

INDEPENDENT REVIEW OF GYMNASTICS NEW ZEALAND

David Howman, Lesley Nicol, Rachel Vickery

February 2021

CONTENTS

ACKNOWLEDGEMENTS.....3

INTRODUCTION5

REVIEW PROCESS8

GYMNASTICS COMMUNITY10

GYMNASTICS NEW ZEALAND STRUCTURE.....14

COMPLAINT PROCESSES18

THEMES.....32

RECOMMENDATIONS49

APPENDIX 1 - GYMNASTICS NEW ZEALAND JUDICIAL PROCESS60

ACKNOWLEDGEMENTS

This review acknowledges the bravery and commitment of each of those gymnasts and parents who told their story to the media during the 2020 Covid-19 lockdown in New Zealand. Those stories were the stimulus for the review, and followed the stories of many others internationally.

Thanks must be given to the investigative journalists who wrote these stories and accordingly provided information vital for the sporting world, and indeed for the public in general. Their role in our society is invaluable.

The contemporaneous showing in New Zealand of two outstanding documentaries “Athlete A” on Netflix and “At the Heart of Gold” on Soho, each of which exposed dreadful tales of abuse of young gymnasts in the United States of America likewise contributed to the public exposure of the issues.

The sport of gymnastics, across its six codes, provides skills, fun and enjoyment to a vast number of gymnasts, particularly children. Much of this fun and enjoyment is due to the many hours of commitment by hundreds of volunteers. Thanks are extended to the many of these volunteers who came forward and gave freely of their time and thoughts to this review. Their guidance and information were invaluable.

Thanks also to the many gymnasts, past and present, who offered insights into the sport from their perspective. Gymnasts are at the heart of the sport and hearing their experiences and views has been vital and extremely helpful.

To the coaches, trainers, officials and other members who contributed to the review, please also accept our gratitude for your fortitude and honesty in conveying experiences and ideas.

To the staff at Gymnastics New Zealand we express gratitude to all for ensuring full appropriate documentation was made available, and for each person

responding openly and without hesitation to every question and request asked of them. Their commitment to the sport was obvious.

To the experts who provided knowledge, expertise and insight we are grateful for your willingness to share your wisdom and to act as a sounding board.

Finally specific personal thanks to Judge Rosemarie Aquilina (the presiding judge in the Dr Nasser prosecution), Richard McLaren the chief author of the report into safeguarding in Canada, Kate Jenkins and Natasha De Silva from the Australian Human Rights Commission who are presently conducting a review into Gymnastics Australia, Brendan Schwab, Executive Director, World Players Association, Andrea Florence, Child Athlete Wellbeing and Protection Officer, World Players Association, Victoria Aggar, Chair of the British Athletes Commission, Rob Koehler, CEO of Global Athlete, Roger Mortimer, General Manager New Zealand Athletes Federation, a group of former elite New Zealand gymnasts, Alex McLin, CEO of the Gymnastics Ethics Foundation, and Judge Andrew Becroft, the Commissioner for Children in New Zealand for their wise and insightful comments and advice.

The review was conducted on the very firm foundation that the report would be published in full upon its completion. Every person who provided information was advised that their information would be kept totally confidential. All were accordingly told that no person nor institution would be named in the report, nor would any incident or accident be described, in order to protect the identity of anyone concerned. This has meant that the report has been published without redaction and without the need for it to be seen and read in advance by anyone for natural justice purposes.

David Howman BA, LLB (Hons), LLCM (Penn), LL.D (Hon), CNZM

Lesley Nicol MBChB, BPhy, PGDipSM, FACSEP, ONZM

Rachel Vickery BHSc (Physio), MHSc (1st class hon)

February 2021

INTRODUCTION

This review was initiated by Gymnastics New Zealand (GNZ) in August 2020, following the publication of several newspaper articles outlining past incidents of alleged abuse toward gymnasts in New Zealand. In response to those complaints and allegations, the GNZ Board, following consultation with Sport New Zealand (SNZ) determined it was in the best interests of the national gymnastic community that an independent review be conducted of the sport.

The objective of the review was to allow the reviewer to develop a holistic view of GNZ's sporting culture and its influence/impact on its past and present members. From this the review was to identify and develop:

- (a) lessons that can be learned by GNZ and its community
- (b) recommendations as to GNZ's policies, procedures, processes,
- (c) education, and behaviours within the community, and GNZ, that can be improved or implemented to change its culture, and eliminate the identified poor practices, processes and behaviour.

The review was specifically not to handle complaints, not to identify individuals or organisations to attribute fault, nor to engage in dispute resolution. With the assistance of SNZ all complaints were to be referred to the Interim Complaints Mechanism (ICM). The ICM service, run by Dyhrberg Drayton Employment Law, had been established and funded by SNZ and High Performance Sport New Zealand (HPSNZ) in 2018 to encompass complaints in elite sport relating to high performance athletes. For this review its mandate was expanded to cover athletes/gymnasts at all levels, and during the period of the review it was compulsory for all relevant complaints received by the reviewer to be referred to the ICM for possible resolution.

It is important to note here that the review accordingly differed from many others that have been, or are being conducted into the sport around the world.

Allegations of misconduct were not to be investigated, nor was there to be any finding of fact made in relation to any aspect of behaviour in the sport.

The process mechanism for the review was outlined in the GNZ terms of reference:

“The reviewer is empowered to collect and collate data and/or information using whatever methods are proper, from as wide a number of sources as thought necessary to complete the review.”

The review was then to:

- (a) identify common themes e.g. lack of, or inadequate processes and areas where changes are required.
- (b) identify if, when complaints were laid, the investigation of the incident/s followed any policy, procedure or identified best practice.
- (c) identify if the findings and suggested remedies were appropriate. If not, why not? What actions should have been undertaken?
- (d) make recommendations on any future actions to mediate or rectify the identified inadequacies.

The review commenced on 10 August 2020 with the acceptance and signing of the terms of reference.

Following initial discussions with other international reviewers and experts, including a most helpful conversation with Judge Rosemarie Aquilina (the presiding judge in the Nasser prosecution) during which she advised several practical ways of approaching the review task; and the receipt of additional suggestions contained in early submissions to the review, the reviewer sought and obtained permission from GNZ to engage two expert advisors to assist in the review.

Rachel Vickery, a former international gymnast who represented New Zealand at the Commonwealth Games in 1994, a qualified physiotherapist and now a

human behaviour and high performance coach in Brisbane, Australia, and Dr Lesley Nicol, former Silver Ferns captain and now a sports and exercise physician with experience in high performance sport, and child health, with a qualification also as a physiotherapist, were both engaged by early September 2020.

The review process was refined with their advice and assistance, and a request for information sent to the gymnastics community through GNZ, with the comment from the reviewer that:

“The review is being carried out independently of GNZ on a totally confidential basis. The report will not be identifying people, institutions, or incidents. The review will be looking at ways and means of ensuring the future will be safe, healthy and happy for all in the community. Rachel and Lesley are available if you are more comfortable sharing your experience with a female.”

The separate approach offered by the ICM also commenced in August 2020. Throughout the review the ICM provided the reviewer with all the additional confidential information as promised in their agreement with SNZ and GNZ. They regularly provided triaged statements from complainants who were happy to provide confidential data to the review. The relationship between the ICM and the review was at all times cordial, helpful and professional.

REVIEW PROCESS

This review of GNZ has been undertaken by David Howman (“the reviewer”) with expert assistance and guidance from Lesley Nicol and Rachel Vickery. The reviewer is a former sport law barrister, presently an independent sport consultant, former Director General of the World Anti-Doping Agency, Chair of the Athletics Integrity Unit Board for World Athletics, and holds other similar governance positions in several other international sport federations.

The reviewer has never held any position within GNZ, nor been a member of GNZ in any capacity, and has not been engaged in the sport globally.

Shortly after the appointment of the reviewer, and the signing of terms of reference, GNZ sent a communiqué to all of its stakeholders advising them of the review and providing a separate email address for any individual who had information to offer to contact the reviewer. GNZ had no access to this address.

At the same time GNZ also provided stakeholders with the information relating to the ICM process and the contact details for complaints.

Many individuals with valuable information for the review took the opportunity to provide that in writing; the vast majority of these also participated in lengthy telephone interviews, while others chose to engage entirely in verbal discussions.

The review process took place from early August to late-November 2020. Initially the report was expected to be completed by October but such was the interest and willingness of the community to participate, that an extension was sought to allow more people to come forward with submissions and ideas. It was agreed that a cut-off date for providing information to the review would be the end of November, and the report completed in December 2020. With the subsequent understanding that SNZ was to make an important announcement

about sport integrity issues, including dispute resolution and child protection, in mid-December 2020, an extension to the timing of the report was granted by GNZ to February 2021.

GNZ provided access to all relevant information including emails, reports, minutes, organizational documents, complaints, regulations and policies; and also provided access to the club portal.

Interviews were conducted with most members of GNZ staff, some of whom also provided follow up written documentation.

The ICM provided case reports from all complainants who wanted their information to be passed on confidentially to the review.

More than 200 submissions were received, with lengthy interviews or discussions being conducted with about 100.

A broad cross-section of the community was engaged with more than 70 gymnasts, past and present, providing individual views and a number more providing collective thoughts. Parents, coaches, judges, club officials, past and present GNZ officials, all contributed. Some individuals provided significant hours of their time to ensure a full understanding of their experiences and suggestions was conveyed.

The review also encompassed a number of other sources, including expertise, advice, information and guidance from international experts.

The data and information received was considerable and certainly sufficient to identify themes and issues, address the complaint process, and to make practical recommendations in the way sought by the terms of reference (TOR).

