



# Cycling New Zealand and High Performance Sport New Zealand Inquiry

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# Poipoia te kākano kia puāwai

**Nurture the seed and it will bloom**

## EXECUTIVE SUMMARY

1. This Inquiry has considered the high performance programme delivered by Cycling New Zealand (**CNZ**), funded (primarily) by High Performance Sport New Zealand (**HPSNZ**), and the wellbeing of people within that programme (which we refer to as the **HPP**). It has also considered the implementation of the recommendations set out in the 2018 Heron Report. We were tasked with assessing wellbeing issues within the HPP during the review period (2018-2021) and making recommendations for change. Given that people's lived experiences are not confined to calendar years, it is inevitable that some participants referred to earlier times. It has been a privilege to be part of this kaupapa and we have met many extraordinary people who want to do the best for themselves, those around them, their organisations, and for Aotearoa New Zealand (**ANZ**).
2. We acknowledge at the outset of this report Olivia Podmore. We had the privilege of speaking with many people who knew Olivia; it is clear that she was hugely loved, very talented, and will be sorely missed by her family, friends, and her broader community. We thank those we spoke to for sharing their memories with us. While we were not tasked with reporting on Olivia's experiences of CNZ or HPSNZ, we acknowledge her contribution to the sporting community and also the challenges she endured.
3. We are grateful to everyone who participated in this Inquiry. Participation was voluntary – no one was required to speak with us. We interviewed more than 130 people and there were 132 responses to the survey. This Inquiry was a qualitative one; it was not possible to obtain a control group or test whether we had a representative sample. The comments which follow need to be read with that context in mind.
4. Before we summarise our findings, it is necessary consider what wellbeing looks like, given that the concept is at the centre of what we have been asked to do. We were not asked to, nor could we, decide what wellbeing means within the HPP context. We defer to the well-established *Te Whare Tapa Whā* model pioneered by Sir Mason Durie.<sup>1</sup> The *Te Whare Tapa Whā* model consists of four dimensions, representing the four walls of a whareniui. It takes into consideration the totality of a person, their physical, familial, spiritual, and mental wellbeing. This holistic approach consists of four dimensions and aligns with the themes that were raised in connection with wellbeing during this Inquiry.
5. We found that there is an inherent tension between medal success and wellbeing in the HPP. HPSNZ has funded performance based on medal success at pinnacle events (primarily the Olympics and Paralympics). Attempts to fill the wellbeing gaps have not yet remedied the issues created by the fundamental design and objective of the HPP. It was put to us that the recent

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<sup>1</sup> See for instance < <https://www.healthnavigator.org.nz/healthy-living/t/te-whare-tapa-whā-and-wellbeing/>>. See also the US CDC's guidance at <<https://www.cdc.gov/hrqol/wellbeing.htm>>.

changes will address some of the issues identified, but because our scope only extends to the end of 2021, we cannot assess the impact of those changes.

6. We found that CNZ is an organisation of people committed to ensuring the wellbeing of all stakeholders. They are passionate about cycling and strive to operate in the best interests of a wide variety of stakeholders with varying objectives. CNZ has made changes and improvements even in the short period between the end of the review period and the date of this final report. However, there is significant room for CNZ to build a culture and environment in which people can thrive.
7. Likewise, HPSNZ has considered wellbeing from various angles and taken significant steps to address wellbeing issues that arise in the modern sporting environment. HP sport is by definition a challenging environment and one in which Aotearoa NZ generally excels. While there is always room for improvement, HPSNZ is committed and well placed to make improvements because of the work it has done to date. One part of its strategy through to 2024 is establishing a consistent way of measuring and monitoring wellbeing across the system. HPSNZ submits that this will provide a more reliable basis on which to assess the way in which environments and initiatives impact on the wellbeing of all individuals within HP environments over time. We hope so. We believe that focusing on wellbeing is absolutely critical, given the Government's commitment in this space and that performance will be positively impacted by increased emphasis on wellbeing. It is not one or the other.
8. We were not asked to reimagine the HPP or devise a wellbeing model for it. We were tasked to make recommendations to improve wellbeing in connection with the issues that were reported to us. We set out findings and our recommendations for what can be improved in the balance of this report. In some areas we give specific recommendations; in others we highlight issues that need to be addressed and leave it to CNZ and HPSNZ to progress these in consultation with stakeholders.
9. Although this Inquiry has highlighted issues that are the responsibility of both CNZ and HPSNZ, we acknowledge that both organisations have core objectives of optimising people potential and delivering extraordinary sporting results.
10. Many of the issues discussed in this report are known to CNZ and/or HPSNZ, and there is reason to be optimistic that things can and will change.

## FINDINGS

### TOR 1: Implementation of 2018 recommendations

11. CNZ and HPSNZ have implemented most of the recommendations from the 2018 Report, although some remain outstanding.
12. There is, however, a disconnect between the HPSNZ/CNZ view and the views of stakeholders who spoke to us, which highlights a discrepancy between what has been done on paper (create policies) and what has changed on the ground (day-to-day practice). CNZ and HPSNZ took steps to *adopt* the policies recommended, but more is required to implement those policies and give them practical effect.
13. The 2018 Report's recommendations and the steps taken in response are set out in detail in the body of this report. There remains room for improvement on the recommendations relating to recruitment, debriefs, and athlete protection or welfare measures. Although CNZ and HPSNZ considered the welfare effects of centralisation post-2018, issues remain and we suggest that the centralised model needs reconsideration.

### TORs 2 to 6: Wellbeing issues generally

14. The relationship between HPSNZ and CNZ is both a key enabler of and detractor from wellbeing. HPSNZ and CNZ have worked to create mechanisms for better wellbeing outcomes but have yet to create a system where the wellbeing of those involved is central to its activity.
15. CNZ is generally full of people doing good work in pursuit of the best interests of athletes and others. Culture issues are apparent, but so too are ongoing efforts to improve. Most people we spoke to who had been at CNZ before and since the 2018 Report told us that the culture had improved. This was attributed to various things, including the work done by CNZ's (recently departed) CEO, the implementation of the Athlete Voice Committee (**AVC**), staff turnover, and positive efforts to lift standards.
16. Lack of transparency, however, was a consistent and dominant theme throughout our interviews. Key decisions, including around selection, recruitment, carding, and competitions, are not transparent to those impacted.
17. The culture within CNZ's Cambridge base is fragmented: each squad has its own internal culture, rather than there being an "all of cycling" culture. This cultural disconnect also exists between staff and athletes and more generally between cycling codes within CNZ.
18. Although there has been a very high standard of medical care within (or offered to) CNZ, this has been inconsistent due to staff resignations, and there have been gaps where it has not had a



dedicated doctor. There have in the past been issues with health management, transparency, and continuity of care. HPSNZ responds that alternative measures and resources were put in place (below).

19. Stakeholders have also told us that there is lack of appropriate women's health support within CNZ – and this extends to health support to the extent that it is also understood and catered to by coaches. Because HPSNZ is responsible for the provision of doctors and support services to CNZ under current settings, this issue sits with HPSNZ (even though its effects impact CNZ). HPSNZ does not agree that this issue is as acute as we set out; we note it is recruiting a Women's Health Doctor to be part of its core team.
20. CNZ's resources and efforts are concentrated in Cambridge at its "home of cycling". "Performance hubs" in the regions are not HP or development centres (some HP riders have difficulty accessing them). The lack of regional investment and development pathways is causing significant challenges for aspiring HP stakeholders (athletes and others) and putting pressure on CNZ's Cambridge homebase. The lack of regional cycling pathways is at odds with HPSNZ's regional focus.
21. Most participants reported that CNZ did not perform well in relation to the support provided on induction, selection, and exit.
22. The vast majority of people we interviewed (and the survey results) told us that the HPP funding model does not give sufficient priority to athlete wellbeing. The model generally prioritises medals over wellbeing (as had HPSNZ's strategy to the end of 2021), and that has had consequences that undermined athlete and staff wellbeing.
23. We have concluded that blanket long-term centralisation is not generally positive for athlete wellbeing and requires reconsideration. The centralised model has not been the panacea that some might have hoped it would be. HPSNZ has advised that it is encouraging a more regional model, but CNZ advises it does not receive funding for such an approach and cannot afford it. This fundamental tension needs to be resolved. Recent developments are promising; we stress the need to consider centralisation carefully and apply it on a more nuanced and "as required" basis.
24. Many of the issues identified in this report do not necessarily arise from governance, but ultimately the CNZ board has responsibility for the overall health, safety and wellbeing of CNZ, including the culture and conduct. The CNZ board generally responded appropriately to the recommendations of the 2018 Report and oversaw improvements that have and will improve wellbeing within CNZ. Such measures include the proactive establishment of the AVC and the introduction and refinement of the policies required.

## RECOMMENDATIONS

25. Our recommendations are as follows:

### ACKNOWLEDGEMENT

- A. CNZ and HPSNZ must take shared responsibility for the unresolved trauma many stakeholders still suffer as a result of the HPP subsequent to 2016. That trauma needs to be recognised and acknowledged to help restore the mana of the individuals concerned and of HPNSZ and CNZ. This is also crucial to healing and moving forward.

### CULTURE

- B. CNZ and HPSNZ collectively develop a HPP that ensures psychological safety, with the wellbeing of athletes and others being the foundation on which performance is built. This includes athletes having voice in decisions that impact them, and which recognises that there is no "one size fits all" for wellbeing.
- C. CNZ and HPSNZ must work together to ensure culture change within the HPP, including by:
  - a. reimagining the HPP's design and definition of success;
  - b. ensuring greater accountability and transparency;
  - c. focusing on athletes as people first, athletes second;
  - d. dismantle the reliance on traditional male networks, particularly within the coaching environment;
  - e. revising job descriptions and expectations placed on staff so that they are people-focused first with medals being a secondary consideration;
  - f. fostering a culture of openness, inclusion and belonging driven by individual and collective wellbeing;
  - g. taking action to mitigate the effects and perceptions of bias and favouritism in CNZ's DTE, decision-making and workplace; and
  - h. seeking greater diversity within CNZ and the DTE, with better approaches to breaking down bias.

- D. HPSNZ and CNZ must ensure that there is clarity around HPSNZ and CNZ's respective roles and responsibilities, and continuously and clearly communicate that to all stakeholders.
- E. CNZ and HPSNZ must take steps to ensure that transparency and accountability are fundamental to their culture and operations, including by implementing the recommendations in paragraph 160 (below).
- F. CNZ, with support from HPSNZ, employ a People and Performance Manager in priority to a wellbeing officer. That person be appointed at a senior level with staff, including HPP staff and leaders, accountable to that person.

## FUNDING

- G. HPSNZ and CNZ should continue to refine the funding model such that it enables a focus on wellbeing and performance. The solution must be multi-faceted and include consultation with all stakeholders, including athletes and whanau.

## ATHLETE SUPPORT SERVICES

- H. Any athlete body that eventuates from HPSNZ's ongoing work should:
  - a. Have organisational and financial independence from Sport NZ, HPSNZ, and CNZ.
  - b. Be empowered to exert real power and speak up honestly for athletes.
  - c. Have access to funded, independent HR support and advocates.
  - d. Be a product of the athletes' community.
- I. HPSNZ and CNZ work collaboratively and in consultation with athletes and staff/contractors to determine the best model for service provision within the HPP. Greater attention needs to be paid to ensuring effective continuity of care and to ensuring that CNZ can autonomously determine the support required.
- J. CNZ and HPSNZ consider moving to a model of external provision of clinical psychological services (subject to HPSNZ's internal review on this in 2022).

- K. CNZ and HPSNZ must ensure that there is clarity around HPSNZ and CNZ's respective roles and responsibilities, and continuously and clearly communicate that to all stakeholders.
- L. CNZ, having consulted with athletes, ensure that the arrangements for providing health care are conducive to effective, collaborative management that respects athlete autonomy and information privacy, while avoiding putting an inappropriate onus on the athlete to inform and involve all the relevant stakeholders.
- M. HPSNZ and CNZ continue their respective efforts in relation to concussion management and take further steps to ensure that all stakeholders are educated about this issue.
- N. HPSNZ and CNZ should work together, with appropriate medical expertise, to ensure adequate education of International Concussion Guidelines, as discussed in paragraph 226 below.
- O. CNZ and HPSNZ work together to ensure equitable access to women's healthcare in the HPP, including by mandating effective coach education and taking the steps set out in paragraph 230.

#### OPERATIONS WITHIN THE HPP

- P. CNZ (with support from HPSNZ as required) must ensure that *all* people within its organisation are familiar with its policies and undertake regular and robust training on what those policies mean and more importantly apply these in their daily practice. *All* stakeholders (regardless of employment status) should play an active role in discussing how the policies operate, and what they require people to do in difficult situations. In-person sessions would be preferable to online programmes.
- Q. CNZ and HPSNZ need to cement consistent processes for allowing all stakeholders to meaningfully participate in event debriefs. HPSNZ should also ensure that staff/contractors are debriefed within their relevant professional communities.
- R. Debrief policies should be subject to staff, athlete and contractor consultation and should detail all parts of the process (as set out below).
- S. CNZ must ensure that its recruitment policy is put into effect for all recruitment processes and decisions, including in relation to coaches.

- T. A more robust approach needs to be taken to recruitment at CNZ and greater emphasis on “cultural fit” and personal integrity is required, as are those steps set out in paragraph 177 (below), with support from HPSNZ as set out in paragraph 178.
- U. CNZ implement the other recommendations set out in paragraph 188 in relation to coach recruitment.
- V. CNZ, with support from HPSNZ, implement a clearer development and pathways process for personnel, including in relation to athlete IPPs, alongside the other recommendations set out in paragraphs 199 and 202.
- W. CNZ expand and clarify regional development pathways as set out in paragraph 215, with support from HPSNZ, as funding allows.
- X. HPSNZ and CNZ consider changes to induction, selection and exit support that are required to meet current needs, including those steps set out in paragraphs 239, 244, and 252.
- Y. CNZ continue with work updating its athlete agreements, with a focus on addressing the current imbalance in its favour, and CNZ and HPSNZ take steps to implement the recommendations set out in paragraph 293, including reviewing the contracting model.
- Z. HPSNZ and CNZ reconsider the HPP’s centralisation, and CNZ decrease its reliance on a centralised model (in favour of a regional model with centralisation only on an as-required basis determined in consultation with stakeholders – particularly athletes and HPP staff).

