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**Terms of Reference**

**Cycling New Zealand and HPSNZ**

**Independent Inquiry**

**21 September 2021**

# **Introduction**

# On 12 October 2018, Cycling New Zealand and HPSNZ released the findings from Michael Heron QC's Independent Review of Cycling New Zealand’s High Performance Programme, which is available at: <https://hpsnz.org.nz/content/uploads/2018/10/CNZ-Review-Final.pdf> (**2018 Report**).

# Since then, both Cycling New Zealand and HPSNZ have worked to implement the recommendations from the 2018 Report, and to improve the environment of Cycling New Zealand’s high performance programme for all individuals within it, with a particular emphasis on systems, operations and culture.

# In the wake of Olivia Podmore’s death on 9 August 2021, Cycling New Zealand and High Performance Sport New Zealand (**HPSNZ**) have agreed to commission an independent inquiry as set out in this terms of reference (**Inquiry**).

# The key objectives of the Inquiry (**Objectives**) are:

## To assess the adequacy of the implementation of the recommendations from the 2018 Report by Cycling New Zealand and HPSNZ (noting both areas of strength and opportunities for improvement);

## To identify areas of further improvement that would ensure the wellbeing of athletes, coaches, support staff and others involved in Cycling New Zealand’s high performance programme are a top priority within the environment;

## To assess the support offered to athletes at critical points within Cycling New Zealand’s high performance programme (by both Cycling New Zealand and HPSNZ), with a particular emphasis on induction, selection and exit transitions;

## To assess the impact that HPSNZ investment and engagement has on Cycling New Zealand’s high performance programme;

## To assess the impacts (positive and negative) of high performance programmes which require elite athletes to be in one location for most of the year, with a particular focus on Cambridge; and

## To understand what steps can be taken to improve current and future practices, policies and governance of Cycling New Zealand’s high performance programme with a view to ensuring the safety, wellbeing and empowerment of all individuals within that environment.

# In line with the Objectives outlined above, the Inquiry will have a strong focus on culture, wellbeing and practice, and will uphold the mana of Te Tiriti o Waitangi/Treaty of Waitangi and its principles of Partnership, Protection and Participation.

# The Inquiry will undertake consultation with key stakeholder groups (not limited solely to those engaged in Cycling New Zealand’s high performance environment) to ensure their voices and experiences are heard, accurately recorded, and used to ensure future policies, procedures and practices to appropriately safeguard the safety and wellbeing of athletes, coaches, support staff and others within high performance environments.

# Cycling New Zealand and HPSNZ recognise the importance of ensuring all stakeholders are willing and comfortable to engage in the Inquiry process. To ensure that the perspectives of athletes and staff across both organisations have been built into this inquiry from the start, these groups will be / have been consulted during the development of these Terms of Reference.

# **Complaints handling and support**

# The Inquiry will not investigate or attempt to resolve individual allegations or complaints. Should any complaints be raised during the course of the Inquiry, they will be referred to the Sports and Recreation Complaints and Mediation Service (<https://www.sportsmediationservice.org.nz/>). This service was established in early 2021 and is operated by Immediation New Zealand Limited, who has been contracted by Sport NZ to run the service independent of any sporting bodies, clubs and organisations.

# Cycling New Zealand and HPSNZ are aware that Olivia Podmore’s death, the subsequent commentary, and even this Inquiry, have heightened stress for many people involved and are ensuring those impacted have access to any support they require. Counselling and mental health support will be available to anyone engaging with the Inquiry. In addition, the Panel will be able to refer individuals to that support as required.

# **Panel**

# The Inquiry will be carried out by an interdisciplinary panel (**Panel**) consisting of:

## Dr Sarah Leberman, MNZM: Professor of Leadership, Massey University, and Co-Founder and Co-Chair of Women in Sport Aotearoa. Professor Leberman brings expertise relating to women and leadership in sport;

## Michael Heron QC: formerly New Zealand’s Solicitor General, Mr Heron QC brings governance and legal expertise as well as background knowledge from his former work in relation to the 2018 Report;

## Dr. Lesley Nicol: formerly a Silver Fern, Dr Nicol is a specialist Sport and Exercise Physician, with a background in physiotherapy and elite sport and is currently a member of the NZOC Selection Committee; and

## Genevieve Macky: having represented New Zealand in rowing at the 2016 Olympics, Ms Macky brings an elite athlete perspective.

# Sarah Leberman and Michael Heron QC will operate as Co-Chairs of the Panel in acknowledgement of the benefit of collaborative leadership.

