



Police Vetting and the Appeals Process

Background

In 2017, the NZC Board approved a staged approach to the Vulnerable Persons Policy. This paper explains the police vetting system and the associated 'appeals process' relating to stage two which comes into effect on August 1st, 2018

Under the policy, stage one involved Major Associations taking responsibility for police vetting of any paid staff that have regular or overnight contact with vulnerable persons (i.e. U18s or vulnerable adults) within their region.

Stage two involves NZC (on behalf of Major Associations, District Associations and clubs) establishing a process through which all volunteers who have regular or overnight contact with vulnerable persons are police vetted. This includes, by definition, all coaches of junior and youth club teams.

Schools will administer their own vetting process.

The Process

NZC are using a provider called 'Friendly Manager' to manage the vetting process. The system will double as the platform through which coaches are directed to be upskilled, which is mandatory for the 2018/19 season and can be accessed via the NZC website.

Volunteers initially register through the Friendly Manager system. The form each volunteer completes mirrors the 'standard' police vetting form, save for as set out below. NZC has sought legal advice and added the following clauses, which gives permission for NZC and affiliated organisations to disclose the vetting results. NZ Police has approved the following additional clauses to the police vetting form:

1. *NZC having permission to disclose any vetting result, together with any other personal information it receives from the New Zealand Police in connection with the vetting result, to any of the affiliated associations or clubs of NZC.*
2. *NZC (or its affiliated associations or clubs) having permission to disclose such vetting result and other personal information to the parents and caregivers of the children or vulnerable adults with whom I have, have had or may have, contact with in my role as an employee or volunteer (or potential employee or volunteer) with NZC or any of its affiliated associations or clubs for:*
 - i. *the purposes of assessing my suitability as an employee or volunteer with NZC; and/or*
 - ii. *the protection of any children or vulnerable adults as NZC or any of its affiliated associations or clubs consider appropriate."*

Volunteer Identification

Before a police vet is submitted, the identity of the volunteer must be verified. The best method is via a driver's license, and the coach developers will administer this process for volunteer coaches during the practical part of the coaching courses.

The process following receipt of a vetting result.

All vetting results will be available to be viewed via the police portal, normally within 20 working days of the vet being submitted. The police use a traffic light system to filter the results, which will be checked regularly by the Youth Participation Manager, who has access to any police vetting results relating to community volunteers only.

Where the vetting result is 'green' it shows no concern. There will be no further communication with any party. To close off the process, NZC will update the volunteers 'status' on Friendly Manager, signalling to the volunteer that the vetting result indicated no concerns. This a simple manual process that requires clicking a tick box.

Where the result is 'orange', the police have decided to contact the volunteer to gain further information before making a call. This is out of the hands of NZC, and we will wait until the result turns 'red' or 'green' before proceeding. Volunteer continues as normal.

Where the vetting result is 'red', the police have raised a concern. This will be passed to NZCs two-person '**Review Panel**' for assessment. The first choice for this panel will be the Head of Corporate Services with a representative from either HR or Participation but NZC reserves the right to determine the final composition of this Panel. Any decision must be unanimous, and any actual or potential conflicts of interest must be declared.

The role of the Review Panel is to decide as to whether a volunteer should continue in their role. When assessing the vetting result, the safety of vulnerable persons will be the paramount consideration.

A significant consideration in this regard is whether the volunteer has previously been convicted for any of the following offences;

- Murder
- Sexual Offences
- Indecency Offences resulting in imprisonment
- Kidnapping
- Offences connected to child prostitution
- Possession or publication of child pornography
- Assault and/or violence towards a child
- Assault or violence towards a spouse or partner
- Possession of drugs for supply resulting in imprisonment
- Recidivist drink driving resulting in imprisonment.
- Any other serious offence resulting in imprisonment for over 2 years.

If the Review Panel decide that the volunteer can continue, the vetting result becomes 'green' and the process related to a vetting result being 'green' is followed.

If the review panel decides that it's not appropriate for the volunteer to continue, the volunteer will receive a phone call from NZC's GM Participation, advising them that as a result of the Police Vet NZC has decided it's not appropriate for them to continue and they will be asked to step down from their role with immediate effect. The volunteer will be informed of their right to appeal the decision; to view the vetting result and informed on how they may go about correcting any inaccuracies they feel are contained within the report.

The local 'designated person' will be asked to take reasonable steps to ensure that the volunteer has stepped down. To do this, they will need to know the name, the role and the organisation they are volunteering for. They will not be provided with any detail of the offence.

The Appeals Process

The appeals process involves a two-step process:

- i. The volunteer is required to write to NZC within seven days of being informed that they are to step down by the GM Participation, providing reasons and details as to why they should be allowed to continue as a volunteer and providing any relevant documentation. For example, the volunteer may provide letters of support from their club or a person of good standing in the local community.
- ii. A three-person '**Appeals Panel**', will consider the appeal. The role of the Appeals Panel is to decide whether to uphold the appeal or not. When assessing the appeal, the safety of vulnerable persons will be the paramount consideration. The panel will meet as soon as is practical, aiming to convene within 72 hours of receipt of the appeal. At this point, the Appeals Panel may be able to make a final decision or may request more information from the volunteer or other sources. As with the Review Panel, any decision must be unanimous, and any actual or potential conflicts of interest must be declared.

The first-choice Appeals Panel will comprise of the Chief Operation Officer, GM Participation and the CEO of the MA in which the volunteer is active. GM Domestic and National Female Participation Manager are the preferred secondary choices. However, NZC reserves the right to determine the final composition of this Panel.

If the appeal is successful, the volunteer will be phoned by NZC, advising them that as a result of the appeals process they can return immediately to their role. NZC will also advise the local 'designated person'.

If the appeal is unsuccessful, NZC will phone the volunteer advising them of the result and they will be asked to stand down indefinitely. NZC will advise the 'designated person' and the MA CEO of the associated region in the event the CEO couldn't be part of the appeals panel.

If the volunteer refuses to stand down, they will be advised that NZC will inform the following people;

- i. The appropriate MA CEO.
- ii. The appropriate DA Manager.
- iii. The appropriate Club Chair and/or Club Manager.
- iv. The local 'designated person'.

Should the volunteer remain active, NZC will consider the appropriate next steps, including whether to inform the parents or caregivers of the vulnerable persons who may be at risk.

NZC acknowledges that throughout the Police Vetting and appeals process it has a duty of care to protect the personal information of volunteers, and to act upon any information which it receives that may indicate that vulnerable persons are at risk.

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Police Vetting & Appeals Process Flow Chart