## GOVERNANCE

- AA. CNZ’s governors and leadership change current practices and policies, as set out above, to put wellbeing first.
- BB. CNZ and HPSNZ reflect on whether the current governance structure matches the overwhelming importance of the HPP (to CNZ) and what is required to be delivered by an organisation that is responsible for the whole of cycling, from community participation through to high performance.
- CC. CNZ’s board consider the make-up of CNZ’s SLT, in concert with its CEO, taking into account issues raised during this process.

## BACKGROUND

26. In 2018 the media reported concerns regarding conduct of those involved in Cycling New Zealand (**CNZ**). Consequently, CNZ and High Performance Sport New Zealand (**HPSNZ**) commissioned an independent inquiry. The result was the Heron Report of 2018 (the **2018 Report**), which found that allegations relating to bullying, inappropriate intimate relationships, dysfunction and a lack of accountability within CNZ, and ineffective policies (amongst other things) were well-founded. The 2018 Report focused on specific allegations and concerns, and participants were not named (though some were identified in the media).
27. The 2018 Report was published on 12 October 2018. It made 11 recommendations. Of those 11, some were for CNZ, some were for HPSNZ, and some were to be delivered by a combination of CNZ, HPSNZ, and/or Sport NZ (**SNZ**).
28. Subsequently, on 9 August 2021, Olivia Podmore tragically died in a suspected suicide. Her death was referred to the coroner. Olivia was a key participant in the 2018 Report, as has since been acknowledged in the media. She reported the incident that occurred in Bordeaux immediately before the 2016 Rio Olympics and the events that followed became part of the 2018 Report.
29. CNZ and HPSNZ jointly commissioned this Inquiry in the aftermath of Olivia's passing. This Inquiry was not designed to determine the cause/s of Olivia's death (that investigation sits with the coroner) or her specific experiences with CNZ/HPSNZ.<sup>2</sup> Rather, the Inquiry is focussed on CNZ and HPSNZ, how each entity responded to the 2018 Report, the CNZ HPP, and improvements that could be made to ensure wellbeing. Also relevant to the context of this Inquiry is the ongoing COVID-19 pandemic, and the postponement of the Tokyo Olympics (and therefore the extension of the Olympic cycle).
30. The Terms of Reference (**TOR**) for the Inquiry specifically refer to the following key objectives:
  - a) **TOR 1:** assess the adequacy of the implementation of the recommendations from the 2018 Report by CNZ and HPSNZ (noting both areas of strength and opportunities for improvement);
  - b) **TOR 2:** identify areas of further improvement that would ensure the wellbeing of athletes, coaches, support staff and others involved in CNZ's HPP are a top priority within the environment;
  - c) **TOR 3:** assess the support offered to athletes at critical points within CNZ's high performance programme (by both CNZ and HPSNZ), with a particular emphasis on induction, selection and exit transitions;

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<sup>2</sup> In the aftermath of Olivia's death, CNZ and HPSNZ set up crisis response processes and we commend them for their efforts to ensure that those impacted were informed and supported.

- d) **TOR 4:** assess the impact that HPSNZ investment and engagement has on CNZ's high performance programme;
- e) **TOR 5:** 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
- f) **TOR 6:** understand what steps can be taken to improve current and future practices, policies and governance of the HPP with a view to ensuring the safety, wellbeing and empowerment of all individuals within that environment.

31. The TOR are set out in full in [Appendix 1](#). It is important to note that the TOR required us to speak with a broad range of people. Paragraph 6 stipulates:

*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.*

32. It is important to note that the point of the Inquiry and this report is to consider the overall picture and report on themes relating to wellbeing, not specific incidents or individuals. We are focused on the HPP and only comment more broadly in respect to centralisation (TOR 5).

## **Inquiry Process**

33. The TOR for the Inquiry were finalised on 21 September 2021, following consultation with stakeholders determined by CNZ and HPSNZ (including staff, athletes, and the panel) in the aftermath of Olivia's death. We are grateful to all participants. This was a difficult process for many and we acknowledge the bravery, vulnerability, and mana of all involved.

34. On 30 September 2021 the panel held an online "meet the panel session" and explained the Inquiry and its process to CNZ and HPSNZ stakeholders.

35. An Inquiry website was established by the panel as an independent, single source of information about the Inquiry to provide clarity to participants and the public.<sup>3</sup> The website set out the TOR, process, support services available, FAQs, and information on the panel members.

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<sup>3</sup> The panel would like to thank Rachael Devcich at Designer Geek and Steve Roddick at tech.net for their assistance with the website and IT services connected to the Inquiry.

36. The Inquiry process was broken into five stages:
- a) **Stage One:** Settling the TOR
  - b) **Stage Two:** Information Gathering
  - c) **Stage Three:** Participant Engagement
  - d) **Stage Four:** Draft Report
  - e) **Stage Five:** Final Report
37. Stage Two involved reviewing a substantial amount of documentation provided by CNZ and HPSNZ relating to the implementation of the 2018 Report's recommendations and other relevant matters. More than 230 documents were reviewed. The panel requested and received additional information as required.
38. Stage Three's participant engagement process was extensive. Participants could participate (always on an opt-in basis) in the Inquiry by:
- a) completing an anonymous survey hosted independently by the panel and distributed via HPSNZ and CNZ;<sup>4</sup>
  - b) writing to the panel via the website;
  - c) contacting members of the panel or its legal counsel directly; and/or
  - d) participating in an interview.
39. Our terms of reference (**TOR**) state that effective engagement is central to achieving the objectives of the inquiry and that we would seek to engage through consultation, interviews, focus groups, surveys, confidential written submissions and other means we deemed appropriate.
40. People came to the Inquiry in different ways. As set out in the TOR, CNZ and HPSNZ undertook to proactively notify all their Board members, HPP athletes, coaches and support staff who had been involved in the HPP from 1 September 2016 onwards. The interviewees, survey and other participants are likely to number over 200 people.

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<sup>4</sup> The survey could not be accessed more than once from the same device. Names and contact details were not required and most people did not provide them. People could leave their name and details if they wanted to participate in an interview. Accordingly, some participants completed both the survey and an interview.



41. We reached out to certain stakeholders using contact information provided by CNZ/HPSNZ, but we did not require anyone to participate (participation was on an opt-in basis). We were not provided with full contact lists for CNZ, HPSNZ or similar organisations, due to privacy obligations. CNZ and HPSNZ identified potentially relevant people and we received the contact details of those people only. We contacted some stakeholders at the request of others. Several people contacted us to ask why we had not contacted them, or why we had not contacted another person. The reason is that we could not do so. Participation was always on an opt-in basis; no one was required to speak with us, nor could we necessarily ascertain who wanted to be invited to participate.
42. As with other inquiries of this nature, we reviewed relevant CNZ and HPSNZ documents, met with key personnel, interviewed those who were willing, and distilled feedback from those interviews, our online survey and written submissions. The data collection process took place between August–December 2021, following the release of the ToR.<sup>5</sup>
43. A small number of people contacted panel members directly and several sent in written submissions. CNZ and HPSNZ contacted their stakeholders and CNZ’s Athlete Voice Committee (**AVC**) contacted CNZ athletes and invited them to participate in the Inquiry (including via an athletes’ drop-in session in Cambridge). Some people contributed via more than one of the methods above.
44. The primary method of information collection was via interviews, of which there were over 130 held via videoconference and some in person. Of those interviewed, we spoke to 21 cyclists, 13 of whom were in CNZ’s HP programme between 2018 and the end of the review period (31 December 2021).<sup>6</sup> Of the 16 survey respondents who identified themselves as HP cyclists, seven said that their experience was from before and since 2018; three said their experience was since 2018 only. The other six skipped this question. HPSNZ advises that there were 129 carded athletes associated with Cycling New Zealand’s HPP since 2016 and of the 129 carded CNZ athletes across that time-period, 44 had experience of carding both pre- and post- 2018, and 69 have experience that is confined to the period since 2018.
45. In addition, 51 interviewees had experience of HPSNZ, including 25 with no to limited experience of CNZ and its HPP. A number of people we spoke to “wear two hats”; i.e., they have lived experience of both CNZ and HPSNZ. In interviews they generally qualified their responses by reference to one or other organisation. The views of all these participants are reflected in the report’s findings and recommendations in relation to one or both organisations.
46. We spoke to past and present members of the senior leadership and boards of CNZ and HPSNZ, and various employees, contractors, coaches, and support staff connected to each organisation.

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<sup>5</sup> While this period was subsequent to Olivia’s death and concurrent with COVID-19 restrictions, the findings reflect what was shared with the panel.

<sup>6</sup> As of 2021, CNZ’s HP programme was comprised of approximately 32 athletes.

In addition, we spoke with athletes from other sports who had insights into HP sport (in accordance with paragraph 6 of the TOR). We also spoke with HP sport experts, and a number of people who are parents or whanau of athletes in and outside of CNZ's HPP.

47. Interviews were conducted using Microsoft Teams, which allowed for video recording and automatic transcription (with consent). All participants were reminded that the interviews and/or their engagement with the Inquiry would be treated as both confidential and anonymous: recordings were for the benefit of the panel and its legal counsel only, would be held in accordance with the Privacy Act, could be made available to the interviewee, and would be deleted at the end of the Inquiry. Agreed interview parameters guided all discussions.
48. There were 132 responses to the survey.<sup>7</sup> 55 respondents were cyclists or athletes in other codes. Of those 55 athletes, 47 were cyclists (16 said they had experience of CNZ's HPP, as above). The survey asked questions that followed the TOR. It collected basic information from respondents, and they were directed to questions based on their experience of CNZ and/or HPSNZ and the capacity in which they had that experience. The survey commonly asked people to tell us the extent to which they agreed with certain statements about CNZ and/or HPSNZ.<sup>8</sup> Respondents indicated that they had experience with:
- a) CNZ and HPSNZ (70);
  - b) CNZ, but not HPSNZ (42);
  - c) HPSNZ, but not CNZ (14); and
  - d) Neither CNZ nor HPSNZ (6).
49. The survey later asked whether respondents had experience of HPSNZ. 79 survey respondents answered this question and 48 of those said yes. Respondents who answered "yes" were then directed to a question asking them what sport they were involved in; 38 of 54 respondents to that question said cycling, 16 said other. 55 respondents answered the question about how recent their HPSNZ experience was. 10 said their experience was from before 2018; 32 said their experience was from before and since 2018; and 13 said their experience was from post 2018. Because the survey is anonymous, we cannot provide more context to the answers received.

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<sup>7</sup> Because the survey was anonymous, it is not possible to determine how many (if any) of those who responded to the survey also engaged with the Inquiry in other ways.

<sup>8</sup> For example, when presented with the statement reading: "Since 2018, CNZ has effectively implemented an athlete safeguarding policy", respondents could choose from the following answers: don't know; strongly agree; agree; neither agree nor disagree; disagree; strongly disagree. In this report we have commonly aggregated the answers agree and strongly agree answers into one figure, and done the same with the disagree and strongly disagree answers. This is indicated below as "XX% of respondents strongly/agreed..." etc. All percentages have been rounded to the nearest whole number.

50. In addition, more than 20 people provided written material to the panel by way of written submissions or background information (articles and other materials).
51. The Inquiry was a qualitative one. Given the voluntary and confidential nature of our process, there was no ability to calibrate the findings against a notional “control group”. That was inherent in the design of the Inquiry, provided by HPSNZ and CNZ. We are conscious of the limitations that result, including (but not limited to):
- a) The number of HP cyclists that participated;
  - b) The fact that we could not speak to every person that have may have had relevant insights;
  - c) Our inability to contact cyclists, staff and others directly (due to CNZ and HPSNZ’s privacy obligations);
  - d) The limited timeframe;
  - e) The impact of recent trauma and grief caused by Olivia’s passing;
  - f) The impacts of COVID-19;
  - g) Our inability to consider why someone participated or shared certain views; and
  - h) The information bias that might have arisen because of the above factors.
52. In feedback on our draft report, both HPSNZ and CNZ emphasised the limitations of our process. However, this should not minimise or take away from the findings of this Inquiry and the lived experiences and expertise of participants.
53. The comments which follow need to be read with that context in mind. The findings identified in this report are the key themes that arose from analysing all participant feedback and have only been included if the issues were raised by a significant number of participants and/or were serious enough to warrant including.
54. Certain issues were raised with us by stakeholders who said, “this is not just a cycling issue” or “this is a system issue” or “the same thing happens in other NSOs/my NSO/a particular NSO” and the like. Our findings and recommendations are limited to CNZ’s HPP (except where the TOR stipulate otherwise), but we strongly urge HPSNZ to consider whether and how some of the issues identified in this Inquiry are present in other sports or “the system”. We received a significant number of comments to the effect that the recent tragedy within CNZ could have happened within other NSOs. Where we find that issues exist, it is for CNZ and HPSNZ to consider and determine

the extent to which it considers that those are extant in terms of the HPP or the wider HP system at present.

55. The participant engagement process was impacted by COVID-19 restrictions. The panel originally intended to travel to Cambridge during November 2021 to meet with participants in person but, due to regional lockdowns, in-person interviews scheduled for that week were moved online. Those who wanted to meet in person were invited to do so once lockdown restrictions eased in mid-December. At this point the panel travelled to Cambridge to meet with participants and to hold a drop-in session for CNZ athletes (promoted by CNZ's AVC). Only a few athletes took up this opportunity.
56. The need to meet with participants in person meant that Stage Four – production of the draft report – was delayed.
57. The panel met in Cambridge at the Velodrome on 15 – 17 December 2021. This provided an opportunity to distil our findings and recommendations.
58. After the panel's meeting in Cambridge, several people engaged with the Inquiry in January 2022. Although the participant engagement process had technically closed, the panel facilitated interviews where possible.
59. The panel produced a draft report on 21 February 2022 and invited CNZ and HPSNZ to confidentially review the draft and provide comments on it. CNZ and HPSNZ provided written feedback and the panel met with representatives of both to discuss that feedback. A final draft was then provided to CNZ and HPSNZ on 14 April 2022 and the panel received some feedback on that final draft.
60. The panel considered all feedback received before delivering this final report. Where appropriate, this final report has been updated to reflect comments received on the drafts.
61. The Inquiry and this report have been carried out in accordance with the rules of natural justice. This means that findings and recommendations are evidence based, and that affected stakeholders have been given an opportunity to comment on adverse material. We again note, however, the limitations of the evidence we have received as set out at paragraph 51 above. In addition, the panel was not required or able to make findings on specific incidents or look into specific allegations. Our task has been to report on what we heard where such reports were raised often enough to become a theme and were credible in the overall context.
62. Accordingly, this report sets out common themes and makes recommendations. It does not report on matters that relate solely to individuals, nor make findings about specific people, events, or incidents. Nothing that follows relates to or is attributable to any one individual and we make no findings for or against any individual.