GYMNASTICS COMMUNITY

Gymnastics New Zealand is the trading name for the incorporated society GymSports New Zealand. The name was adopted by the Annual General Meeting of the society in 2017 and has been used ever since.

The objects of the organization are set out in its Constitution adopted in 2007 and last amended in 2012:

“2.1 As a charity the objects of GymSports New Zealand are to:

- a. Be the national body in New Zealand to promote , develop, enhance and protect Gymsports as an amateur sport in New Zealand for the health, wellbeing and benefit of the general public of New Zealand;
- b. Support and assist its Member Clubs to deliver Gymsports in New Zealand;
- c. Have gymnasts and teams consistently achieving success in Gymsports internationally;
- d. Promote and develop opportunities and facilities to enable, encourage and enhance the participation, enjoyment and performance in Gymsports in New Zealand and in GymSports NZ’s activities;
- e. Develop, promote and maintain world class fundamental movement and skill programmes and to deliver them in New Zealand to improve the health and wellbeing of New Zealanders, particularly youth;
- f. Develop and maintain a world class high performance programme;
- g. Establish, promote and stage international, national, regional and other Gymsports competitions and events in New Zealand;
- h. Seek and promote membership of GymSports NZ;
- i. Make available and enforce the Rules of Gymsports;
- j. Be the member representing New Zealand on the FIG and liaise with other national Gymsports organisations internationally;

- k. Encourage, educate and promote Gymsports as an activity that promotes the health and safety of all participants, respects the principles of fair play and is free from doping;
- l. Give and seek recognition for individuals to obtain awards or public recognition for their services to Gymsports;
- m. Act in good faith and loyalty with its Members to ensure the maintenance and enhancement of Gymsports in New Zealand including its standards, quality and its reputation for the collective and mutual benefit of GymSports NZ and its Members;
- n. Seek, maintain and advance the reputation of Gymsports and GymSports NZ through the development of rules, standards and practices that fulfil these objects; and
- o. Promote mutual trust and confidence between GymSports NZ and its Members and at all times to act on behalf of, and in the interests of, their members and the promotion and development of Gymsports in New Zealand.”

The Members of GNZ are the affiliated clubs, and the club membership (on an annual basis), Life Members and Honorary Members, those who are judges, officials, coaches, parents and who pay a membership fee to GNZ, technical members who may also be club members, and administrative members who are elected or appointed to the Board or sub-committees of GNZ.

There are currently 113 affiliated clubs.

The full membership number in 2019 was more than 43,000 but this number will be lower when the numbers are assessed for 2020 following the impact of lockdown in New Zealand due to Covid-19.

The athlete membership as reported in the Annual Report for 2019 included 4179 competitive members and 30,457 recreational members all of whom were engaged in the Gym for All program (GFA). It is understood that 88% of all gymnasts are aged 12 or under, and that 78% are female.

The coach membership is now more than 2300 made up of mastering coaches, advancing coaches, developing coaches and beginner coaches.

There are currently 667 judges spread over all codes at elementary, junior and senior levels.

It is noted here that the “gymnastic community” in New Zealand will be a greater number of people than that mentioned above, as there are many former club members or past competitors who have an interest in the sport, but will not presently be classified as GNZ Members. Among these will be many of those who might have valid grievances or complaints in respect of alleged inappropriate actions by others in the community.

The Gymsports included in the mandate for GNZ are Women’s (WAG) and Men’s (MAG) Artistic Gymnastics, Rhythmic Gymnastics (RG), Trampoline Gymnastics (TRA), Tumbling Gymnastics (TG) and Aerobic Gymnastics (AG).

For each category in 2019 the numbers of competitive gymnasts were reported in the Annual Report:

	Total	Elementary	Junior	Senior	High Performance
WAG	2178	1704	305	169	0
MAG	535	333	126	76	0
RG	708	406	206	96	0
TRA	462	121	267	72	2
TG	108	40	62	6	0
AG	188	40	85	63	0
TOTAL	4179	2644	1051	482	2

For this review it is important to note these numbers, as the majority of the issues relating to the welfare of gymnasts which were raised during the review pertained to competitive gymnasts, and furthermore most of them were females from the two codes of WAG and RG.

As a result one of the challenges for this review when addressing the sport's culture and allied matters, was to maintain a sense of proportion and balance in relation to the sport in general, to ensure the whole of the sport and all members were considered.

GYMNASTICS NEW ZEALAND STRUCTURE

The management structure of GNZ is similar to other National Sport Organisations (NSOs) in New Zealand, consisting of an operational staff of 15, with 4 based regionally, managed by a CEO. The office is situated in Auckland. The management process however differs from some others in that there are no regional nor provincial bodies in the structure. This is a result of restructuring commenced in 2008 and following wide consultation, completed by the changes to the Constitution in 2012. There are now relationship managers responsible for regions, rather than regional offices. At present there are vacant positions for some of the relationship positions.

The governance structure is also similar to many other NSOs, indeed encouraged by SNZ policies, whereby there is a board of seven, four of whom are elected by the membership, and three appointed following an appointment process with an independent nominations committee. At the time of the review the composition had a gender balance of three females and four males and included two former competitive gymnasts. The chair of the board is elected by board members and at present is one of its three appointed members.

As set out in its objects, GNZ is the NZ representative on the international body, the Federation Internationale Gymnastique (FIG), thereby being required to adhere to FIG's rules and regulations. These include rules for competitions, rules for equipment, criteria for World Championships, Olympic Games and other FIG ratified competitions. Among these are technical rules, standards relating to judging and coaching.

FIG is the oldest established International Federation for a sport currently in the Olympic program, founded in 1881.

A recent international initiative for the sport is the Gymnastics Ethics Foundation, a private Swiss foundation established to deal with athlete welfare

complaints under the leadership of Alex McLin, a well- respected international sport administrator. This is a body which is independent of FIG both institutionally and financially, and now has some experience in dealing with complaints. GNZ to date has not sought its services.

GNZ is also a member of the Oceania Confederation of FIG.

As a National Sport Organisation (NSO) GNZ is eligible for government funding through SNZ and as a condition of receiving any such funds must adhere to the policies and protocols required of it by SNZ. These include anti-doping rules, match fixing rules, and will include the new processes initiated by SNZ in respect of dispute resolution, safeguarding and complaints. These initiatives were announced on 16 December 2020 and the disputes and complaints procedures are due to be introduced formally in February 2021.

As seen from the competitive athlete numbers, there are presently two high performance athletes who have qualified for funding and other resources from HPSNZ. This funding and resource provision is specific to the carded athletes, and covers coaching, training and other matters, and is not available to GNZ to spend in any other way.

Gymnastics is an Olympic sport and also a sport included in the Commonwealth Games. GNZ is a member of the New Zealand Olympic Committee (NZOC), and of course must adhere to the rules and regulations of that body in order for its members to be selected to compete at those two major international events. One of the important issues here are the criteria for selection to the New Zealand teams for those events, as these criteria change from event to event.

It is noted here that although GNZ is required to follow the rules of FIG, the policies and protocols of SNZ, and the rules of NZOC, these organisations do not conduct a compliance program/check. All rely on self-reporting by GNZ. There is no monitoring of the practice of the rules, and accordingly the only time they

are likely to be tested or checked will be when there is an allegation or dispute requiring attention and resolution.

GNZ relies upon its member clubs for full and proper delivery of its rules and processes. As will become apparent in this report this means not only knowledge and implementation of GNZ rules, but also of national legislation in the areas of employment, health and safety, criminal law, child law and more. GNZ has introduced a very good resource base in the online club portal for the assistance of club officials and club members in this regard, and for several other basic issues helpful when running a club.

GNZ asks clubs to self-report on their implementation of GNZ rules and policies and does not conduct a compliance program. In a similar way to that mentioned above for GNZ rules, the only time club rules and processes are likely to be tested or checked will be when a complaint or allegation becomes known.

As an organization GNZ has an annual budget at present around \$3 million. In 2019 this was an operating revenue of \$3,113,729, coming from club registration fees of \$1,011,233, tour charges of \$1,043,622 (primarily paid by parents of selected gymnasts), \$589,756 from grants including \$250,000 from SNZ, \$50,093 from sponsors, \$115,000 from HPSNZ and a few other sources.

From these numbers it is notable that parents of elite athletes, those chosen to tour or attend international events, are providing large sums of money for their children to compete at global level. Several advised the review that this would be about \$25,000 a year, on top of club expenses.

SNZ provides funding on the basis of their Strategic Plan. For the 4-year cycle just completed in 2020, it was the “vision for New Zealand to be the world’s most successful sporting nation as measured by more kids in sport and active recreation, more New Zealanders involved in sport and recreation, and more New Zealand winners on the world stage.”

GNZ advised that their numbers of participants increased from 23,000 in 2015 to 43,000 in 2019, most of whom were children 12 years of age and under. This certainly answered the call for “more kids in sport and active recreation”.

For comparison purposes the 4-yearly cycle of funding by SNZ prior to 2016 had an annual payment to GNZ of \$650,000. The consequences of a \$400,000 reduction from 2016 onwards are still being felt by the sport.

The new Strategic Plan from SNZ targets tamariki (children) and rangatahi (youth 12-18) and aims to get them more active. GNZ will continue to receive \$250,000 per year from SNZ over the next 4-year cycle.

The employee costs for 2019 were \$1,088,676.

This is not an organization with a lot of spare cash. Each dollar needs to be carefully spent with the priorities of the annual approved plan clearly enunciated and advised to all members of the community.