# It is envisaged that the Panel will engage with a range of experts during the Inquiry (e.g. crisis/trauma management, counselling services, bicultural expertise), while managing any potential conflicts of interest.

# **Scope**

# It is expected that the Inquiry will:

## Consider the 2018 Report as a baseline of the efforts to be undertaken by Cycling New Zealand and HPSNZ during the intervening period; and

## Produce a report that seeks to address the Objectives outlined in paragraph 4 above.

# Where identified, the Inquiry will provide insights into areas of strength as well as practical improvements that can be made to enhance the environment of Cycling New Zealand’s high performance programme in a way that builds and promotes a culture that prioritises the safety and wellbeing of all of its people, while maintaining a focus on producing world class performances. It is acknowledged that these insights may be of value to the wider high performance sports system, and HPSNZ will consider how learnings from this Inquiry may benefit the wider high performance system.

# If any new and relevant issues come to the Panel’s attention during the course of the Inquiry, these will be dealt with in the body of the report referred to in paragraph 13(b) above, provided that any issues which are considered to be urgent and require an immediate response, will be raised with the Key Contacts referred to in paragraph 22 below. Any specific complaints or allegations raised during the course of the Inquiry, will be referred to the Sports and Recreation Complaints and Mediation Service.

# The Panel is to be provided access to all relevant information related to the matter. If any person believes their ability to provide relevant information is restricted by a professional obligation to maintain privacy and confidentiality, this shall be discussed with the Panel and if appropriate, the Panel will note the implications of this in its report.

# **Engagement, Participation and Communication**

# An Inquiry website will be established to provide the following information:

## Background to the Inquiry;

## Profiles of Panel members;

## Methods to engage and contact the Inquiry;

## News and resources;

## Terms of Reference;

## How to provide feedback, make a complaint and/or access counselling and other support services.

# Effective engagement is central to achieving the Objectives of the Inquiry. The Panel will seek to engage with stakeholder groups through consultation, interviews, focus groups, surveys, confidential written submissions and any other means the Panel deems appropriate. Stakeholders will be encouraged to engage via the means they feel most comfortable with.

# The Panel will seek to engage with a wide range of stakeholders including (but not limited to) current and former athletes, Cycling New Zealand and HPSNZ staff, athletes’ families and other members of the high performance community, to ensure that it is able to develop a balanced view of the programme.

# Cycling New Zealand and HPSNZ will proactively notify the following stakeholders of the Inquiry and invite them to take part in the process:

## All Cycling New Zealand and HPSNZ Board members since 1 September 2016;

## All athletes, coaches and support staff who have been part of Cycling New Zealand’s development programmes since 1 September 2016; and

## All athletes, coaches and support staff who have been part of Cycling New Zealand’s high performance programmes since 1 September 2016.

# **Timing**

# The Panel will begin the Inquiry as soon as possible, with the aim that a draft report will be completed within three months.

# The Panel will provide a draft report to following Key Contacts to enable Cycling New Zealand and HPSNZ to provide comment before the final report is issued:

## At Cycling New Zealand: Jacques Landry (CEO) and Phil Holden (Chair); and

## At HPSNZ: Raelene Castle (CEO) and Bill Moran (Chair).

The Key Contacts will be available on request to assist the Panel on any matters relating to the Inquiry.

# The Panel will consider any comments provided pursuant to paragraph 22 above before finalising its report. The final report shall be submitted in writing to all the Key Contacts.

# **Confidentiality**

# Any information provided to the Panel in confidence will be kept confidential, so far as the law allows. The Inquiry will be conducted in a manner consistent with the principles of natural justice, confidentiality, security and information protection.

# All information collected in the course of this Inquiry with be held by the Panel in accordance with the Privacy Act 2020. The Panel will only provide Cycling New Zealand and HPSNZ with copies of the draft and final report as noted in these Terms of Reference.

# Cycling New Zealand and HPSNZ will ensure that no person who takes part in the Inquiry will be subjected to retaliation or retaliatory action and will take all necessary measures to ensure the protection of anyone who cooperates, in good faith, with the Panel. As part of this, statements or written complaints will not be provided to any individuals outside of those who are required to sight them as part of this Inquiry.

# **Publication**

# While the intention is for Cycling New Zealand and HPSNZ to publish the results of the Inquiry in the interests of transparency, to the extent that any matters referred to relate to individuals or specific concerns, these matters will be redacted in the published version to protect their privacy and in recognition of the sensitive nature of some of the matters at issue.