## SUPPORTING ANALYSIS

63. Set out below is the supporting analysis that informs our findings and recommendations, by reference to each TOR. The analysis is cumulative and reflects themes that were raised repeatedly.

### TOR 1

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).

#### FINDING

64. CNZ and HPSNZ have implemented most of the recommendations from the 2018 Report, although some remain outstanding (discussed below). That is borne out by the documentation. That said, the consensus view is that CNZ and HPSNZ took steps to *adopt* recommended policies, but did not do enough to implement those policies or foster real change.
65. The survey produced mixed results. 33% of respondents considered that CNZ had reviewed its policies to take into account the recommendations from 2018, but only 15% felt as though it had effectively addressed the 2018 Report's recommendations. When asked whether HPSNZ had undertaken effective reviews of its welfare policies, only 13 % of respondents agreed or strongly agreed that it had; 32% disagreed or strongly disagreed. When asked whether HPSNZ had effectively reviewed its policies to consider the issues raised in the 2018 Report, 15% strongly/agreed and 42% strongly/disagreed.
66. We set out below each recommendation from the 2018 Report, our findings on whether each has been implemented, and relevant insights.

#### Recommendation 1

Sport NZ, CNZ and HPSNZ consider and address current issues relating to welfare of high-performance athletes, coaches and support staff. The current reviews in relation to wider athlete welfare and integrity should be carefully considered.

#### FINDINGS

67. Both CNZ and HPSNZ took steps to consider welfare issues within their organisations and the sporting environment. We assess the steps taken by reference to the recommendations below.

68. General consensus is that although policies may have been updated or introduced to cover key issues, they have not been coupled with the practical training or implementation steps required to make them effective. That is reflected in the survey results referred to above, and our interviews with stakeholders.

## Recommendation 2

The rules, policies and codes of conduct of CNZ ought to be reviewed and where necessary augmented and improved to comprehensively deal with issues relating to the conduct and welfare identified in this review.

## FINDINGS

69. CNZ reviewed and updated its policies in 2018 and again in 2020 (in line with a standard bi-annual review process). In 2020 it adopted a more fulsome array of policies than it had done previously.
70. In 2018 CNZ had policies relating to alcohol, discipline, whistleblowing, employee recruitment and selection, and a Code of Conduct. In 2020 it added policies relating to bullying & harassment, discipline, privacy, diversity & inclusion, domestic violence, close personal relationships, anti-doping, and trans people.<sup>9</sup> The policies were developed with expert HR support. CNZ had a child protection policy in place; that is being updated to also include vulnerable adults.<sup>10</sup>
71. At face value the policies cater to issues identified in the 2018 Report, although there is a gap between policies and day-to-day practice.

## ISSUES ARISING

72. Although CNZ has a relatively robust policy framework in place, the perceptions set out below were conveyed to us. We note that CNZ generally disagrees, and therefore there is a disconnect between stakeholder views and CNZ views. Stakeholders told us that:
- a) CNZ policies are not generally well-known or understood, which means they are not always acted on or complied with.
  - b) Athletes are reportedly not reminded of or kept up to date about CNZ policies. Many athletes told us that the only time they were made aware of CNZ's policies was when they signed their

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<sup>9</sup> For completeness, it also launched a Safe Sport section on its website in February 2022 (outside the review period). See <https://www.cyclingnewzealand.nz/safe-sport-program/#:~:text=Cycling%20New%20Zealand's%20Child%20and%20Vulnerable%20Adult%20Protection%20Policy%20aims,and%20Vulnerable%20Protection%20Policy%20here.>>

<sup>10</sup> Meaning "a person unable, by reason of detention, age, sickness, mental impairment, or any other cause, to withdraw themselves from the care or charge of another person."

athlete contracts (at most, once a year). Because athletes are not employees, they do not receive the policy reminders and certifications that CNZ employees do. That is inappropriate. Athletes should be treated the same as employees when it comes to communication and training around policies.<sup>11</sup>

- c) There is little to no organisation-wide training on CNZ's policies and how they should be applied in practice. (HPSNZ advised us that its staff are required to complete training on certain policies on a bi-annual basis. We understand that CNZ staff are also required to complete online modules and certifications. The view of participants is that this form of training is not effective).
- d) Given the above, CNZ's policies have little practical impact. They are not lived documents. CNZ's view is that policies are available and some training is provided to coaches prior to key events; it also notes the onus on athletes to ensure they read the policies.

- 73. CNZ (with support from HPSNZ as required) must ensure that *all* people within its organisation are familiar with its policies and undertake regular and robust training on what those policies mean. *All* stakeholders should play an active role in discussing how the policies operate, and what they require people to do in difficult situations. That will include athletes and embedded HPSNZ personnel. In-person sessions would be preferable to online programmes that only some staff are invited to access.
- 74. Some of the issues that were reported to us during this Inquiry might have been avoided or mitigated if stakeholders had been empowered to operationalise CNZ's policies.

### **Recommendation 3**

HPSNZ and Sport NZ develop an organisational athlete-safeguarding policy consistent with good international practice which can be implemented by NSO's such as CNZ.

### **FINDINGS**

- 75. HPSNZ has not implemented a specific athlete-safeguarding policy. Extensive guidance on both child safeguarding and member protection is, however, available via SNZ's Integrity Portal. HPSNZ advises that nowhere else in the world has developed a centralised version of policies that are applicable in the safeguarding space from top to bottom. It says that the fact such policies do not have a specific HP lens reflects the need for NSOs to cater for community to elite sport.

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<sup>11</sup> That said, we note that CNZ's policies are also available on its website. Interestingly, Cycling USA makes SafeSport Training available and the organisation's leaders, coaches, staff and others are required to complete it. Adult USA Cycling athletes are required to complete the training if they will attend events alongside minor USA Cycling athletes. See <<https://usacycling.org/safesport/safesport-education-policy>>.

76. SNZ (of which HPSNZ is a wholly owned subsidiary) refers to its policy framework as its “Integrity Framework”,<sup>12</sup> but there is not a different safeguarding framework for HP athletes. HPSNZ began work on a safeguarding toolkit, but that work was overtaken by its Integrity Framework. We note that, when asked whether HPSNZ had effectively implemented an athlete safeguarding policy, 0% of respondents selected “strongly agree”; 12% agreed that it had.
77. The thinking behind the athlete safeguarding policy was the recognition that HPP athletes are vulnerable in ways that others are not. Some of the ways in which HPP athletes are uniquely vulnerable include:
- a) Unique vulnerability to career-ending injuries.
  - b) The fact that centralisation dislocates them from their support networks.
  - c) Being dependent on the support of their NSO to race in competitions (cyclists, for instance, cannot generally enter competitions without being entered by CNZ).
  - d) Athletes are liable to being selected and de-selected, and their “incomes” commonly rely on improving or maintaining their placing in competitions over time.<sup>13</sup>
  - e) Athletes do not necessarily have access to HR or line managers outside of the HPP, which in practice can mean they do not have a realistic avenue for laying complaints or raising issues.<sup>14</sup>
  - f) Unlike most other stakeholders in the system, many HP athletes are young.
  - g) HP athletes are contractors rather than employees and:
    - i. cannot charge for work done or time spent;
    - ii. cannot ply their trade for another organisation in ANZ;
    - iii. may not be paid at all;
    - iv. cannot chose their hours, where they live/work, how they do their “jobs”, when they take holidays (there is no leave entitlement), how or when they travel, etc; and

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<sup>12</sup> The purpose of which is “[t]o guide work aimed at safeguarding and regulating the play, active recreation and sport system and promoting confidence and trust in the system at all levels”. SNZ’s Integrity Framework and underlying documents are available at <<https://sportnz.org.nz/integrity/integrity-framework/>>. Sport NZ’s framework documents can be adapted by NSOs if they wish.

<sup>13</sup> We note the focus on placing. Unlike being measured in time, being measured by placing is inherently uncontrollable and liable to frequent change.

<sup>14</sup> Athletes commonly report that they cannot or will not report issues to the coach or HPD. Sometimes that is because the issue relates to acts/omissions by the coach or HPD. Other times it is because the athlete is aware that the coach/HPD has no power or authority to address the issue. Finally, there is a real sense that athletes will not report issues to coaches or HPDs, who are their managers, because they do not want to be seen as “creating issues” or whining, lest that impact their careers and their ability to be selected. This issue may arise because of the system, respective personalities, or both.



- v. commonly report difficulty meeting their costs of living/training/competing.
  - h) Are often required and/or choose, due to the nature of HP sport, to sacrifice parts of life such as living where they choose, having partners, having full or part-time employment, having children, pursuing more lucrative careers, attending events outside of Cambridge (i.e., weddings, funerals), etc.
  - i) The fundamental power imbalance between the athlete and other stakeholders that arises because the athlete is the only person who can deliver performances/medals, but also generally has the least control over organisational structures and systems that directly affect them.
78. We do not recommend (again) the adoption of an athlete safeguarding policy, (although we would be in favour of the adoption of such a policy subject to HPSNZ's consultation with experts and NSOs). However, with or without such a policy, it is imperative that a culture of psychological safety is created within the HPP to create a sense of inclusion and belonging and mitigate the vulnerabilities we set out above.<sup>15</sup> Rather than relying on policy, CNZ and HPSNZ need to develop an HPP that will ensure that the wellbeing of athletes and others is the foundation on which the HPP is built. That should be the first priority and will require continual investment and improvement. That mahi might be supported by an overarching, all-encompassing code of conduct, and a body empowered to hold everyone within the HPP environment accountable for failing to meet such a code (HPSNZ is already working on such a body – see below). The key thing would be to ensure that one set of rules applies to all stakeholders (regardless of employment/contract status, location, and whether they are contracted to HPSNZ or CNZ).

#### **Recommendation 4**

CNZ implement such a policy with appropriate adaptation for its own requirements and circumstances. Such a policy must meet good international practice and be practical, operable and well understood.

#### **FINDINGS**

79. Consequent to our finding in relation to recommendation 3, there has been no athlete-safeguarding implemented by CNZ. Despite that, 11% of survey respondents thought that CNZ had implemented an athlete safeguarding policy.

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<sup>15</sup> See Timothy R Clark *The 4 stages of psychological safety: Defining the path to inclusion and Innovation* (Berrett-Koehler Publishers, United States, 2020).

80. We accept that CNZ's policy framework intends to protect athlete welfare. It is evident that documents such as the Code of Conduct and Selection policies are intended to protect the welfare of athletes.
81. However, CNZ does not have a specific policy relating to the welfare of HP athletes; some pertain only to CNZ employees (which does not include athletes), and others are framed to guide the organisation itself. As above, we refer to the need to create a culture of safety that protects HP athletes and helps remedy inherent vulnerabilities.

## Recommendation 5

Sport NZ and HPSNZ should consider further the relationship between them and with NSO's and whether it is optimal to ensure an NSO's primary accountability for athlete welfare can be met. For example, consideration as to whether the existing funding and investment model gives sufficient priority to athlete welfare and sufficient regard to the importance of development, welfare and NSO capability.

## FINDINGS

82. The relationship between HPSNZ and SNZ has until recently been a live issue subject to a separate independent Governance and Organisational Review.<sup>16</sup>
83. We note that HPSNZ has considered its relationships with NSOs to some extent. In particular, it has:
- a) Reframed its strategy and its investment framework to make it clear to NSOs that it requires athlete welfare protection to be a key part of an NSO's activities before HPSNZ will provide funds to the NSO.
  - b) Revised its strategy through to 2024 and introduced wellbeing as one of its four values (alongside collaboration, integrity, and excellence).
  - c) Included wellbeing measures in its "NSO health checks", which essentially monitor NSO performance. Health checks require NSOs to self-report on their performance, issues arising, and progress. In September 2021 HPSNZ issued new guidelines. Future health checks will require NSOs to systematically report on welfare aspects by responding to eight welfare-specific questions and ranking their performance against a red, amber, green metric.

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<sup>16</sup> See <<https://sportnz.org.nz/about/news-and-media/media-centre/sport-nz-announces-details-of-governance-and-organisational-review/>>. That report was delivered while this report was in draft.

- d) Introduced and invested in a range of initiatives to enhance and support athlete wellbeing, including:
- i. the Own the Moment framework (from 2017);
  - ii. implementation of the Tokyo Heat Strategy (from 2017);
  - iii. instigation of the WHISPA initiative (from 2017);
  - iv. development of HPSNZ's Mental Health Strategy (from 2018);
  - v. introduction of mental health screening (from 2019);
  - vi. introduction of pay parity for Paralympic athletes (from 2018);
  - vii. establishment of the SRCMS (see below);
  - viii. provision of the athlete medical insurance scheme (since 2019);
  - ix. steps taken to mitigate the impact of COVID19 (including the extension of NSO and athlete funding without the need for performance results, from 2020);
  - x. engagement with the sector throughout the pandemic to lift health and safety capability across the system (from 2020);
  - xi. launch of SNZ's Integrity Portal;
  - xii. contracting of InStep to provide independent support to athletes (from June 2021); and
  - xiii. the introduction of Base Training Grant payments (which are not based on performance outcomes, from 1 January 2022).

84. We remain unconvinced as to whether HPSNZ and CNZ have got to the optimal relationship for ensuring and protecting athlete wellbeing (the responsibility for which primarily sits with CNZ).<sup>17</sup> We observed fundamental tensions that arise as a consequence of current arrangements where:

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<sup>17</sup> We note that previous reports commissioned from Stephen Cottrell and Don Mackinnon addressed (directly and less so) the difficulties in ensuring that wellbeing and other obligations are met or facilitated between SNZ, HPSNZ, and NSOs. See Stephen Cottrell "Elite Athletes' Rights and Welfare" (5 November 2018), <<https://sportnz.org.nz/media/3193/elite-athlete-right-and-welfare.pdf>>; and Don Mackinnon Independent Audit of Systems and Processes for addressing Athlete Wellbeing Issues at High Performance Sport New Zealand" (January 2021), < <https://hpsnz.org.nz/content/uploads/2021/03/Final-Report.pdf>>.