The GymSports Constitution was to have been revised in 2020, but Covid-19 precluded the completion of this work, along with its subsidiary projects - notably the athlete well-being program for which work had started in 2019. Considerable work had been done on the safeguarding and child protection policy by the beginning of 2020.

COMPLAINT PROCESSES

This whole section is devoted to the complaints process as it is a dominant component of the TOR, requiring very specific review and analysis. The review itself was stimulated by published incidents of serious misconduct and abuse, and therefore the complaints processes will be examined with how they deal with those incidents to the forefront.

Complaints of abuse in the gymnastics community can follow either of two different processes. The first is that which follows the disciplinary rules and policies of GNZ upon receipt of a complaint of misconduct by one member of the gymnastics community to another, or to a third party. The second is the process under the Employment Relations Act 2000 where the alleged perpetrator of abuse is an employee (in this situation, of a gymnastics club or GNZ) and a club member or another employee or a third party is the complainant. The complaint is likely to be one of inappropriate conduct during the course of employment.

For the purpose of this review, it is not intended to delve deeply into employment matters beyond those matters which deal with allegations of misconduct.

Overarching all four processes when specifically dealing with complaints of misconduct is the preliminary and primary requirement to conduct an independent investigation.

Workplace investigations are relatively common in New Zealand society now, and there are very skilled trained investigators available to conduct the investigations in all employment cases. Work Safe New Zealand has published a considerable volume of excellent material which assists an understanding of the issues now often raised, including for example, what constitutes bullying in the workplace, and guidelines for the process to be followed in employment

cases. All of that is applicable in sport where that employment branch of complaint is confronted.

No matter which branch of complaint process is followed for a complaint of misconduct, the first matter must always be the gathering of the evidence by an investigator, and the decision following the conduct of that initial investigation, as to what course of action might need to be followed. In employment cases that means a decision that a potential breach has occurred, and that the employee must be informed. In disciplinary cases it is a decision as to whether to lay a charge/s under what rule/s and the conveying of this to the alleged perpetrator. In each situation, for natural justice reasons, the details provided will include the identity of the complainant.

An initial concern for GNZ and indeed many, if not all, smaller NSOs in New Zealand is how does it find and resource an independent qualified investigator? This is so important as the initial investigation is the vital stage of the complaint process, and if undertaken badly can irrevocably affect the process that should follow.

Before addressing some of the issues which arise following the investigation in both complaint processes, it is logical to look at past and current cases that have been determined by GNZ, and indeed by the club members of the gymnastic community. This is in order to respond to the specific term in the TOR “to identify when complaints were laid, the investigation of the incident/s followed any policy, procedure or identified best practice.” Additionally, to then “determine if the findings and suggested remedies were appropriate.”

As to past complaints at GNZ level, a full review has been conducted of cases that have been completed over the past ten years. All of these cases have been those conducted under the disciplinary rules. Several involved misconduct allegations. This review can state that the complaints received were properly investigated following the rules and policies in place at the relevant time, that the evidence gathered has been produced appropriately to the Judicial

Committee (JC) convened under the rules, generally chaired by an experienced QC, and that outcomes have been properly reached, and sanctions imposed pursuant to the rules.

The review is not aware of any employment cases at GNZ level where misconduct was alleged.

In respect of present/current complaints also initiated pursuant to the old rules (those in place prior to 4 August 2020) but not yet completed at GNZ level, there are two matters that warrant attention. The first is the speed with which the process has been pursued, or rather the lack of speed. The oft-quoted phrase that “justice delayed is justice denied” is appropriate here. The second is that communications from GNZ in relation to the process are less than optimal, another matter requiring attention going forward. None of the present/current cases involve allegations of misconduct, but all are important not only in the minds of those seeking a decision but also for the gymnastic community in general.

Addressing the lack of speed in the process, this is a subject already well canvassed at SNZ level for grievances from high performance athletes. The Cottrell report of 2018 stated that it is “in all parties’ interests for grievances to be resolved at an early stage.”

This sentiment is applicable to all sporting disputes or complaints.

In terms of the complaint process at club level, the reality is that many complaints will be raised at this level simply because coaches and others are employees of the club. The employment process has to be followed in those complaints. This means that clubs need to have people capable of handling the various aspects of the process, including a person who receives the complaint to the one who conducts the investigation, those who form the applicable hearing body, and in between, advocates and counsellors. While some clubs might have people with qualifications to assist, the stark reality in most clubs is

that this is likely to be the exception rather than the norm. The financial cost will be prohibitive if these people were to be paid for their services, so even clubs with qualified people to assist will be relying upon those individuals to act “pro bono” in respect of fees.

This will be same where the complaint is be dealt with under the new Safeguarding and Child Protection Policy (SCPP) recently introduced by GNZ in response to SNZ’s announcements made on 16 December 2020. There is an additional requirement of clubs under these rules and that it is to appoint a Child Safeguarding Representative (CSR) for the club. Because this is a new position the clause is set out here:

“CHILD SAFEGUARDING REPRESENTATIVE

6.1 The Child Safeguarding Representative is the trained person or persons within an organization responsible for providing advice and support to any individual who is concerned about a child or young person or who wants advice about the organisation’s Safeguarding and Child Protection Policy.

The Child Safeguarding Representative acts on any concerns, disclosures, or allegations regarding child abuse in accordance with the Safeguarding and Child Protection policy. The Child Safeguarding Representative is also responsible for creating a child-safe culture in the organization, embedding relevant policies and procedures, and ensuring training is provided to all who need it.

The Child Safeguarding Representative role should ideally be filled by an impartial person who can carry out the role without un-due bias and influence.

6.2 Gymnastics New Zealand.

Within Gymnastics New Zealand the Child Safeguarding Representative contact details are available on the GNZ website. Child Safeguarding Representatives will receive enhanced safeguarding training to ensure they are able to fulfil the role effectively.

The role will work in tandem with the GNZ Sport Integrity Unit and is reviewed annually.

6.3 Gymnastics New Zealand Affiliated Organisations

All affiliated organisations must identify a Child Safeguarding Representative/s. This individual/s will receive enhanced safeguarding training from an external provider to ensure that they are able to fulfil their role effectively.

The contact details of the Child Safeguarding Representative/s must be made available on the club's website and/or noticeboards.

This role should be supervised by the affiliated organization board/committee and should be reviewed annually."

Clubs therefore now have to hold appropriate meetings to add this Policy to the club rules and regulations, most probably at their AGM or a SGM, undertake the process of advising all members of the Policy, and appointing the CSRs. Those individuals will then need to receive the requisite training.

This means in the sport of Gymnastics there will be at least 113 individuals throughout the country who will need to accept the responsibilities which go with this new role, and receive training for it, before the policy can be fully implemented and put into practice.

The review cannot comment further on how this policy will work, whether it leads to confidence in the process, and whether complaints will be reported and resolved. The implementation of the policy does mean that there will be increased responsibilities required of volunteers at clubs.

There are no complaints registers currently held by clubs, although this new policy will require that going forward, and therefore no information as to the numbers of complaints nor outcomes presently exists in respect of any disciplinary rule complaint process. For employment cases records are totally confidential. The review therefore cannot report with any clarity as to how the complaints process is working in the community. However, issues raised in relation to clubs include suggestions of conflict of interests for those engaged in the employment process, and a reluctance for club members to advance complaints where club employees/officials are involved for fear of retaliation.

Some club-based non-employment and non-misconduct complaints have gone to GNZ for resolution.

On 4 August 2020 GNZ introduced three new regulations/policies, the “Judicial Regulation” (JR), the “Disputes and Disciplinary Policy” (DDP) which governs breaches of both the JR and the Member Protection Regulation (MPR), and the Sport Integrity Unit Regulation (SPIUR) which establishes the GNZ Sport Integrity Unit (SIU) - a new body established pursuant to Rule 15(r) of the GNZ Constitution - which is responsible for the conduct of complaints of misconduct received by GNZ.

The Judicial Regulation provides the system for receiving, hearing and determining complaints of misconduct. It is a very well written document. The definition of “misconduct” is far-reaching and set out in Clause 7.

It includes “use of profane, offensive or improper language’ (clause 7.3.h); “engaging in offensive or insulting Language” (clause 7.3.i); harassment, child abuse and discrimination as described in the Membership Protection Regulations (clauses 7.3 k, l, and m); breach of GNZ Codes of Conduct (clause 7.3.n) and so on. It is inclusive of all the aspects of abuse which have been referred to in this report.

The DPP contains a very clear user-friendly chart at Appendix 4 to assist members as to the procedure which must be followed upon receipt of a complaint of misconduct. For clarity it is included in this report (Appendix 1).

This process which is set out fully in the DDP, is innovative and clearly written. There are two notable approaches, the first is that which provides for the SIU through its Complaint Officers to make immediate inquiries and undertake investigations in order to reach a decision as to whether the allegations amount to “serious misconduct”. The second is where the Complaints Officer considers that the allegations do not “appear to be serious misconduct”, the process can follow a path where outcomes can be reached by agreement between the

parties after a meeting or through mediation, so that the issue is settled before there is need for any engagement of the Judicial Committee (JC). If an agreement or settlement cannot be reached, then the matter proceeds to the JC.

If the matter is deemed to be one of “serious misconduct” it must be referred to the JC for hearing and determination.

GNZ appoints the members of the JC on a case-by-case basis. The Composition must include at least one person with legal experience, preferably a lawyer; one person with significant experience in disciplinary matters, preferably in relation to gymnastics; and one person with extensive knowledge of gymnastics.

Urgent hearings can be conducted by one person being the lawyer mentioned above.

