone who has been abused (often they are referring to themselves).
- You observe a Member's behaviour and/or injuries etc, and your knowledge of the Member, leads you to suspect abuse.
- You observe a Member's abuse of another Member.

If another person tells you that he or she is being abused:

- Stay calm.
- Don't promise to keep it to yourself.
- Listen to what the person says and, please, take it seriously.
- Only ask questions if you need to identify what the person is telling you - don't ask the persons about explicit details.
- Make a detailed note of what the person has told you.

If you are a Member, or the parent/caregiver or friend of a Member of a Club you should:

- Ensure the Member is safe (if they are in your care).
- Maintain the safety of other Members.
- Obtain and document the following information:
 - The Members name, age and address.
 - Your reason for suspecting abuse – i.e. observation, injury, information.
 - Your assessment of danger posed to the Member including information pertaining to the alleged perpetrator.
 - What arrangements, if any, exist for the immediate protection of the Member?
 - What involvement, if any, other agencies have in dealing with the suspected membership protection issues?
 - Tell the secretary, chairperson, coach or any committee member, or at an event possibly an event manager/referee - unless, of course you suspect them of being involved.

And

- Call Police in the case of emergency or serious abuse.

If you are a Club officer or event organiser you can:

- Talk to the child's parents/caregivers about the concerns if you think there may be an obvious explanation such as a bereavement or pressure from their studies/exams.
- Get advice from SLSNZ Staff or Peer Support (see appendix XX).
- If you are working with athletes or lifeguards away from home, at a training camp, perhaps, or a national/regional competition - tell the team manager or the coach.
- If you are working with a school - inform the head teacher.
- If you are involved with another organisation refer to their contact point for their action.

Or/And

- Contact SLSNZ:
 - Make direct and confidential contact with the Regional Manager (or the CEO for Northern Regions) or the Chief Executive of SLSNZ.
 - These staff have access to external resources and are tasked with advising you on such issues as parental involvement and police involvement. Remember - if in doubt, seek immediate advice.

Please remember it is not the Members responsibility to decide whether a person is being abused but it is the Members responsibility to pass the information on to the appropriate person. Make a detailed note of what you've seen or heard but don't delay passing on the information.

The following guidelines may be used as a measure by Clubs addressing membership protection issues:

- Report the matter to the relevant department of welfare services, children's services or child protection.
- Report the matter to the police and preferably the child protection unit as appropriate.
- Refer the matter the SLSNZ for further assistance.
- The suspected victim and other family members may be asked to approach SLSNZ support services or their local GP to obtain a referral to professional support services and medical specialists.
- Seek legal advice on how to manage the issue at a Club level as it needs to be in accordance with the Club Constitution.
- If the Member is suspended or his/her membership of SLSNZ is terminated, check periodically to ensure the Member is having no involvement with Surf Lifesaving in NZ.
- Periodically follow up on the victim's progress after initial counseling and that they have access to available care.

F. Good Practice Guidelines for Clubs, Members

If you have good standards of practice within your Club people are more likely to join!

We recommend that Clubs review their existing policies and practices to help safeguard the welfare of Members within their Clubs. By taking these basic steps you will also help protect your helpers/coaches and the Club from wrongful allegations.

We know that if the procedures are to help to protect Members and Children, everyone involved in Surf Lifesaving needs to see and discuss them. We are, therefore, asking Clubs to make sure that the Member Protection Guidelines, Member Protection Regulations and other applicable Regulations are widely distributed and discussed at Club committee meetings.

In particular, we encourage all Clubs to undertake the following procedures to ensure the Club maintains a safe environment for its Members.

Club specific member protection guidelines

Each Club should adopt a member protection guideline or policy including minors & vulnerable adults (a template is included in Appendix xx). This should suit the type of Club you are and what you provide. It can be brief, or long, the important point is that everyone is made aware of it and you establish how it will be implemented – and then implement it. It should contain a statement of your commitment to providing a safe place for children/vulnerable adults to participate in Surf Lifesaving and to preventing their abuse. You should also include a code of practice and procedures for how you aim to achieve this – some examples are provided below.

Recruiting and Managing Volunteers

Having good standards of practice within your Club is likely to encourage more people to join. This includes:

- Screening of volunteers (see below – Police vetting).
- Induction procedures for all volunteers.
- Establishing clear roles.
- Regular checks or supervision of helpers.
- Information about clubs rules /operating procedures.
- System for feedback and support.
- Support training of helpers and coaches in protection of minors/vulnerable.

Club Committee meetings

Discuss the following on a regular basis at club committee meetings:

- Any activities that have or have the potential of breaching member protection policy.
- Any camps or team travel activities.
- Any new staff or volunteers involved in dealing with minors.
- Any changes that need to be made or reviews of this policy

Dealing with Disclosures or Discovery of Abuse

Issue written procedures and have systems in place for dealing with incidents of abuse (see SLSNZ Templates and see legal advice where appropriate).

Codes of Conduct

Ensure all members/coaches/officials adhere to the SLSNZ Code of Conduct and establish Codes of Conduct for athletes/life guards, coaches and volunteers, parents/guardians within your Club (see Appendix xx - 'Club Code of Conduct').

G. Club Tools

This section of the Guidelines provides some specific guidance around Police Vetting, Travel Protocols, Alcohol Protocols and Privacy Policies which can be used by Clubs. There are templates for these protocols included in the Appendices.

Police Vetting

What is Police vetting?