- a) The HPP is delivered by a volunteer-governed, membership-based organisation that is a sovereign entity not specifically designed to deliver a HPP or win medals;
  - b) The HPP is funded by HPSNZ that has had until recently at least, as its own goal, securing medal winning performances (from a programme it does not control); and
  - c) the bulk of HP funding comes from the taxpayer, meaning that every dollar that goes into HP sport is a dollar that is contested with other public expenditure.
85. Having considered the issue in consultation with many stakeholders, we consider that HPSNZ and CNZ should continue to refine the funding model such that it enables a focus on wellbeing *and* performance. Some of the initiatives listed above have that in mind. We discuss this issue further below and note that the solution will be multi-faceted and require input from and consultation with stakeholders, including athletes and whanau.

## Recommendation 6

HPSNZ and Sport NZ to consider whether wider measures to protect welfare are required including:

- i. whether an independent welfare and conduct body is required;
- ii. whether player advocates or bodies should be provided with more support or assistance, specifically in NSOs in which they do not operate: and
- iii. whether changes in the relationship between HPSNZ and NSOs be made to ensure that welfare gets sufficient priority.

## FINDINGS

86. HPSNZ regards work in relation to recommendation 6 as ongoing. While some work has been undertaken, HPSNZ intends to do more. It is working with athletes on establishing an athletes' body and what form that will take. Work has been done around the relationship between HPSNZ and NSOs, but more consideration on an optimal model is required (we discuss that more fully in other parts of this report).<sup>18</sup>
87. Significant progress has been made in relation to complaints mechanisms. Since the 2018 Report HPSNZ put in place first the Interim Complaints Mechanism (ICM) and secondly the Sport and Recreation Complaints Mediation Service (SRCMS).<sup>19</sup> The SRCMS replaced the ICM.

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<sup>18</sup> Discussed above in relation to Recommendation 5, and below in relation to the respective roles of HPSNZ and CNZ, and in relation to the funding model.

<sup>19</sup> Co-Chair of the Panel, Michael Heron QC, is the chair of Immediation New Zealand, which is the provider of SRCMS, contracted by SNZ.

88. The SRCMS provides a complaint resolution service to athletes, coaches, and the sport and recreation community generally. Such a mechanism is an important accountability measure in a mature system.
89. The SRCMS is a good initiative and, although it is still relatively new, handles a significant number of complaints. It should help address conduct and welfare issues.
90. That said, some reported that SRCMS is not necessarily a realistic pathway for HP athletes who are experiencing challenges in or with their NSO or HPSNZ. Athletes we spoke to (many of whom were not aware of the service) have difficulty speaking out against their NSO, HPSNZ or its personnel for fear of reprisals (particularly relating to selection). It was said that this is not unique to CNZ. Athletes cannot complain about CNZ or HPSNZ, lest they bite the hand that feeds them. This (combined with issues around accountability of and between CNZ and HPSNZ, discussed below) means that there is doubt amongst athletes as to whether issues can be addressed. The same goes for some staff/contractors of both CNZ and HPSNZ. While HPSNZ & CNZ suggested to us that a degree of personal responsibility is required by athletes, this does not acknowledge the lived experience of athletes in particular and the realities of power imbalance that exist. It is also important to note that SRCMS can independently discuss confidentiality concerns with athletes.
91. We note the ongoing work being done by HPSNZ in relation to an athletes' body that would be representative of and serve athletes from various codes. Subject to agreement from athletes,<sup>20</sup> we suggest that *if* any body did eventuate, it ought to have the following fundamental characteristics:
- a) Organisational and financial independence from SNZ, HPSNZ, and CNZ. Although those organisations are the primary funders of cycling, alternative funding must be found for a welfare or advocacy body if it is to be independent and, more importantly, acceptable to athletes. The HPP suffers from distrust of any person or group funded by "the system" (namely HPSNZ or CNZ). This body needs to sit outside the current funding model if it is to have legitimacy.
  - b) Empowered to exert real power and speak up honestly for athletes. This might mean, for instance, ensuring that the body employs or can contract lawyers. The current power imbalance between HPSNZ/CNZ and athletes (discussed further below) needs to be addressed. Other NSOs have successfully established such bodies and staffed them with trained, professional and independent staff.<sup>21</sup> That model could usefully be emulated here.

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<sup>20</sup> Noting that we have mostly spoken to cyclists, not to all HP athletes or their representatives.

<sup>21</sup> E.g. rugby, netball, and cricket, which are less reliant on HPSNZ funding than CNZ. Funding for these other bodies may come from commercial sources.

- c) Have access to funded, independent HR support and advocates.<sup>22</sup>
- d) A product of the athletes' community. The information we received suggests that athletes' voices are conspicuously absent from decision-making in the HPP. Consultation is reportedly minimal and not perceived as genuine. Any athlete welfare or advocacy body must be athlete-focused, and its mandate determined by the athlete community.

### **Recommendation 7**

The policies and practices of CNZ and HPSNZ in respect to coach-athlete intimate relationships be reviewed and (if necessary) clarified. Coaches, athletes and other personnel should be educated and reminded of the NZ position.

### **FINDINGS**

- 92. CNZ and HPSNZ have up-to-date policies covering intimate personal relationships. To that extent, recommendation seven has been implemented.
- 93. That said, only 24% of survey respondents reported that CNZ had effectively clarified that policy, which we perceive may stem from a lack of awareness (32% didn't know). When asked about HPSNZ, 45% didn't know whether it had effectively reviewed and clarified its policy on intimate relationships, and only 11% strongly/agreed it had done so.
- 94. Training is needed to ensure that such policies are embedded within the culture of each organisation and effective in practice.

### **Recommendation 8**

CNZ review and reaffirm its policy on the use of alcohol whilst on CNZ business and educate staff as necessary.

### **FINDINGS**

- 95. As with recommendation seven, this recommendation has been implemented on paper, but the policy is not well known or understood. 31% of survey respondents answered "don't know" when asked whether CNZ had effectively clarified its policy on the use of alcohol while on CNZ business; 32% agreed or strongly agreed that it had done so. CNZ advises that certain staff are routinely

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<sup>22</sup> Although we suggest fulltime HR resource for CNZ, we are cognisant that the athletes' body under discussion would cover more sports and that most other NSOs do not and will not have such support in house.

updated on this policy. We encourage CNZ to update its entire organisation and all its stakeholders via in-person workshops (where practicable).

## Recommendation 9

HPSNZ and CNZ review and clarify the policy and process in respect to pinnacle event debriefs and ensure that they occur in a coherent, logical and timely fashion. HPSNZ ensure that those involved collaborate to produce relevant, complete and timely debrief material.

## FINDINGS

96. We find that recommendation nine is generally incomplete, with significant scope for improvement.
97. CNZ's HP Plan provides for three types of debriefs: hot washes immediately post events including those on the ground at the time; surveys, which are individual and confidential; and individual performance plans (**IPPs**), which are completed by the athlete and coach in tandem. In practice, however, we were told by athletes and staff that the use of these debriefs is inconsistent between squads and events, and that there is no overarching or organisation-wide debrief. Hot washes are perceived to be ineffective because people are not empowered to speak up and there is a lack of follow through or genuine learning or change; the same is largely true of surveys.
98. We are told that work on recommendation nine is ongoing from HPSNZ's perspective. That said, it has developed debrief guidelines and these were implemented in part following the 2020 Tokyo Olympics in conjunction with NSOs.
99. Our interviews, however, painted a rather bleak view of debrief processes and practices, particularly from athlete and support staff perspectives. General consensus was that pinnacle event debriefs do not happen in a regular, coherent or predictable manner and some said that they had not been involved in debriefs undertaken by CNZ or HPSNZ despite having relevant insights (including seemingly crucial members of the team). There appears to be a disconnect between the view of HPSNZ/CNZ and participants.
100. Both HPSNZ and CNZ consider that the debrief process is not as flawed as we have been led to believe. CNZ advised us that it conducted a post-Tokyo debrief and indeed we have seen the end report. HPSNZ likewise advised that 236 out of 337 invitees (athletes, coaches and support staff) across 16 sports completed an online survey following the Tokyo Olympic Games, and 39 out of 55 invitees across 6 sports completed an online survey following the Tokyo Paralympic Games. The responses were analysed by HPSNZ's Knowledge Edge team as well as an independent third party who reported on key factors affecting preparation and performance; experiences in the Games

environment and of Games-time support; and the impact and contributions of Performance Support staff and initiatives. The numbers alone suggest that such debriefs would be more representative of experiences across the system than the Inquiry process. That may be so. However, the overwhelming feedback we received was that the debrief process:

- a) left out certain key people (i.e., they were not invited);
- b) was not necessarily meaningful;
- c) did not “close the loop” with feedback on responses and meaningful follow through (though we note that multiple debrief reports were provided to CNZ following HPSNZ’s process); and
- d) particularly in respect to CNZ, took place while those who went to Tokyo were in MIQ immediately following Olivia Podmore’s passing. That was not seen as appropriate or effective.

101. This is borne out by the survey results: 30% didn’t know whether CNZ debriefs occurred in a logical manner; 37% either disagreed or strongly disagreed that they were, and 14% agreed or strongly agreed that they were. When it came to HPSNZ, only 15% strongly/agreed that pinnacle event debriefs occurred in a logical and coherent manner. 38% strongly/disagreed.
102. CNZ and HPSNZ need to cement consistent processes for allowing all HPP stakeholders to meaningfully participate in event debriefs. Surveys are a useful tool, but people are concerned about confidentiality and follow through. Ideally, culture change will help create a more secure environment for holding collaborative and constructive debrief discussions in future.
103. CNZ should include all relevant stakeholders in debriefs (including HPSNZ staff), and HPSNZ should similarly ensure that its staff are debriefed within their relevant professional communities.
104. Debrief policies should be subject to staff, athlete and contractor consultation and should set out when debriefs occur, what the process is, who needs to be involved and how (i.e., individually or in groups, and who feeds information to whom. Processes will need to ensure, for instance, that athletes can give feedback about coaches/HPDs without being expected to provide that to those people). The process will also need to cover off the step that follow each debrief, including how lessons learned will be actioned in future. It is important that debriefs are not seen as a tick box exercise. Debriefs are a critical element of a continual improvement model and their key purpose is to inform future decision-making and avoid repeating the same mistakes.



## Recommendation 10

CNZ review its recruitment approach and the credentials of its coaching team to ensure that these are fit for purpose for the current coaching environment.

### FINDINGS

105. We have been provided with CNZ's Employee Recruitment and Selection Process and understand that it was updated in response to the 2018 Report. Its current recruitment document acknowledges the importance of effective recruitment and sets out a best practice approach. It is not limited to coach recruitment.<sup>23</sup> The recruitment process is supported by detailed position descriptions. The position descriptions for coaches and head coaches are usually onerous in relation to skills and experiences, but do not tend to refer to credentials or qualifications required.
106. Despite the new policy and process, we note that concerns remain in relation to how CNZ recruits coaches and supports their ongoing development. More work is needed generally in relation to recruitment, development, credentialling, and ensuring more female coaches in the HPP. We discuss these in detail below.<sup>24</sup>
107. Overall, we encourage CNZ to ensure that its recruitment policy is put into effect for all recruitment processes and decisions, including in relation to coaches.
108. CNZ responded that its recruitment model is vastly different from 2018. It emphasised the difficulty in recruiting coaches, particularly in recruiting outside of Aotearoa NZ and that the salaries it can offer are around half what coaches would be paid in other countries. CNZ explained that other cycling bodies internationally are hiring recently retired athletes as head coaches with a target of the Los Angeles Olympics (2028), whereas CNZ does not have the luxury of such long-term planning as its funding depends upon results in Paris in 2024. While we note participants in this inquiry had reservations about recently retired athletes being hired as coaches, we take CNZ's point that it does not necessarily have the luxury of recruiting developing coaches with a view to producing performance more than one Olympic cycle down the track.

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<sup>23</sup> We understand that this process was set up in March 2019 but are not clear on the extent to which it has been put into practise.

<sup>24</sup> See particularly TOR 2 and the section entitled "People: recruitment, development and credentials".

## Recommendation 11

CNZ and HPSNZ consider whether the welfare consequences of centralisation are fully considered and incorporated into the athlete and participant welfare regime.

### FINDINGS

109. HPSNZ and CNZ have completed recommendation 11. HPSNZ undertook research into Aotearoa NZ and international practice for centralisation,<sup>25</sup> and together CNZ and HPSNZ reviewed CNZ's approach and areas for development. HPSNZ also drafted guidelines to help NSOs consider how to best implement a centralised model,<sup>26</sup> with guidelines specific to CNZ. We have reviewed the guidelines; they capture relevant considerations and should be finalised and operationalised following full consultation. HPSNZ might consider whether it should require compliance with the guidelines as a prerequisite of funding centralised sports in the future.

110. Key areas of successful centralisation were identified by CNZ as including:

- a) clear, integrated pathways that are transparent, well communicated, and provide clear criteria and support;
- b) effective evaluation of readiness pre-transition;
- c) individualised transition plans set out as part of an athlete's IPP (which would also consider welfare needs and any trade-offs or allowances for decreased performance);
- d) alignment of expectations; and
- e) potentially, gender-specific approaches to enabling effective transitions.

111. HPSNZ and CNZ also created CNZ-specific guidelines in relation to centralisation, as follows:

- a) Utilising CNZ's system of regional hubs to better prepare athletes for a transition to centralisation, given that hubs provide proactive support, effective communication and alignment, and a mechanism to understand and plan for athlete readiness.

It is regrettable that four of CNZ's hubs recently closed and that hub funding is precarious (development hubs do not receive HPSNZ funding). As we discuss below, our view is that CNZ's future HPP model should allow athletes to train in their home locations to the greatest

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<sup>25</sup> Including in relation to Australia, Austria, Belgium, Brazil, Canada, Denmark, Finland, France, Germany, Holland, Ireland, Italy, Japan, Norway, South Africa, South Korea, Slovenia, Spain, Sweden, Switzerland, United Kingdom, and the United States of America.

<sup>26</sup> We are not sure if those guidelines have been finalised and disseminated.

extent possible, in lieu of blanket long-term centralisation (which should only be used when necessary). This means a shift away from the Cambridge vs hub model and focuses on delivering the HPP through the regions from the ground up. The regions should be interconnected centres of training and development at a community through to HP level. We were told that to date it has rarely been possible for an athlete to participate in an HP programme from their home region, even when there was a hub in that region.