The last document of the three introduced in August 2020 is the SIUR which establishes the SIU and the process it must adhere to in dealing with complaints. The SIU is to consist of six members, the chair with legal qualifications, the CEO of GNZ, a board representative, a gymnastics community representative, an athlete representative (a recently retired athlete) and an independent with a background in sport integrity. Three members, namely the CEO of GNZ, the board representative and the independent member shall be appointed by the GNZ board. The remaining three will be appointed by GNZ following an application process.

Three of the members are to be designated SIU Complaints Officers. Two key areas of its jurisdiction are member protection, which is to ensure participation in the sport of gymnastics involves no undue risks to mental or physical health; and child protection, which is to ensure protection from abuse for children given their vulnerabilities, and to create an environment conducive to fostering a lifelong enjoyment of sport. As these people will be undertaking initial investigations it is important that they are all fully trained.

All of these documents read very well and provide good legal process for dealing with complaints. However they have yet to be tested. There is a possibility that cases will be referred to the new body by the ICM as a result of the current complaint process for this review, but until then it is difficult to comment further on these new processes from a practical perspective.

However, in most cases involving sport disputes, no matter what sport, athletes in particular feel that the process is controlled by the governing sport authority if the decision-making tribunal is appointed internally. An independent appointment process for the tribunal is therefore suggested, and athlete engagement in establishing that process would be optimal.

To quote Richard McLaren: “The athletes need to have confidence in the system and they need to be sure there is no retaliation against them - that’s part of why self-regulation doesn’t work. There are too many ways in which sport can retaliate that can have long lasting physical and psychological effects.”

There are issues that arise in the process where allegations of misconduct relate to behaviour towards a child gymnast. At international level the super stars in gymnastics are young people, frequently children, and those seeking to be the next stars are also children. With the majority of GNZ gymnast members being children, remember here that 88% are 12 years of age and under, it is inevitable that they will often be the victims in abuse complaints.

Questions that arise, which in the new policy and indeed in society more broadly have not been answered, include who is the child’s advocate in those cases? What role do parents play in the process, and can they fully represent their child? Is there a way of ensuring that a collective approach could be considered where there are other similar complaints relating to the same alleged perpetrator? What support and/or counselling processes can be put in place for the child and their parents/caregivers?

Most fundamental is the question of whether the “adult” adversarial legal process is fit and appropriate for complaints made by or on behalf of children? This “adult” legal process which protects the rights of alleged perpetrators, does little to acknowledge the rights of victims/survivors, and that imbalance increases when those victims/survivors are children. This issue is not a sport-only issue. It is one which pervades many of New Zealand’s societal issues, including child abuse and family violence, and has led to very low reporting rates. It is not fair nor realistic to expect sport to do better when the complaint or legal processes in sport are modelled on those used in society in general, where they are clearly not working, at least in the area of reporting complaints. This comment is not offered to absolve sport from the consequences or responsibilities of this issue.

To emphasise this point, the review became aware of situations where complaints relating to abuse, which were significant in nature and ongoing, were not advanced to the appropriate authorities for investigation because the complainants either feared retribution, or feared the process as being damaging to the wellbeing of the child.

During the review process, the reviewer was privileged to engage in several wide-ranging discussions with the Children’s Commissioner, Judge Andrew Becroft. He has general functions through the Children’s Commissioner’s Act 2003 which include, among others: “to promote the establishment of accessible and effective complaints mechanisms for children and to monitor the nature and level of complaints;” and “to inquire generally into, and report on, any matter, including enactment or law, or any practice or procedure, that relates to the welfare of children.” (section 12)

It is his view that whenever a matter is conveyed to him that “could, if proved, constitute criminal behaviour” he has “always recommended that the principled approach is to contact the Police to investigate. Failure to do so, all too often can lead to subsequent allegations of cover up by the club or society.”

There is no mandatory reporting of child abuse and other similar crimes in New Zealand, however now there are duties for clubs to follow under the SCPP where reporting is an imperative.

In employment cases, confidentiality of the process precludes third party reporting of outcomes of misconduct cases unless all participants to the process consent to publication. It is therefore possible under employment processes in sport, that the perpetrator might remain in a position to inflict further harm in a new position, as future employers will not be aware of the previous misconduct. But more worrying is that parents might agree to leave their children in the care of a coach who has been the subject of misconduct findings, without being fully informed of those when accepting the role of the coach as caregiver.

There is a second matter which causes some concern in the employment process in sport. Should the employee contest the allegation of misconduct, take it to the Employment Court and receive a decision which refutes the allegations, the name of the employee might remain as a named litigant in the case report. This publication can have obvious detrimental implications for the employee when seeking future employment.

There is then another principled issue to reflect upon and that involves athlete/gymnast trust in a system drawn up for or about them. To obtain respect and trust in a process or system it is important to have athlete engagement in its establishment. In the survey conducted by SNZ (Sport Integrity Review September 2019) into sport integrity matters, it was found that only 14% of survey submitters felt the sport organizations they were involved with were willing and able to deal with bullying, harassment and abuse incidents when they arose. Women were less likely than men to have confidence in sport organisations to handle such incidents.

The suggestion that there be some form of national body, independent of all NSOs, established to operate for all sport in this area, rather than continuing to

ask volunteers at club level to carry out the responsibilities, has increasing merit and pragmatism.

To quote Judge Becroft from his letter to the review “One of the greatest strengths of sport in New Zealand – the high volume of volunteer involvement – is also one of its greatest weaknesses. This is particularly so when it comes to handling complaints of abuse/maltreatment and bias, together with handling disciplinary issues. These issues are not for well-meaning, untrained “amateurs”, and can all too easily miscarry. In my view there is a growing and compelling case for the appointment of an Independent Commission or Commissioner for Children and Young People in Sport. This could be an independent stand-alone agency or housed within Sport New Zealand or the Office of the Children’s Commissioner or the Human Rights Commission. It could have a wide-ranging brief, not just as an integrity unit, but also looking at all aspects of abuse, neglect, discipline and conduct issues, training methods, and restorative practice. It could provide advice and up to date information on best practice and could also be available to investigate complaints.”

Judge Becroft continued “A strong rationale for an Independent Commission of the kind that I have outlined is the relatively small size of New Zealand and the fact that, in my view, many parents and children/young people do not complain about mistreatment or unprincipled or unfair processes because they are worried that they will ‘bite the hand that feeds them’. In other words, parents feel their children will be penalised by the sports body they complain about. An entirely neutral, independent and fair integrity organisation is required which would be freely accessible to all New Zealand children and young people and their families.”

Addressing complaints from a big picture perspective reveals several issues.

1. Complaints that ought to have been made have not been because of several reasons, including fear of retribution, lack of confidence in the process, the difficulty of maintaining confidentiality in a small community

and more. This includes complaints that could have been pursued by enforcement authorities.

2. Some complainants have more confidence in talking to the media than to the authorities.
3. Representation of a child's views, and/or advocacy from the child's perspective, have not yet been considered fully at any level of sport complaints.
4. Clubs are expected to carry a huge societal and legal burden for issues that are not just sport-based matters but nation-wide societal issues.

These comments are made with the knowledge that many complainants to the ICM did not wish the alleged perpetrator to be informed of the complaint, for fear of some form of retribution ranging from social media "trolling" to fear of future selection. Confidentiality and suppression of identity are both very difficult to maintain in a small community, more particularly with the prominence of social media platforms. Once any publication occurs the damage is done. With that knowledge it is easy to understand why people are fearful to report complaints of abuse, verbal, physical and psychological. Society currently has no quick fix for this.

The area is further complicated if the alleged perpetrator is an employee of a club or GNZ where employment law prevails. In general terms, under the Employment Relations legislation this process, following an investigation which finds facts that warrant intervention by the employer, requires full disclosure to the employee of the complaint, its details and the name of the complainant. This immediately removes the anonymity that protects the complainant from potential retribution before the process is completed.

Finally in this section the review turns to the vexed question of the resources, financial and human, that are needed to run an effective complaint process.

In the Feasibility Report provided to SNZ by Muir and Rooney (September 2020) it is commented that many sport and recreation organisations do not have the

resources and capability to manage some of the complaints they face, particularly in relation to inappropriate behaviour. This review strongly suggests that GNZ is certainly one of those organisations.

The recent SNZ proposal (16 December 2020) seems to answer this with the appointment of Immediation New Zealand to “offer complaints handling, triage and mediation services for active recreation and sport from grassroots community level to high performance and elite athletes.” This may respond to the need mentioned earlier for speedy resolutions at club level, and might also be the way forward for child-based complaints. At the time of writing this report it is impossible to comment further, as the details of the mandate and the agreed processes, and costs, have yet to be published. For example will it mean that clubs and NSOs can delegate responsibility for complaint resolution to Immediation New Zealand, and in so doing fulfil their obligations? How long will the process take? Will it include investigations? How much will it cost? and who will pay? The New Zealand gymnastics community, and the sport community in general, will await the answers to these questions with considerable interest.

The resource documentation provided by SNZ in relation to Safeguarding and Child Protection is well written, and having been implemented by GNZ in its SCPP, will add nicely to the GNZ club portal. As mentioned however it does rely heavily upon clubs and it accordingly it adds to the ever-increasing and somewhat daunting list of such matters where failure of a club to carry out the responsibility properly can have far-reaching consequences for the whole community.

Nothing in the published information to date shows careful consideration of the matters raised here as to child advocacy, child appropriate process and athlete confidence in the process.

Of course, and it even seems trite to state it, if the abusive behaviour were not occurring there would be less need for a complaints process to deal with

abusive behaviour, whether under the Employment Relations Act or the general dispute process.

