

# NEW ZEALAND RUGBY POLICY 5

## POLICE VETTING POLICY

Dated: December 2021

Review Date: December 2022

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### Policy Purpose

Children are an important part of our rugby community. They rely on adults to keep them safe and protect them from harm and abuse. We want our children to have positive experiences in rugby and that includes being able to play in a safe environment free from the risk of abuse.

As part of our *Safe Clubs Safe Kids Child Protection Programme*, New Zealand Rugby (“NZR”) and Affiliated Unions as defined in the NZR constitution (“**Provincial Unions**”) are required to mandate “police vetting” for certain participants. This is to ensure that all referees and people involved in coaching or managing any child under the age of 18 do not have any criminal convictions or charges that would result in that person being unsuitable for such a role.

### Persons to be Police Vetted

To contribute to a safe and secure environment, NZR together with Provincial Unions, clubs and schools, require that before being eligible to be confirmed in the following roles, all persons seeking to undertake these roles will be required to agree to a police records check (“**police vetting**”) as part of the annual registration process:

- coaches (including assistant coaches) that are involved with children under the age of 18;
- team managers that are involved with children under the age of 18;
- all referees (as all referees are appointed to cover both junior and senior grades during a season),

(each a “**Person to be Police Vetted**”)

NZR reserves its right to refuse, suspend or terminate the registration of any Person to be Police Vetted if they do not authorise NZR to request and receive a police vet through the registration process.

### Police Vetting Process

For any person registering to referee (at any level) or to coach, manage or referee children under the age of 18, the following process will be undertaken:

- Police vets will be sought at the time of registration via the NZR National Rugby Database when a Person to be Police Vetted registers online, or a paper copy will be provided to those who register in person.
- The identity of the Person to be Police Vetted will be verified by an authorised delegate of NZR, usually this will be a club, school or Provincial Union representative. Verification requires the authorised delegate to sight a current form of photo identification such as drivers’ licence, passport, kiwi access card or firearms licence and confirm this against the registration record.
- Police vets are subject to the *Criminal Records (Clean Slate) Act 2004*. To understand more about the Clean Slate Scheme, please see: <https://www.justice.govt.nz/criminal-records/clean-slate/>.
- Subject to the Clean Slate Scheme, a police vetting result may disclose any information that is held by New Zealand police, including any interaction with New Zealand police in any

context and any information received by New Zealand police if deemed relevant for assessing a Person to be Police Vetted for a role. This is not limited to conviction information.

- Police vetting results will be treated as strictly confidential and access to this information will be restricted to the Person to be Police Vetted and the NZR Legal and Harm Prevention teams. If NZR considers it necessary, based on the police vetting results of a Person to be Police Vetted, NZR may also notify the Child Protection Advisor, General Manager and/or CEO of the relevant Provincial Union.
- Police vetting results will be stored securely on a password protected NZR online folder and retained for up to one year unless a longer retention period is required by law. Any additional information received by NZR pertaining to the police vetting results will be stored by NZR in the same way for up to one year unless a longer retention period is required by law.
- Police vetting is required to be repeated every three years unless the Person to be Police Vetted is no longer refereeing (at any level) or coaching or managing children under 18 years of age.

### Assessing police vetting results

Police vetting results will be assessed by NZR based on the status and nature of any charges and/or convictions as outlined below.

NZR will consult with each Person to be Police Vetted prior to their registration being refused, suspended or terminated.

#### *Active charges or court conditions*

If a Person to be Police Vetted has an active pending charge(s) prior to, or during, their role as a referee (at any level) or coach or manager of under 18-year-olds, they **will be suspended** from such a role until there is a result from the court process provided to NZR by the Person to be Police Vetted and NZR notifies them in writing that they are no longer suspended.

If a Person to be Police Vetted is under conditions of the court or police (bail, parole, supervision) they will need to complete these conditions prior to beginning their role.

#### *Schedule 2 Specified Offences*

If a Person to be Police Vetted returns a police vetting result that contains any of the Schedule 2 Specified Offences as set out in the *Children's Act 2014*, their registration will be **automatically terminated** by NZR and hence they will be prohibited from continuing in their role as a referee, coach or manager of under 18-year-olds. For the avoidance of doubt, such automatic termination does not apply to referees covering senior grades subject to a review by NZR's Legal and Harm Prevention teams to determine their suitability to do so.

To understand what a Schedule 2 Specified Offence is, please refer to **Appendix 1** or alternatively see: <https://www.legislation.govt.nz/act/public/2014/0040/latest/whole.html#DLM5501909>.

### *Other offences*

If a Person to be Police Vetted returns a police vetting result that contains an offence other than any of those listed as a Schedule 2 Specified Offence, they must undergo a risk assessment by the NZR Legal and Harm Prevention teams to determine their suitability to coach, manage or referee children under the age of 18.

Offences relating to the following categories may result in a refusal to or suspension or termination of their registration by NZR (please note this is not an exhaustive list):

- Violence
- Dishonesty
- Drugs
- Alcohol
- Stalking
- Pornography against adults
- Prohibited and Regulated Weapons
- Environmental Pollution
- Juvenile Records
- Non conviction charges relating to automatic refusal offences.
- Dangerous and negligent acts
- Harm to Animals

Recidivist offences of any kind will trigger further risk assessment on a case-by-case basis.