- b) Only allowing athletes who have been invited to centralise to train as part of an elite CNZ squad, to discourage athletes from moving to Cambridge independently.

Again, we agree with this approach, and have heard of problematic instances where people have moved to Cambridge of their own accord and found the environment particularly challenging. CNZ and HPSNZ do, however, need to carefully consider how it responds to people who move up independently, and the inadvertent messaging that may be sent that to be selected one has to live in Cambridge to be 'seen' by national coaches.

- 112. We understand that HPSNZ, CNZ, and NSOs generally are still working on implementing the centralisation guidelines; we are hopeful that the process at CNZ will continue to improve. That said, the feedback we received from many participants in the Inquiry with insights into how centralisation operates highlighted real concerns about long term centralisation generally. We discuss this issue below in relation TOR 5.

### **Discussion on TOR 1**

- 113. We have assessed CNZ and HPSNZ's compliance with the 2018 recommendations above. In most instances, each organisation reported that steps were taken to implement the recommendations to the extent each recommendation was relevant to them. However, there appears to be a disconnect between the HPSNZ/CNZ view and the views of stakeholders, which highlights a discrepancy between what has been done on paper and what stakeholders perceive has been done.
- 114. We were told by stakeholders that the 2018 Report and the implementation of its recommendations felt more like a "box-ticking" exercise than an attempt to engage with welfare issues generally. An example is the fact that many policies were updated or introduced, but stakeholders did not feel that they were trained in how to apply them on the ground. There is a perception that neither HPSNZ nor CNZ attempted any transformational change, particularly in relation to culture change and the funding model. Participants generally observed slight cultural change, and no significant improvement on key issues such as athlete protection, transparency, and accountability.
- 115. It was also reported that neither HPSNZ nor CNZ know what a truly wellbeing-based approach would look like, and that because of that there is an over-reliance on policy and documentation without practical measures. However, the 2018 Report was not commissioned to discuss

wellbeing issues generally; it was directed at investigating specific allegations and making recommendations accordingly.

116. CNZ and HPSNZ ought to consider further how underlying policy frameworks can be effectively operationalised, but ultimately what is required is culture change that prioritises living the values and policies of an organisation. That needs to be led from the top and modelled at all levels. Policy changes should come with culture change and changed behaviour. This will require education, accountability, daily implementation, and continual improvement.

## TOR 2

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.

117. TOR 2 asks for improvements that would ensure that the wellbeing of people within CNZ's HPP is a top priority. We set out our recommendations below, but before that we discuss the issues that lie behind each recommendation.
118. Participants in the Inquiry expressed to us that many of the issues below are not unique to CNZ. Rather, it was expressed that these are consequences of "the system" that prioritises performance over wellbeing. Participants from other sports/NSOs often raised similar issues. But we are not charged with examining "the system". HPSNZ needs to consider this further. In our view HPSNZ bears at least equal responsibility for the development and remedy of many of the wellbeing issues discussed below.
119. The relationship between HPSNZ and CNZ is both a key enabler and detractor from wellbeing. HPSNZ and CNZ have worked (together and separately) to create mechanisms for better wellbeing outcomes. However, the HPP itself is not designed to deliver wellbeing. Some doubt whether it can deliver wellbeing without drastic re-design. Before wellbeing can be a top priority in the HPP, we believe its design needs to continue to change.
120. When asked whether athlete wellbeing within CNZ had improved since the 2018 Report, 23% of respondents either agreed or strongly agreed that it had. However, 51% disagreed or strongly disagreed. When asked whether HPSNZ athlete welfare generally had improved since the 2018 Report, 46%, strongly/disagreed that it had; 19% agreed that it had.

121. When asked whether their sport provided good quality, effective mental health support, 45% of respondents strongly/disagreed, and 42% strongly/agreed. When asked whether their sport had effective safety mechanisms and pathways, 18% strongly/agreed, and 59% strongly/disagreed.
122. The survey results are consistent with what our interviews told us: that more substantive change is required to deliver wellbeing outcomes, albeit that existing mental health services are helpful. As above, we consider that for CNZ and HPSNZ to meet wellbeing needs the HPP funding and operational models need to be redesigned to prioritise wellbeing from the ground up. There are also other steps that are being or should be taken to cater to wellbeing.
123. We have reviewed CNZ's application for HPSNZ funding for 2022 - 2024. That application reflected a commendable approach to wellbeing issues by highlighting the following wellbeing priorities:
- a) Building a "Whole of HP cycling" culture from the current squad cultures.  
  
We agree and would add that the new culture should have wellbeing as the foundation upon which everything else is built and put athletes at the centre.
  - b) Improve engagement of athlete and staff through an internal and external communication plan.
  - c) Develop "whole lifecycle" staffing and personal/professional development plans.
124. Each of these initiatives will help and do not necessarily require significant funding.
125. Various other measures could also be adopted to improve wellbeing. These are explained in detail below, but at a high level we observe that achieving better wellbeing outcomes will require HPSNZ and CNZ to ensure:
- a) Transformational culture shift is prioritised and delivered.
  - b) Clarity around HPSNZ and CNZ's respective roles and responsibilities.
  - c) Transparency & accountability.
  - d) Appropriate support service delivery.
  - e) A focus on people and their recruitment, development, and credentialling.
  - f) Better development systems and pathways.

- g) Better provision of women's health services.
- h) Improving injury, illness and health management.
- i) Reconsideration of the funding model – discussed below in response to TOR 4.

## Culture

126. Many of these issues could be grouped under a general heading of “culture”. Some are discussed in their own right below, and others we discuss in this section, which considers culture generally and canvasses current issues and opportunities for improvement.
127. Fundamentally, the culture within the HPP needs to support an athlete's wellbeing and a positive balance between life inside and outside of sport – protecting and enhancing mana and hauora. In the Aotearoa New Zealand context, that means actively adopting and living a model akin to the *Te Whare Tapa Whā* model developed by Sir Mason Durie that has become foundational within Aotearoa.<sup>27</sup> The model frames wellbeing by reference to the four walls of a whareniui, comprising taha tinana (physical), taha wairua, (spiritual), taha whānau (family), and taha hinengaro (mind). Balance between these four elements is crucial to wellbeing.

## CULTURE: THE HPP

128. NZ's HP environment arguably has a culture of its own that is intrinsic to the system, and that feeds into the culture and daily training environment (DTE) at CNZ and therefore into the wellbeing of the people in the HPP. We were told that:
- a) NZ's HP sport system focuses on winning first, process second.
  - b) The funding model echoes that focus and until recently has funded medals first, rather than focusing on wellbeing.
  - c) The HPP is generally full of individuals operating in a challenging system that is not optimal for wellbeing.
  - d) There is a lack of psychological safety for athletes and others within the HPP. Stakeholders reported that there is a lack of trust, bad behaviour will be tolerated, and neither HPSNZ nor CNZ always address complaints.

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<sup>27</sup> See Mason Durie *Whaiora: Māori Health Development* (2nd ed, Oxford University Press, Auckland, 1998). The Mental Health Foundation provides useful resources at <<https://mentalhealth.org.nz/te-whare-tapa-wha>>.

- e) Athletes are often the last stakeholders within the HPP to be considered, consulted, or resourced. It was said to us that support staff have better job security and pay, albeit they are there to support the athletes who are, essentially, volunteers.
- f) Because athletes are the only stakeholders who can actually *deliver* medals, all the cumulative system pressures sit on their shoulders, but at the same time they are in the most precarious position (they are not employed, some are unpaid and most have limited opportunity within their training programmes to gain external jobs/income and their position is insecure).

129. Multiple experts and stakeholders told us that a HPP ought focus on:

- a) Process rather than performance outcomes. The consensus from HP experts was that where there is good process, performance outcomes will follow. Putting the primary focus on results (e.g. medals, placings) over-emphasises that which is uncontrollable and uncertain, which puts severe stress on everyone, most of which “trickles” or “cascades” downwards to land on the shoulders of coaches and athletes (with athletes shouldering the cumulative system pressure).<sup>28</sup>
- b) Ensuring environments that provide psychological safety by focusing on relationships of trust and confidence and ensuring that all personnel understand the need to create a safe and secure environment, rather than an environment focused on winning. Everyone needs to be on the same waka.
- c) Treating athletes as people first and athletes second. HP results cannot be achieved without athletes. To that end, the HPP must be redesigned to have wellbeing as the foundation not as an add on.<sup>29</sup> HPSNZ needs to foster an environment where athletes can thrive rather than just survive.<sup>30</sup> HPSNZ says that the wellbeing vision in its 2024 Strategy is focused on creating “enriching performance environments that empower and support individuals to optimise their potential and enhance their ability to thrive in their sporting and non-sporting lives.” It also responds that over the years it has funded wellbeing via APS, Athlete Life, Prime Minister’s scholarships, athlete funding and other initiatives. Our point is that those are just what is required for HP athletes, and what we are talking about is a holistic, ground-up focus on wellbeing holistically (and again we refer to the *Te Whare Tapa Whā* model).

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<sup>28</sup> See G L Hermansson *Going mental in sport: excelling through mind-management* (Inside-Out Books, New Zealand, 2011). We note the connection between this and the point raised in the Cottrell report (above) about redefining what “success” looks like.

<sup>29</sup> See N Campbell, A Brady & A Tincknell-Smith (eds) *Developing and supporting athlete wellbeing: Person first, athlete second* (Routledge, London, 2021).

<sup>30</sup> See Brown et al “A longitudinal examination of thriving in sport performers” (2021) *Psychology of Sport & Exercise* 1. Essentially this article focuses on Deci & Ryan’s Self Determination Theory - autonomy, competence & relatedness and the criticality of a feeling of belonging.

130. CNZ is full of people, contracted by both CNZ and HPSNZ, doing good work in pursuit of the best interests of athletes and others involved in cycling. Cultural issues are present, but so too are ongoing efforts to improve.
131. Most of the people we spoke with who operate within CNZ's DTE who had been there before and since the 2018 Report told us that the culture had improved. This was attributed to various things, including the work done by CNZ's (recently departed) CEO, the implementation of the AVC, staff turnover, and positive efforts to lift standards.
132. Some CNZ employees reported that the culture is generally positive, saying that people are supportive, coaches and staff really care, athletes give their all. While squad and team cultures are more defined than a "whole of cycling" culture, there are positive things happening within this space and there is some sense of positive collegiality.
133. That said, participants generally – including athletes – told us that there was significant room for improvement in terms of CNZ's culture. Significant cultural issues include:
- a) A culture that does not appear to hold people accountable. There is a common perception that CNZ would rather "sweep it under the rug" or "turn a blind eye" than hold people accountable (particularly in the HPP where talent and skill are difficult to come by). Participants told us that CNZ tolerated repeated poor behaviour for extended periods. This meant that: i) the person responsible was not held to account and the behaviour continued unchecked; ii) the victim was left feeling invisible and as though they were not deserving of better treatment, and iii) this empowered others to behave similarly, safe in the knowledge that it would be tolerated.
  - b) A fundamental emphasis on performance over wellbeing. Many athletes perceive that their ability to perform is the most important thing, and some CNZ athletes reported that they were afraid to speak up about personal grievances, physical or mental health concerns, or complain about staff or processes that negatively impact them out of fear that they will be seen as incapable and will not be selected for a team or competition as a result. This feeds into the "sweep it under the rug" mentality.
  - c) An appearance of favouritism, bias, and over reliance on traditional male networks. This issue is not unique to cycling. We were told that certain people (athletes and other personnel) will get picked within CNZ and/or recycled through the HP system regardless of previous poor performance and/or whether they are the best person for the job. This issue arose in relation to athlete selection and staffing generally. This issue is compounded CNZ's failure to be transparent when it makes selection decisions (for athletes) and personnel decisions (for others), and the failure to hold people accountable. CNZ disagrees that this is the case, but this issue was widely reported.



d) There is a sense of mistrust amongst stakeholders within CNZ, and that reaches across athletes, staff, HPSNZ support staff, and into HPSNZ. We observe that some athletes don't feel confident that either CNZ or HPSNZ have their back or are transparent; some athletes perceive that neither organisation appears to take all reasonable steps to proactively protect them and both have failed to meaningfully address past/present complaints and grievances.<sup>31</sup> Staff raised similar concerns. Significant culture change is needed to address this mistrust. This sense of mistrust has impacted this Inquiry, too. Several people (particularly athletes) raised concerns about whether they could trust that this process would be confidential and anonymous. Others were concerned it was a box-ticking exercise that would not produce meaningful change. Many people told us or assumed that a certain person had or would speak with us, but that person did not. Of the few people we were able to proactively ask to be involved in this Inquiry, there was a significant number that did not respond.<sup>32</sup> The fact that some stakeholders did not feel that they could safely participate in this process is concerning and may speak to the culture people are experiencing.

134. As part of the interview and survey process, we used the Emotional Culture Deck (**ECD**) tool.<sup>33</sup> That tool asks how people:

a) need to feel to be at their best; and

b) do not want to feel, but sometimes do, which negatively impacts their performance.

135. This tool is based on the work of Barsade, Gibson, and O'Neill, which showed that how people feel at work impacts not only their sense of belonging and inclusion, but also their performance.<sup>34</sup> By identifying these feelings, behaviours can be developed within teams to create the desired culture and minimise those behaviours that detract from it. The top five feelings that athletes told us they needed to feel to be successful were: supported, welcome, appreciated, understood, and energised.

136. When we asked athletes how they did not want to feel, but sometimes did, they identified those feelings as: powerless, judged, controlled, disconnected, and (fifth equal): insulted, neglected, and confused.

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<sup>31</sup> As we said at the outset, we were not empowered or tasked to investigate specific incidents or allegations, nor can we report them without breaching the confidentiality owed to the people that raised these issues with us (the TOR directed that any complaints raised during the course of the Inquiry would be referred to the SRCMS). We include this observation in the report because multiple people with various experiences and roles reported that various issues or complaints were not addressed by various entities or people at various times since 2018. We have been criticised for the lack of specificity. That is a product of the TOR. CNZ and HPSNZ advise that such issues may not be known to them. That may be so but cannot preclude our reporting of stakeholder experiences here.

<sup>32</sup> We accept that there could be various reasons for that.

<sup>33</sup> See <<https://www.ridersandelephants.com/>>.