To achieve such behavioural change requires the strong pull of the whole gymnastic community, with an expectation that high values in all areas will be observed and practised by all.

Before concluding this section, there is one more comment to be made. During the review process we became very aware of consistently raised matters from many former gymnasts all involving post-career physical and mental health issues. From their perspectives these were all as a result of inappropriate and unacceptable behaviour from coaches (and sometimes other officials) during their careers. It has not been the task of the review to either specifically examine these stories, nor to have them corroborated or resolved. No-one we heard from wanted to raise the issues by way of complaint and did not pursue any matter through the ICM.

They all, however, provide a very stark picture, and going forward the gymnastic community has a responsibility to deal with them in an appropriate way to bring closure for all concerned.

THEMES

This section provides a summary of the key themes that were identified through the review process. These themes have been grouped under headings which appropriately encapsulate the areas where processes and practices within the gymnastic community will benefit from positive change.

At the outset of this section, it must be expressly noted that many submissions to the review described only positive experiences related to gymnastics, chiefly for those in the recreation levels or younger age groups. Positivity included descriptions of increased self-esteem, confidence, life-skills, and strong camaraderie. Some who provided submissions pointing out aspects which were not being practiced appropriately, stated that their desire for change was motivated by their desire to see gymnastics in New Zealand fully achieve its potential. Identifying these themes was a task made easier by the consistency and numbers of submissions describing them.

1. WELL-BEING /HEALTH AND SAFETY

This relates to all in the gymnastic community but particularly competitive gymnasts.

Issues that require attention include:

- poor physical and mental well-being, nutrition, body image;
- medical problems including eating disorders;
- limited access to medical treatment and reduced adherence;
- having a safe environment.

The negative effect of these issues not only impact current gymnasts, but many former gymnasts who have expressed ongoing issues.

Inappropriate and unacceptable behaviour within the community can reduce children to tears; lead to children being fearful of raising matters with their parents and being afraid of coaches' reactions. Those can be reactions to injuries, to the failure of completing skills, or to a request for time off training to engage in family or school activities.

One of the difficulties in assessing the degree or extent of these matters is the fact that many children know "no different", so behaviour from adults becomes normalized and accepted, as the child tries to please the coach, and in so doing may not tell her/his parents of the abusive behaviour. It is only upon retiring from the sport or reaching adulthood that the realization of the abuse hits. The well-being of that individual is then damaged, sometimes severely.

The power imbalance between adult coaches and child gymnasts also needs mention, particularly when gymnasts spend long hours in the gymnasium and in some situations look to coaches as being a pseudo-parent.

For safety reasons gymnastics requires high discipline, particularly as there is a risk of injury if instructions are not followed. This means gymnasts evolve through the sport being "told what to do". It is important that this does not apply to issues outside the sport, such as other pursuits at school. Disempowering children can have a big impact on their development.

Gymnastics is a perfection sport with coaches, judges, parents and hence athletes all potentially having unrealistic expectations of perfection. Skills and routines are coached and judged from the perspective of finding faults, with feedback at times given through verbal or body language that leaves no doubt in the gymnast's mind that what they did was not good enough. Young athletes do not usually have the emotional maturity to understand the difference between critique of their performance, and criticism of them as a person. When exposed to this multiple times a session, multiple times a week it contributes to a gymnast believing "I am never good enough". The self-identity of "never

being good enough” was expressed by many former gymnasts as being an ongoing mental and emotional battle long after retirement.

There is no injury database to accurately identify numbers or types of injuries. Data provided by ACC only reflects acute injuries, whereas many gymnastics injuries are related to overuse or physical stress on developing bodies.

Athletes and parents describe gymnasts being forced to train on injuries, or that coaches, parents and gymnasts have poor knowledge of how to rehabilitate and train around an injury. Gymnasts fear repercussions and coaches’ disapproval of not training on injuries. Even if this is not expressly communicated by a coach, the power imbalance between coach and athlete can create a scenario where the athlete feels forced to train in order to stay in favour with the coach.

There is a poor understanding by coaches, parents and gymnasts of the impact of puberty on performance. Many athletes drop out due to form slumps, loss of body control and co-ordination, higher injury rates especially growth-related injuries, and body image issues associated with natural weight gain. There is a lack of understanding across the community that given time and correct management gymnasts can thrive and be better athletes once through puberty.

Parents and female gymnasts raised concerns that the requirement to train and compete only in leotards causes some gymnasts to feel vulnerable or embarrassed, particularly during menstruation. The GNZ WAG Program Manual 2020 allows gymnasts to compete in leggings at local and regional competitions. GNZ addressed this issue in September 2020, allowing female gymnasts to compete in bike pants and shorts. It is not known whether there are coaches still requiring gymnasts to train only in leotards.

Much work in relation to athlete well-being has to occur at the clubs. To be effective it will need training and education, but first there must be an acceptance of the need to change and be better. The community must own the issue, and all involved need to be good listeners.

GNZ has acted responsibly in this area from 2018.

GNZ conducted an athlete welfare project survey which was completed in early- 2019 and had commenced training in safeguarding and member protection in 2020 with the intention of completing the policy and introducing it. A webinar was delivered in March 2020 by Safeguarding Children (the organisation that subsequently drafted the Guidelines for all NSOs published by SNZ in late December 2020) Those (there were 75 attendees) who partook completed a basic level safeguarding module in advance of the webinar.

So GNZ was developing strategies to have clubs adopt and embed a Safeguarding/Child Protection Policy, training in safeguarding, and an identified "Safe Sport Officer". At the behest of SNZ, GNZ delayed the introduction of its policy until SNZ completed and published its policy to avoid replication. It was released to clubs in late January 2021.

FIG Rules from 2020 provide for a safeguarding officer and medical roundtable to be at all competitions.

Parents described feeling shut out and subsequently unable to ensure their child's well-being, whether due to a club policy not allowing parents to view training, or not being allowed to travel or stay with their child/ren at competitions. It was suggested that a balance is required that enables gymnasts to concentrate on competition without undue pressure or distraction while also ensuring their safety and wellbeing.

Some parents described feeling powerless to intervene when they witnessed poor behaviour because they feared, and at times experienced, retribution either personally or for their child. A common theme expressed in many submissions was regret at having witnessed inappropriate or unacceptable behaviour in training or competitions, but not having said or done anything to intervene. This regret at inaction expressed after the fact is not an uncommon

occurrence, both in sport and in wider society. It can be possibly explained by the “bystander effect”.

The “bystander effect” is a social theory and describes how the presence of other bystanders prevents a witness to crime, bullying, abuse or emergency situations from intervening. The diffusion of responsibility means that unlike a sole witness in an acute situation who will usually act, the more observers there are, the less anyone will feel personal responsibility to act. People take their cues from others in the group. People can misinterpret that if no-one else is acting then the scenario cannot be that bad. Others fear they are not skilled or that others will have better skills to handle the situation, and some fear judgement from their peers. The “bystander effect can be reduced through awareness that it occurs and developing skills and courage to intervene if it is safe to do so.

2. GYMNASTS

Many issues impacting on gymnasts are contained in the Well-Being section, and elsewhere.

A consistent theme expressed by gymnasts is they feel disempowered and lack a voice in a sport where adults make decisions about issues that directly impact on and involve them. There is currently no way for them to confidentially have their voices heard in a way that does not carry risk of retribution or isolation.

There is need for the formal establishment of an athlete commission or union for the sport. A group might best be composed of past gymnasts, not current, to allow the current gymnasts to train and compete without fear of retribution or becoming involved in political matters. Perhaps a youth panel or group of current gymnasts with confidential links to the new proposed body might be seen as an appropriate way to engage current gymnasts.

It is positively noted that the GNZ Board already has two former athletes within its composition.

Involvement of retired athletes will assist both current and shortly to retire gymnasts and will also be valuable assets to all aspects of the community.

3. COACHES

Coaches are an integral and very important part of the sport. That importance cannot be understated, as the safety of children rests with the skills of the coach at all times. Whereas gymnasts come and go, coaches often remain a constant; with potential to influence generations of gymnasts either positively or negatively.

It is vital that there is a respect and understanding of their role from all in the community. For their part there is an expectation that coaches will act and train gymnasts with proper attention to the individual well-being of each person. Coaches who were coached as gymnasts themselves under poor coaching methods are possibly likely to continue this cycle of abuse unless they proactively heal from their personal experience and adopt a different coaching style.

A coaches' association could be established to provide support and assistance for all coaches. At present there is no such body in any sport in this country, and no overarching body across all sports, although some sports have informal structures of mentoring and exchanging information.

Although many gymnastic coaches are full-time coaches there is no real career pathway for them to follow, aside from passing FIG courses, to increase their stature and ranking up to elite level.

It is important for coaches to expand their learning beyond technical training, and include courses offered by other organisations for their personal development.

The direct actions and behaviour of coaches that impact athletes negatively include verbal, psychological and emotional abuse, bullying, harassment, manipulation, shaming (including body shaming), trolling, isolation, physical exercise used as punishment, and physical abuse.

The style of coaching made prominent internationally by Eastern European coaches whose athletes had major international success in the 1980's and 1990's and was continued by other countries including notably USA, does not improve the health and well-being of gymnasts. The style which can be seen clearly in another television documentary called "Over the Line" (2017), was copied in other countries, including New Zealand, as a way of achieving success. Many coaches were brought to New Zealand over the last three decades with the goal of seeking international success for gymnasts here, and they introduced abusive coaching practices which became normalized.

This is not as common today as it was some years ago, but there is sufficient to cause continuing concern.