The main purpose of Police vetting is to protect society's most vulnerable members, including children, older people and people with special needs. It allows organisations to make informed decisions about potential employees, current employees or volunteers working directly with these vulnerable groups of people. Organisations that provide services to these people can ask to check the criminal records of potential employees, employees or volunteers. It is recommended that existing employees are Police vetted every two-three years. Vetting requests cannot be made by individuals.

Information provided by Police vetting

Criminal conviction information held by the Ministry of Justice is accessed by Police under Schedule 5 of the Privacy Act 1993 and is released in accordance with the Criminal Records (Clean Slate) Act 2004.

Information released by Police about the person being vetted may include:

- conviction history;
- driving demerit points or suspension of licence;
- family violence information;
- any interaction with Police, including as a victim; and
- information about violent or sexual behaviour that did not result in a conviction.

Minimal information about the behaviour may be released or an electronic 'red stamp' may be placed on the request. Electronic 'red stamps' recommend that vetted individuals do not have unsupervised access to children, older people or other vulnerable members of society. A 'red stamp' is issued if disclosing information would breach a Court order or be likely to prejudice the maintenance of the law.

Giving consent for Police vetting

As part of the vetting process, every person must give their permission before the vetting process can take place. This requires the person to fill in a consent form (Authorisation to Disclose Information – see Appendix xx).

If the person is eligible under the Criminal Records (Clean Slate) Act 2004 to have their criminal record concealed, it is an offence for a Club to ask the person to reveal it. Exceptions to this are covered by section 19 of the Act.

What a Club does with vetting results

The information supplied by the Police will be sent directly to the person who requested it (ie the Club Committee chair or Club Manager) and it will not be divulged to any other person except to whom the information relates. A Club will use Police vetting information when considering persons suitability for a position.

If there is no criminal record in the vetting information, the individual to whom the information relates shall be notified and the information shall be destroyed.

If the vetting information indicates any kind of criminal history, the Club shall consider the suitability of the appointment (or continuing appointment) of the individual taking into account:

- the type of offence and its relevance to employment;
- the length of time since the crime was committed;
- the age and maturity now as compared to when the crime was committed;
- the seriousness of the crime;
- the circumstances at the time of any violent behaviour;
- the pattern of crime; for example a short spate may indicate a 'phase' but a regular pattern may indicate continuing inappropriate behaviour;
- the proximity of the person undergoing vetting to any children, older people or people with special needs. For example are they likely to have unsupervised access to these vulnerable people?; and
- any explanations the vetted person makes in discussions about the vetting information.

The vetting process is described in detail in Appendix 2 and contains the consent form.

SLSNZ recommendations

SLSNZ recommends Clubs undertake police vetting in respect to the vetting of volunteers, coaches, managers, chaperones, staff members and officials. In particular, SLSNZ strongly encourages Clubs to police vet the following persons:

- Voluntary club coaches and managers that have responsibility for Minors, especially while travelling or when other adults are not present.
- Club volunteers i.e. drivers, parent helpers and support staff may also be considered as requiring some form of check, again appropriate to the amount of contact with Minors/Vulnerable Adults.
- All new employees/staff should be asked to undergo vetting procedures at the time of job offer.
- Existing employees/staff should be asked to undertake vetting on a phasing in basis.

Travel Procedures

All Club teams should have procedures or policies in place for teams travelling to surf life saving events and activities or where Members need to spend time in shared environments. If the team is travelling with Minors special attention needs to be given to the care of these individuals. Below is a statement relating to the duties of people responsible for leading these activities.

SLSNZ suggests that all Clubs have travel policies in place and all Members are aware of the policies. There should be consents signed by all parents and some Clubs may decide to have athlete agreements in place to help make the athletes aware of the policies the club has for travelling teams.

General Guidelines for Clubs travelling or attending overnight camps:

- There should be a person in charge of the trip that can distribute information to parents.
- Both male and female adults, leaders or parents (at least one of which should be an SLSNZ Member) must accompany Minors when taking surf lifesaving activities away from the Club, and especially on overnight activities.
- Minors of different genders should sleep in separate rooms.
- There should be an alcohol policy in place for all people travelling including leaders and parents. Note: The person responsible for the group/participants at any given time should always remain in a state that they can react appropriately to any situation that might arise.
- Clubs should have processes in place to ensure drivers and vehicles are licensed and in a fit state for their purpose.
- There should be suitably qualified people in place to match the activity planned, i.e. a person with a Surf Lifeguard Award present for any activity in or around the water.

Alcohol Protocols

Each Club should have an Alcohol policy in place that provides guidance to Club Members and officers for activities both at the club and while travelling. In all cases alcohol consumption must be conducted within the law.

There is a sample alcohol policy in Appendix XX

Privacy Policy

Privacy is important as individuals have a right to control their personal information. Providing personal information is an act of trust and Clubs should take that seriously. SLSNZ recommends each Club has a privacy policy in place to comply with privacy laws and principles. The policy must be consistent with the Club Constitution and the SLSNZ Membership Form. A template policy has been developed for Clubs at Appendix [xx].

Appendices (to be developed)

- 1 Peer Support Programme Information sheet
- 2 Police Vetting Process
- XX Club Member Protection Policy Template
- XX Club Code of Conduct Template
- XX Club Overnight Stay Policy Template
- XX Guidelines for photography and video use
- XX Club Travel Policy Template
- XX Club Alcohol Policy Template
- XX Club Privacy Policy Template

Forms

- 1 SLSNZ Membership Form
- 2 Authorisation to Disclose Form – Police Vetting