<sup>34</sup> Sigal G Barsade & Donald E Gibson "Why does affect matter in organizations?" (2007) 36 *Academy of Management* 36. Sigal Barsade and Olivia A O'Neill "Manage your emotional culture" (2016) *Harvard Business Review* 58 (or see <<https://www.emcleaders.com/wp-content/uploads/2018/02/Manage-Your-Emotional-Culture.pdf>>). See also Ruiz & Rabozza (eds) *Feelings in sport: Theory, research and practical implications for performance and well-being* (Routledge, New York, 2021).

137. Using tools such as the ECD, which has been successfully worked through with a number of NSOs, is one way to start driving culture change across an organisation. Culture change will take time and require significant work from all stakeholders. CNZ's Board, new CEO, new HPD and coaches will be essential and must be committed to ensuring not just change but in effect a cultural revolution. This should be a key factor in upcoming recruitment.
138. It is impossible to make recommendations to cover every aspect of culture change required, but we list key suggestions below. The recommendations set out in the rest of this report are also generally directed at culture improvements. To begin with, culture change will require:
- a) reimagining the HPP's design and definition of success;
  - b) greater accountability and transparency (discussed below);
  - c) focusing on athletes as people first, athletes second;
  - d) decreasing the reliance on traditional male networks generally and particularly within the coaching environment;
  - e) revising job descriptions and expectations placed on staff so that they are people-focused not medal-focussed;
  - f) fostering a culture of openness, inclusion and belonging driven by individual and collective wellbeing;<sup>35</sup>
  - g) taking action to mitigate the effects of bias and favouritism in CNZ's DTE, decision-making and workplace; and
  - h) greater diversity within CNZ and the DTE, and the need for better approaches to bias in the environment.
139. The Sport Information Resource Centre of Canada, in conjunction with Own the Podium, recently published an article entitled "Building a culture of excellence in high performance sport" by Megan Roberts and Kyle Paquette.<sup>36</sup> Roberts and Paquette write that organisational culture involves "the values, attitudes and goals that are shared by a group of people" that "influence how the group interacts and operates as its members work toward a common goal."

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<sup>35</sup> See Owen Eastwood *Belonging: The Ancient Code of Togetherness* (Quercus Publishing, United Kingdom, 2021). Eastwood recently wrote on LinkedIn: "I think it's TIME to stop talking about 'high performance environments' and start talking about Healthy Environments ... letting inspiring performances naturally flow from that place."

<sup>36</sup> Megan Roberts and Kyle Paquette "Building a culture of excellence in high performance sport" (19 July 2021) SIRC with Own the Podium <<https://sirc.ca/blog/building-a-culture-of-excellence/>>.

140. The authors go on to explain how organisational culture has been shown to impact how athletes train for and perform at events. They seek to establish a framework for putting a “culture of excellence” into operation in the context of HP sport and report how Own the Podium and the Canadian Olympic Committee identified the positive contributors to HP cultures in Canada as being:

- a) Clarity of purpose.
- b) Growth mindset.
- c) Leadership-led.
- d) Coach-driven.
- e) Accountability.
- f) Subculture alignment.

141. They note that in recent years sport has evolved and a people- or athlete-centred approach is now expected. That means an environment that prioritises holistic development and puts wellbeing at the centre of decision-making and delivery. This represents a shift away from a performance-focused model. The authors split culture into “person dimensions” and “performance dimensions” as follows:

| Person dimensions                | Performance dimensions             |
|----------------------------------|------------------------------------|
| Person dimensions                | Leadership and vision              |
| Physical health and well-being   | Coaching                           |
| Psychological safety             | Daily training environment         |
| Physical safety and safe support | Sport science and sport medicine   |
| Self-determination               | Pathways and profiles              |
|                                  | Athletes and international results |

142. In our view, Roberts and Paquettes’ analysis identifies the key issues and areas for improvement that are relevant to the HPP. As we said at the outset of this section, the *Te Whare Tapa Whā* model (or something like it) could be used to design and operationalise a solution to these issues.

143. HPSNZ has previously sought advice on how it can help NSOs make changes to their internal culture. In our view, that advice (and proposal for further work) was aligned with the themes and

actions required at CNZ. HPSNZ decided not to pursue that proposal, deciding instead to focus on a leadership strategy for building individual leadership capability.

144. The leadership initiative should continue. However, the need for real, transformational culture change within CNZ is critical and connects the themes and recommendations that follow. We would encourage HPSNZ to revisit the previous advice.

### Clarity around HPSNZ and CNZ's respective roles and responsibilities

145. Our first specific recommendation for helping ensure that wellbeing is a top priority in the HPP is clarification of the roles and functions of HPSNZ and CNZ.

146. By way of background, NZ's HP sport system is administered by organisations at three different levels:

- a) SNZ, a Crown Agent (with the official title of Sport and Recreation New Zealand) that oversees the provision of sport and recreation services on behalf of the government.
- b) HPSNZ, a wholly-owned subsidiary of SNZ, funded by the taxpayer.<sup>37</sup> In the 2021/2022 financial year the government invested "a total of over \$73 million to support high performance sport, supplied by High Performance Sport New Zealand".<sup>38</sup> HPSNZ's funding is "limited to delivery of initiatives aimed at improved sports performance at the elite level" and the investment is intended to "to achieve more New Zealand winners on the world stage by supporting them in their pinnacle events."<sup>39</sup>
- c) NSOs, such as CNZ. NSOs are private entities that have their own constitutions, members, and rules. CNZ's members include its member organisations (Cycling New Zealand Road and Track, Mountain Bike NZ, BMX NZ, and Cycling New Zealand Schools) and other entities and individuals. CNZ is a private membership organisation and service provider; it is not accountable to the government or the public. It is accountable to HPSNZ in some respects only under its funding contract.

147. HPSNZ provides funding to NSOs to enable them to deliver their HP programmes. For instance, HPSNZ provides funding to CNZ and the two parties sign a contract that sets out what each party's obligations are.<sup>40</sup> HPSNZ and CNZ are independent entities, but CNZ is almost entirely reliant on HPSNZ funding (CNZ's 2020 Annual Report indicates that in that year CNZ received a total of

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<sup>37</sup> See Schedule 1, Part 1 to the Crown Entities Act 2004, and <<https://www.govt.nz/organisations/sport-new-zealand/>>.

<sup>38</sup> See "Vote Sport and Recreation: The Estimates of Appropriations 2021/22 - Social Services and Community Sector B.5 Vol.10", <<https://budget.govt.nz/budget/pdfs/estimates/v10/est21-v10-sporec.pdf>> at 324.

<sup>39</sup> *Ibid*, at 330.

<sup>40</sup> It is common for these contracts to require that an NSO do (or refrain from) doing certain things before they can receive HPSNZ funding. For instance, the contract may require the NSO to take reasonable steps to ensure health and safety. We understand that this is an attempt to ensure that public funds are directed only towards healthy, safe environments, but using contractual assurances to deliver these kinds of results is not an effective strategy (albeit a common one).

\$7.8m revenue, \$5.39m of which came from HPSNZ. The related HPP expenditure was \$5.31m). Investment in HP sport is an investment by the taxpayer, with the aim of winning medals or coming within the top 8 at competitions on the world stage.

148. There is tension in this model. Participants variously told us that:
- a) HPSNZ and NSOs are “partners”;
  - b) HPSNZ is a funding body/service provider, not a partner; and
  - c) HPSNZ is a controlling body that (appropriately or inappropriately) uses funding to influence NSO decision-making (including determining athlete funding).
149. There is a clear difference of opinion depending on where a person sits within the HP environment. Those at HPSNZ were more likely to refer to HPSNZ as a partner; those within CNZ sometimes said that HPSNZ attempted to control NSO operations from Auckland with a heavy-hand and without understanding how things work “on the ground” and without necessarily ensuring that appropriate systems were in place to assist personnel it deployed into CNZ.
150. There is also a tension that arises when HPSNZ puts someone into an organisation and that person is (for various reasons) sometimes treated like a HPSNZ representative and expected to fulfil roles or responsibilities that are widely outside of their job description.
151. Participants also told us that HPSNZ provides funding but tags it to certain things, which limits CNZ’s ability to apply funds flexibly to meet demands. On the other hand, HPSNZ stakeholders were more likely to report that the NSO was underperforming, had competency issues, and/or needed to be guided by HPSNZ.
152. While many participants (particularly athletes) appreciated the resources that HPSNZ provides (such as support staff embedded in CNZ – discussed below), there is some sense that HPSNZ decides what support staff are required where, when and to what extent, when that decision should really sit with CNZ. Some people reported that in their eyes HPSNZ sometimes acts as the gatekeeper to support services (such as gyms and support staff).
153. Issues of clarity and role differentiation between CNZ and HPSNZ require attention. We suggest further consideration of their relationship, and their separate and collective accountability for the issues raised here and for issues that arise in future.<sup>41</sup> At times HPSNZ and CNZ appear to be close and collaborative friends; at times, parents at war. This is a result of inherent tension in the

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<sup>41</sup>Some of the questions to be addressed include: is HPSNZ meant to be a de facto governor of a sovereign NSO? Should NSOs receive more funding but fewer HPSNZ resources, to give them greater autonomy? Is it right that NSOs bear primary responsibility for health and safety in their HP programmes when the design and delivery of their HP programme is ultimately dictated by funding decisions made by HPSNZ?

organisational and funding model, and it would be artificial to ignore the effect it has on the wellbeing of both athletes and staff.

154. We observe a critical level of distrust within the system and between HPSNZ and CNZ. That is not to say that HPSNZ and CNZ have a poor relationship. But actors on all sides were often displeased with one or other organisation and that was largely determined by which organisation they came from. On the one hand, HPSNZ is the benevolent funder that provides jobs and opportunities. On the other, it is the parsimonious funder that wants world-class results on modest budgets. CNZ is on the one hand an effective, community organisation producing amazing results for a fraction of the cost of offshore rivals. On the other hand, CNZ is viewed as underperforming and needy because it hasn't delivered but seeks ever-more funding. We perceive that under the surface the relationship leans more toward the oppositional than the collaborative.
155. Whilst this tension is inevitable to some degree, we struggle to see how it is optimal from a wellbeing perspective. CNZ's operation of the HPP is inextricably linked to HPSNZ funding, mandates, and service provision. It follows that they share responsibility in many respects for the HPP. That said, even in this Inquiry process, the separate aims of each organisation proved to create tension in reaching a shared optimal outcome.

### Transparency & accountability

156. Lack of transparency was a consistent theme throughout our interviews, and we recommend that CNZ and HPSNZ take steps to ensure that transparency and accountability are fundamental to their culture and operations. To explain the issues arising:
- a) Some athletes told us that CNZ "shifts the goal posts". Several people reported that they had been told to meet a certain time target or attain a certain ranking to be selected.<sup>42</sup> After the athlete met that goal, something more was required, and the promised reward did not eventuate. We were told that this was exacerbated in 2021 with funding decisions repeatedly delayed pending the introduction of the new TAPS model (which is an HPSNZ issue. We discuss TAPs below).
  - b) Multiple stakeholders told us that they had raised concerns with either or both of CNZ and HPSNZ and received no response and/or no resolution; complaint loops were not closed. There is a perception that when issues at CNZ are reported to HPSNZ, it declines to act because the issue sits with CNZ, and vice versa. When an organisation receives a complaint or concern, it needs to *at least* acknowledge that and respond. If it cannot/will not take action, that needs to be communicated to the complainant. A related issue is that people perceive that some staff who have been known to be poor performers within CNZ and HPSNZ get "recycled" (i.e., employed again) by one or both of CNZ/HPSNZ (or another NSO) despite

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<sup>42</sup> Whether for funding, competition, a team, or a squad.

poor behaviour. This feeds into the issues around accountability and transparency and prevents recruitment of new talent. It has, in some instances, been re/traumatising for individuals.

- c) The corollary of the above is a perception that CNZ uses confidentiality obligations and non-disclosure agreements (**NDA**s) to avoid holding people to account and acknowledging the impacts of bad behaviour. Because of perceived accountability gaps (above), multiple stakeholders have aired their concerns in the media or the public domain out of sheer frustration. Unfortunately, CNZ appears to have responded to that sternly by reported efforts to “gag” people (formally and informally). CNZ’s position is that it has very few NDAs and uses general confidentiality agreements for organisational matters as part of a usual business practice.<sup>43</sup>
- d) A theme of what we heard is that certain key decisions, including around selection, recruitment, carding, and competitions, are reported as not transparent. Reasons are not given and requests for data are ignored, denied, or fulfilled at the last minute. That includes decisions as to why someone was selected or carded, not just when they weren’t. Transparency should be at the foundation of all communications, whether the news is good or bad. Some responsibility for this sits with athletes; two-way communication is lacking at times.
- e) The culture within CNZ’s Cambridge base is fragmented: each squad has its own internal culture rather than there being an “all of cycling” culture. This promotes speculation and misinformation between squads and contributes to the perception that processes and decisions are opaque.
- f) For many stakeholders, the lines between CNZ and HPSNZ are not clear. Because CNZ and HPSNZ are not operating or accountable to stakeholders as a partnership, responsibility (and blame) shifts between the two and makes it harder for stakeholders to understand who is making what decisions and for what reasons. For example, it was common for us to hear that “CNZ made the decision about X”, while others would tell us that decision came from HPSNZ. The lack of clarity promotes distrust of both organisations, leaves stakeholders confused, and precludes either entity from being held to account.
- g) Messages are often delivered to athletes in ways that attempt to skirt the reality and/or are not frank. Athletes reported that coaches or others might give them bad news but try to “spin” it so that it sounded like it wasn’t bad news or would not discuss the reasons for decisions that adversely affected athletes. In addition, there were instances where athletes reported that they were not informed about key decisions (let alone consulted) that affected them until after the fact.

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<sup>43</sup> Including, for example, in relation to members of the AVC, who may be privy to sensitive or confidential information that is confidential in the same sense as it is for board members.