New Zealand is a small country with a small pool of talent in gymnastics. It is not a country where it is acceptable for children to be coached "into the ground" so that those who fall down are left by the wayside. Copying that style now in this country is unacceptable. Coaches, both foreign and domestic, who continue to coach with this methodology have no place in New Zealand's sporting culture.

4. JUDGES

Judges are critical to the competition side of gymnastics and sacrifice many hours to judge competitions over multiple weekends each year.

There was concern expressed around perceived judging bias that negatively impacts gymnasts from smaller clubs or regional areas.

The review was made aware of a lack of respect for judges from coaches.

The review heard of occasions where inappropriate comments were made by judges about gymnasts within earshot of gymnasts and spectators.

The review also heard of junior judges feeling pressure from senior judges to change scores without an explanation of why this was needed.

It is clear that mentoring and encouragement of young judges is required to ensure succession planning.

The judging process requires consistence and independence, and it requires better education of coaches and parents about how scores are awarded to remove the perception of bias.

There also needs to be absolute transparency of scores particularly relating to National Championships and team selection meets.

5. COMPETITIVE PATHWAYS AND HIGH PERFORMANCE

Decisions are made at a very young age as to whether gymnasts move to competitive stream or remain in Gym For All (GFA). There is a seeming lack of flexibility for older gymnasts to move into competition e.g. gymnasts age 8-10 told they are too old for competitive stream. Parents and gymnasts may not be able to make a truly informed decision about the impact of competitive gymnastics on a gymnast's well-being when gymnasts are too young to understand the consequences, and parents may not have been fully informed.

It is probable that only a few gymnasts will make it to the international level, yet many competitive gymnasts are trained at a very young age with pressure to exclude family and school activities.

There is a lack of understanding amongst parents and gymnasts about how gymnasts progress through steps and levels, and the safety requirements associated with skill progressions, body control, and the physical demands for spotting taller or heavier athletes. Concern was expressed by parents that gymnasts become disillusioned with their lack of progress without understanding why, so they drop out.

The current structure (formal and informal) will benefit from adequately recognising that children develop at different ages and rates. Skills will be acquired at different ages for different children. Children who may be slow to develop but could otherwise become excellent gymnasts are discouraged at a very young age. Those who do not show the required “talent” at a young age are discouraged from competition and excluded from development squads. Across sport in general, including sports with young athletes, there is insufficient evidence to support that talent identified at a young age translates to elite level performance. In some instances, burnout, inability to handle pressure and physical injury due to high volume training on developing bodies, results in the early retirement of talented gymnasts who may have thrived at the elite level if more patience and time to develop had been allowed.

The international age of competition and previously held beliefs around the “ideal gymnastic physique” particularly in WAG, creates pressure that gymnasts need to achieve high levels of skill at a young age. Whereas it is accepted by MAG that male athletes develop the full muscular strength and control required for elite gymnastics only after puberty, onset of puberty has been seen as a negative in WAG. With the changes to the Code of Points in WAG requiring and rewarding skills that require high levels of power, strength, and body control, it stands to reason that slightly older and physically mature female gymnasts would better withstand the training demands. It is possible

that with appropriate management, female gymnasts can remain lean and powerful enough well past puberty. Both sports science research and international results in other Olympic sports provides evidence that female and male athletes continue to increase physical power and capacity well into their 20s, with outliers beyond that age. What is critical is how athletes are managed at a younger age, to set them up for long term success.

Delaying the pressure and expectation by coaches, gymnasts and parents, attached to competition at a young age might decrease the physical loading on developing bodies and allow increased mental and emotional maturity that is required to thrive in competitive gymnastics.

There are valid concerns raised around the minimum age for international competition being too young thus increasing pressure on physically and emotionally immature athletes to excel early. This is an issue that needs to be addressed by the international gymnastics community. However, it bears noting that while there is a minimum age for international competition, there is no maximum age. It does not need to be a “race to the bottom” to produce international athletes at the youngest possible age, particularly for gymnasts in New Zealand where Olympic representation and medalling is currently uncommon. If an athlete has the physical capability to execute skills to the required standard, and the desire and ability to continue competing, gymnasts should be encouraged to remain competitive in the sport, even if their international debut is at a later age. Examples can be drawn from the NCAA gymnastics programs in the US, and from international elite gymnasts who remain competitive in their 20s (and later). The increase in mental and emotional maturity in older athletes can often give them an advantage in handling the pressure of competition.

Removing the pressure to produce international level athletes at the youngest possible age could arguably mitigate many of the negative consequences highlighted in this review whereby young children are exposed to high physical, mental and emotional demands.

Long term high-performance or athlete development programs or pathways, traditionally found in many high-performance sports are lacking in WAG and RG but exist in different ways for TRA and MAG. AR and TR are currently deemed too small a code in New Zealand to warrant this. Currently New Zealand has international high-performance athletes in TRA, but not in MAG, WAG or RG. It is unclear whether there is a strategy to address the absence of high-performance pathways and athlete development plans in WAG and RG. Concerns were raised that Technical Committees of different codes are not working as cohesively or collaboratively as they could, to aid all codes achieve optimal success.

The review has found poor transparency, consistency and communication around qualification requirements for international and elite squads, teams and competitions.

Concerns were expressed that while the desire exists to consistently produce international gymnasts, current frameworks, resources and expectations of what is possible in comparison to other countries with larger populations and training centres, are creating barriers to achieving this.

New Zealand has too small a gymnastics population to leave development of international gymnasts to chance.

6. EDUCATION

Woven through other themes in this report is the lack of, or insufficient education, transparency and consistency of information.

More education, information and support were requested by gymnasts, judges, parents, officials and administrator regarding their relevant areas. Of course this will then involve commitment and participation on behalf of all in the

community when GNZ provides such courses and information. There is already a vast amount of information available to clubs.

This education might usefully address technical and tactical aspects of gymnastics, progression and skill development, relevant to each part of the community. It might also usefully address many of the big-picture issues identified in this review which impact on the "human" aspects of one's role. When NSO's and clubs focus on education, it can be easy to lose sight of the human behind the athlete, coach, judge etc. But not to do so, increases the risk of harm and significantly reduces the chance of optimal role performance. Sometimes the focus is narrowed due to lack of resources. Sometimes it is a lack of awareness of what matters to people, and would bring the best out in them.

Education might best be provided in an innovative, captivating, resource-friendly way to address the community's needs. The GNZ athlete welfare project survey completed in 2019, canvassed gymnasts, and undertaking a similar approach for education desires and needs amongst coaches, judges, parents etc. is strongly encouraged to gain broad insight of needs.

Athletes in general often engage well with former athletes, with similar lived experiences who can share positive and constructive guidance. There is a wealth of knowledge, professional, medical and performance-related expertise in New Zealand's ex-gymnast community. There is benefit in tapping into this resource.

Education and guidelines should be based on sound knowledge and have a useful purpose. For example, the often-cited "guideline" that appropriate training hours should be one year per age of an athlete, has limited medical or sports science basis. This "guideline" can create angst for parents who use this as the critical determinate for whether their child is overtraining, rather than objective markers like fatigue, mood swings, illness etc. It does not account for the nuances of gymnastics that allow many different aspects to a given training

session; nor differences between athletes of the same age who can manage different training loads.

What is essential is to have a sound "why" and purpose behind decisions that are made and to communicate these clearly.

Similarly, parents, health and performance professionals working with gymnasts, and administrators, will benefit from better understanding the nuances and intricacies of gymnastics. By the time an athlete is at the elite level they may still be young, emotionally immature, and moulded through critical human development years by the demands of a challenging sport. Strategies that apply in many other sports, where athletes are older, more independent and have a stronger sense of self, may have limited impact when applied to gymnastics; especially given the athletes' age and the propensity for disempowerment.

If steps can be taken to provide enhanced education and information, equal responsibility falls on community members to engage.

7. GYMNASTICS NEW ZEALAND

GNZ staff act with the best intentions of the sport at heart and were proactive in some areas requiring attention, prior to the complaints published in the media in August 2020. There is some concern that they are under-resourced particularly after the impact of lockdown in 2020.

Engagement of the whole community is needed. Some in the community have lost trust in GNZ and there is a perceived disconnect between the gymnastics codes, between GFA and competitive streams, and between GNZ head office and the gymnastics community as a whole. Some members feel that when consultation is sought from the wider community, or from technical experts, this feedback is ignored with GNZ taking a unilateral approach. This interpretation may be a consequence of poor communication of the decision process by GNZ,

rather than disregard, but the result is perceived by the community as damaging, for example in the decision taken on changing the date for the National Championships.

Head office communications can be perceived as a “them and us environment”, and would benefit from being more transparent and more timely.

The communications from GNZ are sometimes good, sometimes not so good. The age of messaging, emails and other written communications has led to the slow dissolution of the art of talking and listening/hearing and that can create miscommunication. Meetings where there is an effective moderator will allow more consideration of issues such as those raised in this report. That might then lead to culture change where buy-in of the community is desired and required.

The summary of the GNZ survey conducted in 2018 seeking participation of all in the gymnastics community, led to a conclusion that “the quality and content of communication was highlighted as a recurring issue requiring urgent attention. There is also a need for communication with stakeholders more often, more regularly and through direct channels.”

There has been some improvement, but more is needed.

Policies and processes are very well written and there is innovation in the way GNZ has addressed integrity matters in gymnastics. The new disciplinary rules highlight that area. The most recent safeguarding and child protection rules follow a high standard.

The need and importance of the Technical Committees must be respected and understood. A gymnast representative is mooted for each Technical Committee.

A reset to create togetherness is needed.