### **Risk assessment**

For police vetting results that contain an offence other than any of those listed as a Schedule 2 Specified Offence, the NZR Legal and Harm Prevention teams, will conduct the following risk assessment:

- Review the police vetting results and any other relevant information provided to NZR in relation to the suitability of the Person to be Police Vetted to perform the role.
- If more information is required, invite the Person to be Police Vetted to discuss their police vetting results and suitability for the role.
- Discuss the police vetting results of the Person to Police Vetted and suitability for the role with any other references the Person to be Police Vetted may wish to provide.

- Assess all information provided and make a decision on the suitability of the Person to be Police Vetted for a role.
- Communicate the final decision on suitability to the applicant in a confidential and discrete manner.

### Review process for decisions based on results of an offence that is not listed as Schedule 2 Specified Offence

Any Person to be Police Vetted whose registration is refused, suspended or terminated by NZR based on police vetting results that do not include a Schedule 2 Specified Offence will have the opportunity to request a review of that decision.

To request a review the Person to be Police Vetted must submit the following:

- a letter from themselves; and
- two character reference letters related to the offence(s) included in their police vetting results (e.g., a report on completion of mandated treatment, letters from employers, parole officer reports etc),

providing reasons why they should be allowed to coach, manage or referee children under the age of 18.

All letters must be received by NZR within seven days of NZR's decision to refuse, suspend or terminate the person. The NZR police vetting panel will then assess the letters and make a determination as to whether the decision to refuse, suspend or terminate was correct.

### Questions

If you have any questions in relation to this policy or would like more information on your individual application, please contact NZR Eligibility: [eligibility@nzrugby.co.nz](mailto:eligibility@nzrugby.co.nz).

## Appendix 1: List of Schedule 2 Specified Offences

### Schedule 2 Specified offences

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An offence against any of the following sections of the [Crimes Act 1961](#) is a specified offence for the purpose of [Part 3](#):

- (1) [section 98](#) (dealing in slaves):
- (2) [section 98AA](#) (dealing in people under 18 for sexual exploitation):
- (2A) [section 124A](#) (indecent communication with young person under 16):
- (3) [section 128B](#) (sexual violation):
- (4) [section 129](#) (attempted sexual violation and assault with intent to commit sexual violation):
- (5) [section 129A](#) (sexual conduct with consent induced by certain threats):
- (6) [section 130](#) (incest):
- (7) [section 131](#) (sexual conduct with dependent family member):
- (8) [section 131B](#) (meeting young person following sexual grooming, etc):
- (9) [section 132](#) (sexual conduct with child under 12):
- (10) [section 133](#) (indecency with girl under 12):
- (11) [section 134](#) (sexual conduct with young person under 16):
- (12) [section 135](#) (indecent assault):
- (13) [section 138](#) (sexual exploitation of person with significant impairment):
- (14) [section 139](#) (indecent act between woman and girl):
- (15) [section 140](#) (indecency with boy under 12):
- (16) [section 140A](#) (indecency with boy between 12 and 16):
- (17) [section 141](#) (indecent assault on man or boy):
- (18) [section 142A](#) (compelling indecent act with animal):
- (19) [section 143](#) (bestiality):
- (20) [section 144A](#) (sexual conduct with children and young people outside New Zealand):
- (21) [section 144C](#) (organising or promoting child sex tours):
- (22) [section 154](#) (abandoning child under 6):
- (23) [section 172](#) (punishment of murder):
- (24) [section 173](#) (attempt to murder):
- (25) [section 177](#) (punishment of manslaughter):
- (26) [section 178](#) (infanticide):
- (27) [section 182](#) (killing of unborn child):
- (28) [section 188](#) (wounding with intent):
- (29) [section 189\(1\)](#) (injuring with intent to cause grievous bodily harm):
- (30) [section 191](#) (aggravated wounding or injury):
- (31) [section 194\(a\)](#) (assault on child):
- (32) [section 195](#) (ill-treatment or neglect of child or vulnerable adult):
- (33) [section 195A](#) (failure to protect child or vulnerable adult):
- (34) [section 198](#) (discharging firearm or doing dangerous act with intent):
- (35) [section 204A](#) (female genital mutilation):

- (36) [section 204B](#) (further offences relating to female genital mutilation);  
(37) [section 208](#) (abduction for purposes of marriage or sexual connection);  
(38) [section 209](#) (kidnapping);  
(39) [section 210](#) (abduction of young person under 16).

2 An offence that is equivalent to an offence against any section of the [Crimes Act 1961](#) referred to in clause 1, but that was committed against a provision of the Crimes Act 1961 that has been repealed, is a specified offence.

3 An attempt to commit any offence referred to in clause 1 or 2, where the offence is not itself specified as an attempt and the provision does not itself provide that the offence may be completed on an attempt, is a specified offence.

4 A conspiracy to commit any offence referred to in clause 1 or 2 is a specified offence.

4A An accessory after the fact to any offence referred to in clause 1 or 2 is a specified offence.

5 An offence against any of the following sections of the [Films, Videos, and Publications Classification Act 1993](#) is a specified offence for the purpose of [Part 3](#):

- (a) [section 124](#) (offences relating to objectionable publications, involving knowledge);  
(b) [section 127\(4\)](#) (exhibition to persons under 18);  
(c) [section 131A](#) (offences relating to possession of objectionable publications, involving knowledge).

6 An offence against [section 390](#) of the Customs and Excise Act 2018 is a specified offence for the purpose of [Part 3](#).