157. CNZ's athlete agreements put an obligation on CNZ to "respond promptly to any questions [the athlete] may have regarding your involvement in the [HP] programme or any [CNZ] teams."<sup>44</sup> There is also an obligation to provide information, though only to the extent that CNZ considers that the athlete requires that information.<sup>45</sup> The practices outlined above fail to meet that standard and in any event are not acceptable. They directly diminish wellbeing.
158. The seemingly closed culture and use of NDAs is concerning. Where issues arise in the workplace there may be a need for these to be carefully managed and/or dealt with confidentially (including for the benefit of victims in some cases). However, it was reported that the culture at CNZ was not one of dealing with matters and addressing them, but rather of hushing them up, pretending they don't exist, and thereby avoiding accountability. CNZ considers that its approach to NDAs and confidentiality is orthodox and consistent with commercial practice. The difference we see is that CNZ is not like most commercial entities: in high performance, it is a publicly funded monopoly. In our view, it has an obligation to be more transparent and to thereby provide public accountability.
159. The reliance on confidentiality obligations applies to issues that are truly confidential and those that are not. We are told that following the 2018 Report the use of NDAs precluded clarity about what had happened and who was involved in the Bordeaux incident – that incident was also not further investigated or addressed following the 2018 Report. This led to speculation and bullying based on false assumptions that harmed individuals and the DTE. That harm may have outweighed the confidentiality interests involved.
160. We recommend that:
- a) CNZ ensures that athletes have input into selection criteria and that they are accurately and regularly informed about the standards required of them and why decisions are made. That information should be delivered consistently by the same key person as determined in consultation with stakeholders including athletes.
  - b) CNZ act on existing commitments to ensure that pathways from development to performance and selection are standardised, transparent and communicated effectively to athletes.<sup>46</sup>
  - c) Issues or decisions that will or could directly impact athletes are raised with athletes and they should be given a chance to contribute their thoughts to the decision-making process before decisions are made.

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<sup>44</sup> At clause 3.15.

<sup>45</sup> At clause 3.16. We assume that CNZ would divulge to the athlete any information pertaining to them, as required by the Privacy Act, but are told that this is not always the case.

<sup>46</sup> Cycling Ireland's website, for example, does this well. See <<https://www.cyclingireland.ie/team-ireland/selection/>>. NZOC criteria should also be publicised to athletes, and we suggest that CNZ include a section its website for that purpose. From that section it should provide a link to NZOC's criteria at <<https://www.olympic.org.nz/games/tokyo-2020/selection-2/>>.



- d) CNZ should work with athletes to determine a protocol that governs who delivers key messages and how.
- e) CNZ and HPSNZ separately ensure that they have clearly defined reporting and complaints mechanisms for all their people, including contractors and athletes. For athletes, the person designated to receive complaints should be a people and culture manager (discussed below) or independent person, not someone within the HPP (not the HPD for example). We suggest the use of plain-English whistleblowing policies and flowcharts, supported by robust, regular training and workshoping to ensure all are educated on how to “live” the policy.
- f) Complaints and grievances are responded to as required. Complaint “loops” are closed.
- g) Where CNZ or HPSNZ receives a complaint but does not consider that it is the correct body, it needs to communicate that to the complainant and work *with them* to help them make the complaint to the correct body/person.
- h) CNZ and HPSNZ should receive and action grievances in good faith. Where people raise genuine concerns and/or discuss these in public, the focus should be on addressing the issue, rather than imposing a “gagging order”.
- i) Complaints that can be addressed should be addressed and the process and consequences must be implemented with input from the complainant and the accused. Outcomes must be reported to the complainant and the accused.
- j) Complaints should not necessarily be handled in secret; rather, consideration must be given to what the circumstances require. This may mean inviting other stakeholders to contribute their experiences or participate in a reconciliatory or restorative process.
- k) Use of NDAs should be exceptional. Athlete and employment agreements contain confidentiality clauses already.
- l) Instead of NDAs, CNZ should shift its focus to encouraging responsible reporting. Whistleblowing training should be held regularly, and real-life examples should be workshoped.

### **Support Service Delivery**

161. Another key issue arising is the model of support service delivery in the HPP. HPSNZ and CNZ need to work collaboratively and in consultation with athletes and staff/contractors to determine the best model for service provision within the HPP.<sup>47</sup> Currently:

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<sup>47</sup> Participants also indicated that this issue needs to be addressed with other NSOs.

- a) HPSNZ provides CNZ with both direct funding and “value in kind” (**VIK**).<sup>48</sup>
- b) As part of its VIK investment, HPSNZ employs or contracts support service providers (e.g., doctors, physios, Athlete Life consultants, mental skills practitioners, clinical psychologists, performance and intelligence experts, strength and conditioning staff, etc.) to work in HPSNZ and NSO environments full or part time. For instance, HPSNZ might contract a physio to work on site at CNZ five days a week or contract a doctor to support CNZ on a .2 FTE basis.
- c) Accordingly, the support provider is contracted to HPSNZ and has a HPSNZ line manager. HPSNZ pays them, and they are answerable as an employee or contractor to HPSNZ. The person is engaged to help HPSNZ deliver its objectives. It is common for a HPSNZ provider to work with multiple NSOs simultaneously.
- d) Simultaneously, the provider is embedded within CNZ and works with CNZ’s staff and athletes to help it deliver its objectives.

162. As a result of this model:

- a) Some HPSNZ providers report that they serve two masters, putting them in a potentially conflicted position.
- b) Different rules apply to different people working in the same environment. For example, we were told that HPSNZ limits how long its providers can be required to be overseas, while CNZ does not. This has meant that during CNZ overseas campaigns, CNZ staff were present for the whole trip, while HPSNZ providers may swap in and out. On the one hand, this disrupts continuity of care. On the other, it makes overseas campaigns more manageable for HPSNZ support staff. (We make no comment as to which approach is better).
- c) HPSNZ providers reported that although they were contracted to HPSNZ, they did not feel that HPSNZ could or would be held accountable for issues the provider was experiencing in the CNZ environment. This included a perception that HPSNZ did not follow up on (HPSNZ or CNZ) issues reported to them by HPSNZ providers because those issues were CNZ’s responsibility, and that CNZ was similarly reluctant/incapable of doing so in some situations. This left the provider vulnerable; we spoke to people who suffered as a result of this accountability gap.
- d) Although the outcomes above were reported by former and current HPSNZ providers and others, these views were not shared by all. Some support providers considered that the model whereby support staff are contracted to HPSNZ but provide services within an NSO gives the

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<sup>48</sup> Discussed further below in relation to TOR 5.

provider greater flexibility to provide objective views, better opportunities for professional oversight and collegiality, and did not feel compromised by “serving two masters”.

e) There has been significant turnover of providers in certain areas and that has compromised continuity of care. Issues arise as to retention of staff within CNZ (contracted by HPSNZ). This is detrimental to the wellbeing of providers and to athlete wellbeing. We were told and shown that HPSNZ missed opportunities to address the problem.

163. There is tension between the current model that allows for effective VIK investment and a greater professional support network for providers and ensuring that providers are not made vulnerable by being employed by one entity, while effectively in the service of another.<sup>49</sup> The current model caters to smaller NSOs who cannot (or do not need to) employ their own support staff. We understand that some larger NSOs are considering whether they ought to directly employ more of their own support staff, and HPSNZ’s new strategy intends to give NSOs more flexibility in this regard.

164. We suggest greater attention needs to be paid to ensuring effective continuity of care (the lack of which poses a definite risk to wellbeing). It was reported that the provision of support services and providers was largely dictated by HPSNZ, largely out of Auckland, and without a nuanced understanding of CNZ’s context. Greater care is required to ensure that CNZ can autonomously determine the support required.

165. In our view, the provision of HR and psychological support also require specific attention.

166. There are HPSNZ-contracted psychologists embedded within CNZ to support athletes and others and to provide performance psychology services to broader groups.<sup>50</sup> We understand that HPSNZ intends to review its overall mental health strategy in 2022, including consideration of how clinical psychological support is provided. We understand that referrals to external psychologists are also provided under the current framework. We recommend that CNZ and HPSNZ consider moving to a model of external provision, because there is a perception the HPSNZ provision is not appropriate.

167. Following the 2018 Report and others, SNZ funded HR support for CNZ and Rowing NZ on a part-time basis. We understand that CNZ has had dedicated HR support for two days a week since 2019 (though CNZ now pays for this directly with specific funding from HPSNZ). However, it was reported to us HR support remains an area for development; current efforts have not been adequate. Issues arise with part time provision of such a crucial service. CNZ would benefit from

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<sup>49</sup> For completeness, we note that HPSNZ has received expert, independent advice on the steps it needs to take to meet its obligations under the Health and Safety at Work Act 2015, including in respect of support staff embedded in NSOs. That advice clearly articulates the issues that arise under the current model, given that HPSNZ maintains a responsibility for health and safety of NSO-embedded staff, without necessarily having a high degree of control or influence over the relevant environment.

<sup>50</sup> We understand the support is intended to be for athletes, but some reported that other staff have also or mostly been the recipients of this service.

having full-time, on-site HR support. We understand that a significant amount of the CEO's workload to date has included an HR function. That is neither appropriate nor optimal.

168. HPSNZ has identified health and safety and people management as a key concern across NSOs and it advises that pilot programmes are being conducted by SNZ's Business Capability team to increase HR capacity and capability across the system (over and above the dedicated part-time HR resource at CNZ. This is a recent initiative). No one raised this pilot with us, and we cannot therefore comment on its effect. What we can say is that the issues above were highlighted sufficiently often as to warrant mention here.
169. Expert, full-time HR resource ought to help alleviate pressure on the CEO and give CNZ staff and athletes a single point of contact for personnel concerns. At present there is confusion (and therefore distrust) within those at CNZ (including those contracted by HPSNZ) as to who has responsibility for receiving and addressing concerns about personnel. This has, in part, contributed to a culture that disincentivises speaking up and in doing so condones poor behaviour. There has also been a lack of HR function that is not helpful in an organisation with the number of people and pressures that exist within CNZ.
170. A People and Culture manager ought to be the first port of call for raising wellbeing and personnel issues, with responsibility for escalating issues and bringing in line managers as necessary. It is particularly important that athletes can report issues with HPP staff to an independent person in confidence and with the guarantee that those issues will be addressed where necessary. HR support ought also to assist CNZ to deliver better personal and professional development across the organisation (the need for which is discussed below).
171. We note HPSNZ's wellbeing officer initiative and that HPSNZ provided tagged funding for that full-time position. We query whether a wellbeing officer should be put in place in priority over a fulltime HR position (the people and culture manager). There is a perception that no wellbeing officer could effectively deliver wellbeing within current parameters, and we agree.<sup>51</sup> Indeed, it was put to us that a wellbeing officer would need to outrank coaches and HPDs and/or sit on the SLT to have real impact; there is no doubt they would need to be a senior, expert person. In our view, a full time, effective people and performance manager and a people-first system should be the priority. We think this approach would have a greater chance of successfully addressing core issues. HPSNZ comments that the job description for the wellbeing officer position has not been agreed, so it is too soon to assess the efficacy. That may be so but does not change our view that greater people and culture resource is required.

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<sup>51</sup> That is particularly so because CNZ's position description for the wellbeing officer requires that that person "have a comprehensive knowledge and understanding of all aspects of the organisation including staff pathways and athlete programmes." We are concerned that it could be sub-optimal to employ a wellbeing officer who is steeped in CNZ and/or HPSNZ - i.e., who may have been institutionalised. New thinking is required.

172. The HR manager should sit at a senior level and staff, including HPP staff and leaders, should be accountable to that person. While we appreciate the intent behind a wellbeing officer, HR support needs to come first and any residual need for the wellbeing officer assessed once that has been given time to embed and other factors in this report have been addressed.

### People: recruitment, development, credentials

173. CNZ and HPSNZ have faced issues around people and culture. Participants perceive that there are or were people within each organisation, who were not hired for the right reasons or in accordance with the right process. Others have not been developed as needed, and there appears to be a lack of standards and processes for recruiting or equipping coaches with appropriate credentials and skills. We address issues of recruitment, development and coach credentials in that order below.

174. There also appears to us to be a lack of substantive diversity. A critical reason for ongoing gender inequity in sports organisations is that although NSOs create policies that promise diversity, they do not address everyday practices or environments that maintain inequity.<sup>52</sup> Over time, the organisational policies symbolise compliance with human rights laws, irrespective of their effectiveness. Diversity policies become symbols of equal opportunity, yet often hide ongoing discrimination and essentially help to perpetuate inequity (as the status quo).<sup>53</sup> This phenomenon is called symbolic equality. It highlights how laws and policies may be introduced to address overtly discriminatory behaviour, however discrimination and inequality persist because the actual practices are not addressed and therefore do not change. CNZ and HPSNZ need to take care to ensure substantive equality, rather than symbolic.

### PEOPLE: RECRUITMENT

175. A more robust approach needs to be taken to recruitment at CNZ and greater emphasis on “cultural fit” and personal integrity is required, particularly when it comes to recruiting coaches and the HPD (where there is often an emphasis on skills and experience that are not necessarily common in Aotearoa NZ).<sup>54</sup> In addition, there needs to be an equitable and consistent recruitment process.<sup>55</sup>

176. CNZ’s core objective around recruitment is integrity. In any organisation, people drive culture and both individuals and groups can have a serious impact on the wellbeing of others. We were told about the following issues:

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<sup>52</sup> L B Edelman *Working law: Courts, corporations, and symbolic civil rights* (University of Chicago Press, Chicago, 2016). See also A Shanks, S I Leberman, S Shaw & G Watson “Symbolic equality in Aotearoa New Zealand sports organisations” in R Kerr & D Sturm (eds) *Sport in Aotearoa New Zealand: Contested Terrain* (Routledge, New Zealand, 2022) 81.

<sup>53</sup> Ibid (Edelman).

<sup>54</sup> We are told this issue applies to the sport system generally, not just cycling.

<sup>55</sup> Participants often referred to a “shoulder-tapping” approach to recruitment that is not perceived as acceptable. As set out above, we were told that CNZ’s recruitment policy had improved recently.