8. CLUBS

The community guidance portal published by SNZ was introduced with this message to all sporting clubs: “The portal will help you embed child and member safety into your culture. The guidance will help your organization think about and enhance your processes to child protection, member protection, diversity and inclusion, match-fixing and gambling, anti-doping and organizational culture.”

Now that GNZ has adopted the policies and regulations promoted by this SNZ initiative, the immediate question is whether gymnastic clubs have the capacity and resource to deal with all of this, in addition to their already burgeoning responsibilities including health and safety, employment relations, judicial and financial.

Many current responsibilities asked of all sporting clubs in New Zealand can be well beyond their human and financial resource capacity. Gymnastic clubs are no different.

Within the 113 affiliated gymnastic clubs, there is a wide range, from the large clubs chiefly in urban areas which cater for many of the competitive gymnasts to the smaller clubs that only run GFA programs. Some have fulltime managers and coaches, some are owner operated, and others rely chiefly on volunteers along with some paid service providers.

Concern is being expressed at the decrease in volunteer numbers and the reliance upon parents of gymnasts to take those responsibilities on, often with little expertise or experience.

In response to this challenge it needs to be questioned whether clubs can create collectives, or share resources and expertise? Or with Judge Becroft’s words in mind, can a national independent approach be promoted by GNZ,

along with other national sports, in order to alleviate the burdens upon clubs and provide a process which is trusted by children and parents?

Parents are an essential part of all clubs. Not only are they essential for their own child's participation, but many parents volunteer significant hours to facilitate the club's operation, or to help with competitions. Many of the issues raised by parents are represented elsewhere through this report. Additional concerns were raised about lack of knowledge of how to best help their child regarding many aspects of well-being, poor communication from clubs and coaches, particularly around gymnasts progressing into different groups; and concern about lack of club structure and independent governance, particularly when a single person needs to wear many hats in the club's operation, potentially presenting a conflict of interest.

Parents are an essential source of a child's support and encouragement. However well-intentioned support can sometimes be interpreted by gymnasts as another source of pressure, particularly if a gymnast has not competed as well as she/he had hoped. Coaches commented that some parents put undue pressure on or have unrealistic expectations of their child. It is not uncommon for young gymnasts to "feel like they've let their parents (and coaches) down" after a performance they deem to be poor. The GNZ website currently provides some general tips on how parents can encourage young gymnasts.

9. COMPLAINTS

The issues are fully set out in the separate section "Complaint Processes".

10. FINANCIAL RESOURCES

Gymnastics faces a paucity of funding at all levels. There can be a genuine desire to effect change but a lack of money to engineer it. The review cannot address ways of alleviating this within the TOR, however the ability of GNZ and its member clubs to accept, and both implement and practise the obligations

required of them, is beyond their financial resources. This situation is faced by the majority of NSOs in New Zealand which operate with small budgets. As sport becomes a more significant part of society the responsibilities grow, but the money does not grow in tandem. Ways of addressing some of these issues, particularly where expertise, independence and money is needed might best be answered by a collective approach from sport bodies, or a national one introduced by SNZ.

As a footnote to this section it is notable that these themes are remarkably similar to those identified by the survey conducted by the GNZ Athlete Well-being Focus group in 2019, and that each theme has both positive and negative issues.

The review now addresses each of them from an approach which recommends positive action to produce practical outcomes. Part of the ability to achieve these outcomes will depend on funding resources which the sport itself does not have a lot of at any level. Therefore, some of the issues may need to be taken up nationally at a collective NSO level, or directly with SNZ.

RECOMMENDATIONS

When undertaking and then completing a review like this, it is very easy to dwell only on the negative issues which arise as they might benefit from change or other remedial treatment. In so doing the positive aspects which also appear from the review can be neglected as they do not require change or attention from the authorities.

It is important for this review to achieve a balance in its publication, particularly as so many people who have been engaged in the process have told good stories, related fun experiences, and are disappointed in the negative issues that have commanded attention.

The sport in New Zealand has a base which is strong and positive, but scars exist and the damage that has caused those scars needs to be repaired. The good thing is that the community seems ready and able to join in on the repair work.

These recommendations require a proactive approach and personal responsibility from all in the gymnastics community to achieve the desired changes in environment.

To implement some of the recommendations will require financial and/or human resource. It has been acknowledged throughout this report that the lack of resource is a major theme, and will need to be confronted, not only by GNZ but also the wider sport community in New Zealand.

The recommendations have been written not simply to fix “broken”, but to help stimulate the sport to align with best practice from grassroots to high performance sport; to create a sport community and culture that sets all participants up for success and a rewarding experience, irrespective of their

level or role. These recommendations follow the identified themes as set out in the previous section and provide practical ideas for implementation.

1. WELL-BEING/HEALTH AND SAFETY

- Provide a formal apology and acknowledgement of harm to all members of the New Zealand gymnastic community affected by physical, emotional, psychological and other abuse afflicted by or through inappropriate and unacceptable behaviour of other members of the community over the past four decades; particularly noting the harm suffered by young gymnasts.
- Create and implement a restorative process for all abuse survivors, with appropriate assistance from Sport New Zealand (SNZ), the Human Rights Commission (HRC), the Children’s Commissioner, Oranga Tamariki and other government agencies or crown entities with the necessary skills and resources. Engage appropriately qualified people to carry out the process to completion.
- Seek a continuation of the counselling services presently available to all gymnastic community abuse survivors through SNZ.
- Create a Medical and Health Advisory Panel, which should include people with appropriate expertise and an understanding of the nuances of the sport of gymnastics, in order to:
 - guide GNZ in respect of general injury management and prevention programs, injury recovery times, and rehabilitation issues;
 - set up an injury database with advice and guidance from ACC to ensure confidentiality;
 - consider how to enable parents to have access to medical advice in relation to training following an injury;
 - advise on training limits and training hours for young gymnasts;

- develop resources and guidelines for primary health care providers to guide best practice care for gymnasts including referral to appropriate specialists as needed.
 - with guidance from a sport dietitian, ideally with expertise in gymnastics, create and implement nutritional guidelines with particular emphasis on appropriate energy requirements for the elite and competitive gymnast.
 - Incorporate cultural diversity and understanding in the panel and guidelines. Seek advice and guidance from the Assistant Children’s Commissioner for Māori in respect to the model of health and well-being drawing upon Taha Tinana (physical), Taha Wairua (spiritual), Taha Whanau (family) and Taha Hinengaro (mind).
- At the elite competitive level consider appointing a medical director in conjunction with HPSNZ to oversee the implementation of the above.
- Request clubs to allow parents to observe training where there is an appropriate viewing area, provided parents do not intervene in the coaching in any way, and noting that under the SCPP there is a duty for all to report incidents of abuse.
- Have increased regard for the mental health of all involved in the gymnastics community, but especially competitive gymnasts given the high demands on them physically, mentally and emotionally from a young age. Shifting the cultural mindset from unrealistic perfection to “seeking excellence”. Underpinning all coaching, communications and standards of management, from Head Office down with a seeking excellence mindset to improve the mental health and self-worth of all in the community.

- Consider further review of competition and training attire to address the safety, physical, psychological and holistic well-being of gymnasts.

2. GYMNAST

- Establish or support the establishment of an athlete group/commission to partake in policy decisions for the sport, among other activities. Take advice from existing athlete groups in other sports as how to best establish and manage this initiative, noting in particular the issues surrounding active engagement of current athletes.
- Create a confidential pathway between current elite athletes and former athletes, preferably through the new athlete group, to ensure issues and concerns can be shared and then advanced without fear.
- Promote athlete empowerment and engagement in governance, encourage athlete career planning, transition to retirement, and athlete to coach transition pathways. Seek ways of enabling longevity in the sport. Empower athletes to make choices within gymnastics at age- appropriate stages.
- Acknowledging that more than 80% of gymnasts are “recreational ‘, prioritise coaching programs and pathways to pastoral care for them and publish those for parents and children to understand and pursue.

3. COACHES

- Promote and support the establishment of a national coaches’ association to provide support, advice and professional development.

Consider how this might be implemented with support from SNZ to cover all sports in New Zealand.

- Accepting that the country is too small for every sport to resource education of all its coaches, look to collaboration with other sports and guidance from SNZ as to ways and means of delivering education courses on child development, human behaviour and an understanding of the human stress response for all coaches.
- Encourage coaches to be proactive in their growth as coaches and to utilize resources such SNZ's "Coaching for Impact" and "Balance is Better" programmes and other online courses.
- Create a national register of coaches with the content to include coaching qualifications (including the year qualified and where), current coaching level, and name of club. Ensure that this information is consistent with FIG coach register regulations. Monitor coach certification annually at all levels.
- Provide ongoing education for all coaches to ensure continuing professional development. Include in this education a focus on "becoming a better coach" and the personal development of each coach.
- Seek a mentoring program for coaches, not focused on technical coaching, but rather on the soft skills and lifestyle demands of coaching. Encourage accessing mentors from outside the gymnastics community.
- Create a culture where coaches from different clubs support and respect each other by working together where appropriate.

4. JUDGES

- Ensure that judges have access to the education programs for coaches.
- Use best endeavours to ensure that when judges are appointed for National Championships and qualifying championships for national or international events, that there is no conflict of interest for any judge.
- Increase transparency of scoring, particularly at National Championships and competitions that impact selection.
- Provide education material relating to judging for parents, gymnasts and coaches, so there is a better understanding of judging processes.
- Acknowledge the need for respect for judging, but that this respect is reciprocated to all in the community.
- Seek mentoring and support for young judges.

5. COMPETITIVE PATHWAYS

- In partnership with the clubs and through the club portal create module(s) for introducing children to the sport, so that there is a practical and consistent introductory skill-based coaching guide for both children and their parents as to the sport, the process of learning skills, how children advance in levels, how the competitive side of the sport works up to international levels, and what coaching is available to them.
- Examine nationally and internationally the age when emphasis on competition is started to determine whether it is appropriate.

Determine the age(s) when international competition is suggested as appropriate time for New Zealand gymnasts to aspire to.

- Set up systems that encourage and support gymnasts through two critical development stages: puberty and leaving high school. Both stages need more information and education for coaches, gymnasts, and parents.
- With expertise provided by the Technical Committees re-explore the selection criteria for gymnasts to partake in relevant international competitions (excluding the Olympic Games and the Commonwealth Games and the Youth Games versions for both) and annually publish these for each discipline.
- Establish a high-performance framework that sets up codes for success on the international stage. In conjunction develop broad athlete development pathways with flexibility to allow for development at different stages of maturity. Publish these frameworks and regularly update them.

6. EDUCATION

- Draw from the 2019 Athlete Well-being Survey and canvas, as separate groups, judges, coaches and parents to best understand the desires and needs of the community for gymnastic-specific future education. Ensure this education not only addresses the areas raised in this report's themes and other specific recommendations; but also addresses soft skills, personal development, lifestyle factors and optimises the human being behind the individual role.
- Create modules that address issues raised in this report by drawing on the wealth of experience and professional knowledge from the ex-

gymnast community with expertise in medicine, allied health and sports performance, who are willing to contribute.

- Consider using ex-gymnasts to deliver education sessions, webinars or online courses to weave their experiences and knowledge into professional guidelines to increase engagement.
- Present education modules or courses in a way that is engaging, captivating and resource friendly. Consider using cost-effective and scalable mediums that deliver content to individuals, rather than relying on them to access a website, particularly for younger members. Examples of this exist in other sports and organisations that may be easily replicated for the gymnastics community. Consider a collaborative approach with other minority sports, or with support from SNZ.
- Ensure guidelines, education, decisions and information is based on sound knowledge and has a useful purpose. Ensure messaging is communicated clearly, consistently and with transparency.
- Encourage all members of the community to take personal responsibility for their professional and personal development and to adopt a curious mind, centred around excellence and the pursuit of self-improvement.

7. GNZ

- Review communication protocols for communicating with member clubs, and others in the community, to ensure engagement.
- Pay specific attention to the Technical Committees (TC) to take full advantage of their expertise and experience in each code. Consider

adding an athlete to each TC. Ensure the whole community understands the role and responsibilities of each TC.

- Continue the good work recently completed in producing the Safeguarding and Child Protection Policy and produce a program for clubs to follow to achieve compliance of the policy.
- Develop a culture and environment for the whole gymnastic community and lead by example to ensure that people accept responsibility for calling out misbehaviour, and are respected for that, rather than saying “I wish I had said something earlier about that misconduct”.

8. CLUBS

- The clubs will all require considerable assistance in respect of many of the recommendations, but the core is the acceptance of the paucity of resource available to many clubs to implement and practice the revised rules, policies and programs. Seek ways where gymnastic clubs can share resources, expertise and experiences.

9. COMPLAINTS

- With the desire to create and sustain a safe sport environment, review the SIU complaint and reporting of abuse process to ensure it is now safe, independent, easy to access, non-complex and appropriate for children, particularly where the child is the complainant. Seek advice from SNZ, the Children’s Commissioner, Oranga Tamariki and others as to how this child advocacy can be delivered, and whether there are current resources available for its delivery. This is an area which has not to date been canvassed in other reviews of sport in New Zealand. As most gymnasts in this country are children, it is a most important area to be addressed.

- With the understanding and acknowledgement that the adversarial legal approach is a deterrent rather than an encouragement for individuals to come forward with complaints of abuse or other inappropriate behaviour, in part because of a deep-seated fear of retribution within the gymnastics community, seek advice from SNZ and others, as to how prospective complainants might be able to remain anonymous while allegations are investigated. Then if facts are found to confirm those allegations, what process can then protect the identity of the complainants (the child/ren) in the subsequent process. Suggest to SNZ that work be urgently undertaken to explore whether there are other processes/resources which currently exist in New Zealand and which can be expanded to sport issues.
- Recognising that requiring every club to accept responsibility for the process relating to complaints of misconduct is asking a lot of clubs, ask SNZ whether that responsibility might now be part of SNZ's new initiative engaging Immediation NZ at no cost to GNZ and the clubs.
- Request SNZ to give careful consideration to the establishment of a national independent commission as suggested by the Children's Commissioner.
- For non-misconduct cases, undertake an internal review to establish how delays which have occurred recently can be redressed in order to avoid delays in the process going forward.
- Ensure there are qualified investigators available to the gymnastics community when misconduct allegations arise, whether they are to be dealt with as employment cases or disciplinary rule cases.

- Seek the engagement of athletes when reaching decisions on the appointment processes for appointments to the SIU and the JC going forward.

10. FINANCIAL RESOURCES

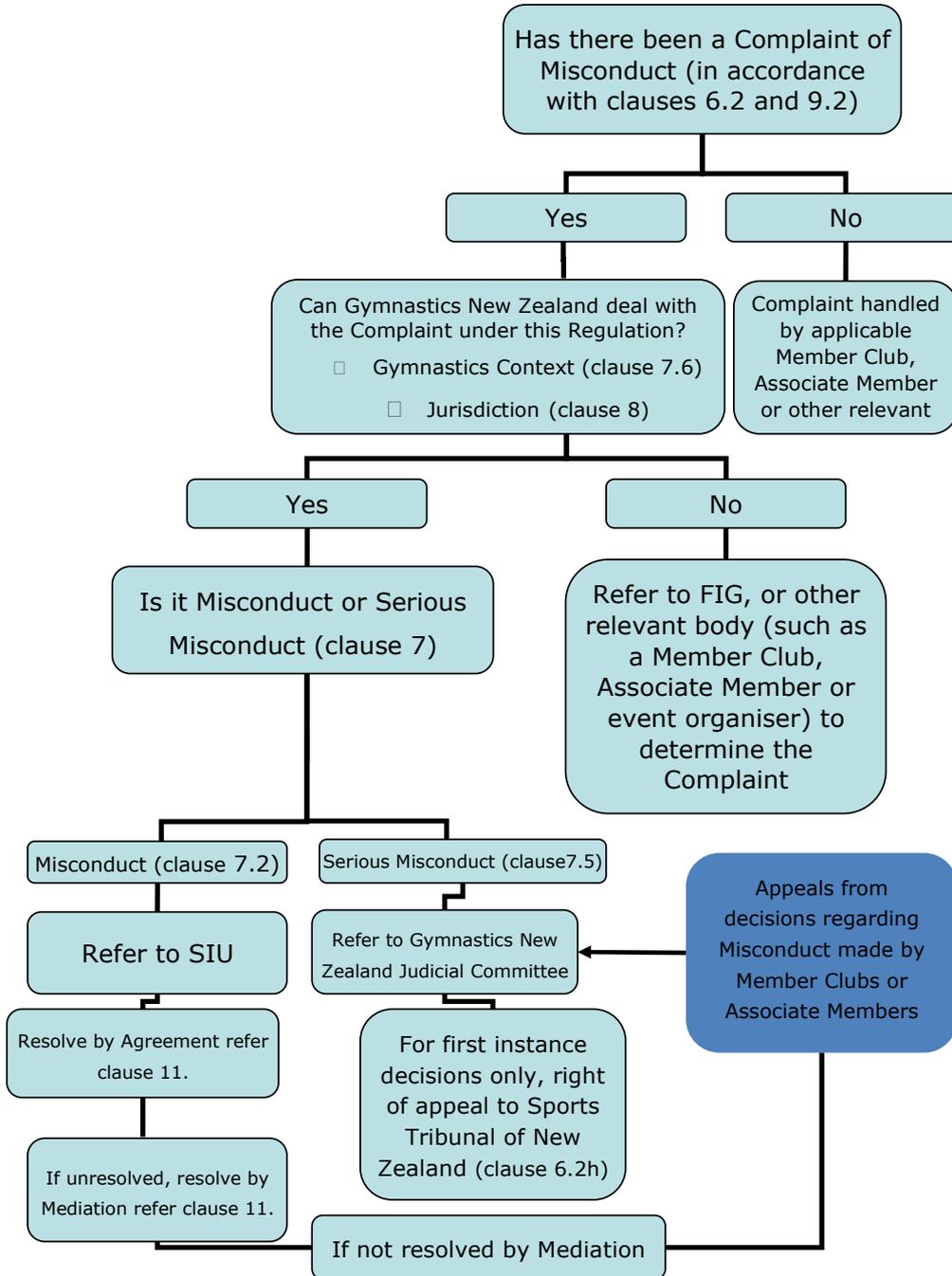
- Examine ways and means of addressing financial paucity, including looking at NSO resource sharing, and collective ways with other NSOs of responding to misconduct cases.

11. MONITOR

- Appoint an independent monitor to oversee the implementation of these recommendations, and to provide for that person/body to report to the gymnastic community and to the public on such implementation.

APPENDIX 1 - GYMNASTICS NZ JUDICIAL PROCESS

Diagram of Gymnastics New Zealand Judicial System



This diagram is provided to assist Members as to the procedure to be followed where Misconduct is alleged against a Member of Gymnastics New Zealand. The diagram is not a substitute for reading the full text of this Regulation. In the event of any inconsistency, the text of this Regulation prevails over this diagram.