- a) CNZ has, in the past, adopted different approaches to the recruitment of key roles, varying from a shoulder-tap to a multi-round interview process with psychometric testing. We understand that recruitment processes have been reviewed recently and understand this will not happen again.
- b) Aotearoa NZ's small sporting community tends to recruit or "recycle" personnel from within "the system". This was referred to as "shoulder tapping", the "old boys' club", and "jobs for mates". We perceive an over-reliance on bringing in recruits that people already know (even, in some cases, where past performance has been sub-optimal). This curtails attempts to ensure diversity, introduce new ideas, and in some instances maintains and rewards poor behaviour.
- c) CNZ's requirements for some positions (particularly coaches) require more technical expertise or international experience than many capable and effective local coaches possess. Pitching job descriptions too highly was said to unnecessarily exclude good candidates who have the people skills and would be the right "fit" for CNZ in favour of more technically capable candidates (who may or may not have other important skills).
- d) CNZ, other NSOs and HPSNZ tend to hire recruits with the most technical knowledge and/or "experience" and place too little emphasis on personality, EQ, soft skills and integrity when recruiting. Most stakeholders advocated for a recruitment approach that holds people skills and cultural fit at least equally if not more important than technical expertise or international experience. We were told it is more difficult to teach EQ than it is to teach technical skills.
- e) The cycling community and sport generally is predominantly pākehā and middle-class stakeholders, and its staff likewise (plus predominantly male, particularly in the HPP). There is a critical need for greater diversity.
- f) Current approaches to developing a more diverse HPP workforce have not yet yielded the appropriate level of change, particularly within CNZ. The Women in HP Sport Project, the Te Hāpaitanga project and associated funding are in place,<sup>56</sup> but more work is needed. There is a dire need for more female coaches and more women generally in the HPP. The first step to remedying that is changing the HPP environment to make it more hospitable for women. Some told us that most women were not skilled enough or not inclined to work in HPP environments. We do not accept either proposition as a given. Many women are skilled enough but are not inclined to enter these environments because they are not welcoming and inclusive environments for women.<sup>57</sup> HPSNZ's ongoing work (below) recognises that, but we are concerned that the current focus is primarily on upskilling women, rather than the underlying systems and structures (it is more than providing leadership/coaching training to women; culture change is also imperative). Culture change is the first step and we

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<sup>56</sup> See < <https://hpsnz.org.nz/resources/women-in-high-performance-sport-project/>>.

<sup>57</sup> The work HPSNZ has done in connection with the Women in High Performance Sport programme supports this.

recommend that HPSNZ consider how it can address barriers within whole of the sporting environment in conjunction with its initiatives that target women specifically (below). This will include looking at its own core values and recruitment process in the same way we have outlined for CNZ.

- g) We note HPSNZ's Te Hāpaitanga female coaching initiative and the Women in HP Sport Residency Fund. The first cohort of Te Hāpaitanga has been developing 14 future and emerging female high performance coaches through the provision of a range of opportunities that test and develop their coaching capability and facilitate the development of new skills to navigate a career in HP sport.<sup>58</sup> Each coach in the programme is assigned a mentor; mentors come from a variety of sports, some of which are funded by HPSNZ. All are coaching or have coached at an elite level and have experienced all of what HP Sport has to offer. A satellite group was established in October 2020 to provide alternative development opportunities to an additional 20 female coaches. The second cohort has commenced with a further 16 coaches taking part in Te Hāpaitanga and an additional 28 invited to join the second cohort of the satellite group. One person in the initial cohort was involved in paracycling (not a CNZ coach),<sup>59</sup> and another paracycling coach was in the first satellite programme. CNZ will have a HP development coach participate in 2022.

The Women in HP Sport Residency Fund was set up to deliver a stream of HP sport leaders and coaches by providing fixed-term employment and mentoring within NSOs. CNZ had such a resident as its HP lead. These initiatives are part of the remedy to current issues, but not a complete solution.

- h) CNZ faces difficulty recruiting qualified people to some positions. It therefore relies on overseas applicants for some positions, but such applicants can be hard to recruit due to issues with immigration, comparatively low salaries, and the inherent difficulty of recruiting from offshore.

177. Accordingly, we recommend:

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<sup>58</sup> The Te Hāpaitanga programme covers a variety of themes across the 18 months, which are facilitated by a variety of experiential and action learning opportunities and facilitators (mostly women). This programme is offered by non-traditional means with facilitators who include experts in their fields. The programme is overseen by key HPSNZ staff to ensure it is aligned with other HPSNZ priorities. Each coach in the cohort also receives support from their NSO sponsor and their mentor (contracted and assigned by HPSNZ) and HPSNZ's Te Hāpaitanga lead. Satellite Groups have been run independently to the main programme and meet online for 10 3-hour sessions over a 12 month period. The sessions are co-developed and co-facilitated by HPSNZ's Coaching Team, providing HPSNZ consistency and internal support, together with an independent contractor.

The satellite group opportunity is not a "programme" as such. Rather, it is a series of 'learning opportunities' and is effectively led session by session by the coaches with occasional facilitators. It is a primer for the main programme and offers those who missed selection for that programme a learning opportunity.

<sup>59</sup> There are plans for paracycling to be integrated into CNZ, but that had not happened as at 31 December 2021.

- a) Recruitment and appointment follow a consistent and principled approach every time.<sup>60</sup>
- b) Position descriptions and job requirements are carefully considered with the emphasis on overall fit and people skills, rather than purely technical capabilities.
- c) All vacancies are advertised.
- d) All applicants are fairly considered and communicated with as part of a transparent process.
- e) Appointments follow a uniform approach as relevant to the position.
- f) There is greater emphasis on cultural fit and integrity, particularly in the recruitment of coaches, HPDs and another “technical” specialists for whom expertise is often prioritised over people skills.
- g) CNZ commit to improving the diversity of its recruits and developing people as required.
- h) More women are brought into HPP roles at CNZ, and the culture within the HPP is developed to make that possible.

178. In addition, we recommend that HPSNZ:

- a) Support the work required to be done by CNZ (above) as required.
- b) Recognise that current initiatives aimed at ensuring better diversity have not yet resulted in significant change and consider what more can be done, as a matter of urgency, to deliver more diverse and inclusive environments. This will require consideration of how the HP environment can be made more inclusive and create a sense of belonging for women and other minorities and needs to be made explicit in its strategy.
- c) Continue with existing work, including the Te Hāpaitanga programme, to support female leaders and expand that work as funding permits, and consider the successful programs being run by other NSOs in this space.

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<sup>60</sup> Step 7 of the recruitment process advises that CNZ “consider the need for additional testing to aid decision-making e.g. psychometric testing. More specialist checks may need to be taken e.g. police, credit, qualifications, health, etc.” We understand that approach and note that a consistent approach to recruiting for similar positions should be taken, for example, psychometric testing should be required for all coach applicants once they have reached the short-list or preferred applicant stage. Consideration should be given to similarly testing other roles that are athlete-facing. We were told that some coaches had undergone such testing and some had not. Such inconsistency breeds mistrust of the process, the recruiters, and the recruits.



## RECRUITMENT OF COACHES

179. We discussed the recruitment and development of coaches at CNZ in connection with recommendation 10 from the 2018 Report. We said that more needs to be done and we explain more fully in this section. There are several issues arising with coach recruitment.
180. The first is the framing of job descriptions and requirements. Until recently, all three position descriptions for CNZ's head HP coaches referred to CNZ's plan for three medals at Tokyo and increased performance in 2024. The stated purpose of the head coach positions involved the consistent delivery of medal-winning performances at the Olympic Games and World Championships.
181. A specific focus on medal-winning is problematic and anathema to the wellbeing of coaches and athletes.<sup>61</sup> Multiple HP experts told us there are better ways. The focus on medals ties job performance measures to uncontrollable outcomes and puts immense pressure on coaches, with flow-on effects for athletes. We were shown evidence that the focus on medal-winning as a key goal or KPI for coaches has been abandoned in other high-performing sports and consider that CNZ should follow suit.
182. CNZ responded that performance and wellbeing can go hand in hand. It disagrees that medal winning is detrimental to wellbeing. It notes that funding is based on medals and that TAPS are assigned on performance alone. We agree with that assessment. Our point is that medal winning should be a result of the culture fostered within an environment where the people within that environment are safe, healthy and happy within themselves. It should not be a specific focus such that it encourages a belief that athletes are there to get a medal at all costs.
183. The position of HP sprint coach became vacant during the review period and while the job advertisement referred to medal-winning, the coach's purpose was expanded to include, amongst other things, to "continue to build a sustainable high performance sprint programme capable of achieving medal success at major events", while also supporting broader development programmes, coaches and athletes.<sup>62</sup> We are pleased that the sole purpose is not medal winning, but the new purpose reads like an expansion of the (already demanding) HP role to fill other gaps in the cycling programme (understandable given constraints, but likely to add to the pressure on the coach selected).
184. Another issue is that position descriptions tend to ask for significant HP experience or expertise, even though almost all stakeholders acknowledge that there is a lack of such skill in the current market. The issue is more acute in relation to the dearth of female coaches. Job descriptions need to be better aligned to core competencies including people skills/integrity and acknowledge

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<sup>61</sup> CNZ disagrees.

<sup>62</sup> This position has been filled.

that skills/experience can be gained. The need for more expertise would be better addressed through development and credentialing measures, discussed below.

185. CNZ notes that, unlike cycling bodies in other countries, it does not have the luxury of hiring recently retired athletes as head coaches and developing them more than one Olympic (and funding) cycle ahead. We understand that position. We suggest that the best solution would be for CNZ and HPSNZ to invest, over the long term, in ensuring a better coaching cohort and environment in Aotearoa NZ, to address the persistent issues in this area. A longer-term view is required if this problem is to be *addressed* rather than plugged from cycle to cycle.
186. The second issue is the recycling of coaching staff. Due in part to the apparent lack of HP coaches we are told that coaches (good and bad) get “recycled” through the system because they are perceived as having experience, even when they lack other key skills. In addition, the reliance on existing networks tends to provide jobs for recurring people (commonly former athletes, mostly men) who may be similarly less than ideal.
187. The third issue is the lack of diversity and the critical lack of female coaches. We were told many times that there are not enough coaches in Aotearoa NZ generally, and that coaches must be employed based on capability and not gender or other attributes. It was also reported that when CNZ had a female coach she was not supported appropriately. With respect, that approach is damaging and self-defeating. *If* bringing in less experienced but more diverse staff results in a short-term loss of expertise, then that is the price to pay for system sustainability and parity; it is not an excuse not to act. The lack of female coaches in HP cycling was flagged as a safety issue by some.
188. We recommend that CNZ, with support as required from HPSNZ:
  - a) Implement the recommendations relating to recruitment, outlined above, in relation to coach recruitment.
  - b) Recognise that athletes and coaches within the HPP are there because they want to win, and therefore consider reframing job descriptions away from medals and instead emphasising the wellbeing of athletes and teams and developing people.
  - c) Consider how it can take the lead in developing female HP coaches, with increased support from HPSNZ. Some suggested that CNZ/HPSNZ adopt an apprenticeship-type model for female coaches, which we would support provided that fair, equitable pay was guaranteed. In any event, CNZ should develop a coaching pipeline for female coaches (as has been adopted in rowing and basketball) and this should be embedded within its strategic plan.<sup>63</sup>

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<sup>63</sup> Action 1.4.5 of Cycling Ireland’s 2020 – 2024 strategic states that the organisation intends to “[g]row the levels of access to coaching for women cyclists across all cycling disciplines”. That is an appropriate aim.

- d) Again, when it comes to coach recruitment, soft skills and empathy need to be given greater priority. Included in the need for EQ is the need to ensure that coaches have (or gain) an understanding of Aotearoa's culture (and, particularly, what that means for how people interact and communicate) and act in accordance with it.

## UPCOMING RECRUITMENT

189. We pause here to discuss CNZ's need, during the review period, to recruit a new CEO, HPD and a head coach (to some extent overtaken by appointments made prior to the date of this final report).<sup>64</sup> During the Inquiry, the incumbents in these positions (and certain others) resigned. That led to conversations about how recruitment should be approached and what is required in these key roles. We set out below the views of stakeholders who engaged with the Inquiry, and our comments.

- a) **CEO:** Being the CEO of a NSO is not an easy task. While this report focuses on the HP space, NSO CEOs are responsible for the whole of the organisation, including its development and community operations. CNZ stakeholders told us that the CEO needs to have excellent people and management skills and be a true leader. Experience in the sport system is not generally seen as essential. CNZ's next CEO needs to be capable and empowered to lead the organisation through a crucial next stage in its development. They should be a person of integrity and will need to be committed to accountability (of themselves and others), transparency, and will need to help drive significant culture change. Perhaps the key requirement of the next CEO will be leading culture change by example.
- b) **HPD:** The HPD role within any NSO is crucial. The role is broad and the person who holds it will have considerable influence over the lives of HP athletes, coaches, support staff and stakeholders. The HPD controls a significant budget and oversees all aspects of the HPP. Stakeholders told us that the HPD needs to have, first and foremost, people management skills; they need to be an effective communicator, hold people to account, and promote a positive "one team" culture. There is also a need for strategic vision, excellent decision-making and business acumen. These characteristics should be prioritised over coaching or technical expertise. The HPD does not necessarily need expertise in the sport. Their focus is on programme delivery and, under the model proposed in this report, that will foreground wellbeing.
- c) **Coaches:** The coach-athlete relationship is critical at all levels, not just in the HPP or in the head coach space. In this section we focus on coaches generally, not just the currently vacant positions. CNZ needs to recruit (and develop) coaches that have excellent people skills and the ability to communicate and connect effectively. Where possible, those recruits will have some coaching expertise as relevant. Many participants in this Inquiry focused on the need

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<sup>64</sup> The position of head sprint coach became vacant and was filled during this Inquiry. CNZ has appointed an interim CEO and interim HPD through to 2023.

for people skills first and technical skills second, even in the HP arena, on the basis that technical skills can be more easily taught than people skills.

190. We referred above to the need for more diverse recruits. Discussions around the HPD role commonly assumed that the HPD would be male and gendered language was common (in relation to the position, not the incumbent). CNZ's 2021 Commonwealth Games Selection Criteria, which were updated 8 December 2021 (after the incumbent HPD resigned) also uses gendered language to refer to the HPD.<sup>65</sup> That is incongruous given that CNZ has appointed a female acting HPD. CNZ says that the use of gendered language was an oversight.
191. CNZ and HPSNZ ought to seriously examine gender biases within their organisations and the HP space. Despite efforts towards "diversity and inclusion" and the Women in HP Sport programme, pervasive gender biases persist.

### PEOPLE: DEVELOPMENT

192. CNZ has already recognised that it needs to do more to provide effective CPD to its people, and we agree that more professional and personal development support could be provided.
193. Within the HPP there is a need to devote more time to overall personal development, rather than focussing on just technical capabilities. For athletes in particular there is too little focus on personal development and building a life outside/after sport and this responsibility is largely carried by Athlete Life without broader integration.<sup>66</sup> The same is generally true of coaches and other HPP staff. An "all of person" or "person first, athlete second" approach is needed to ensure better wellbeing outcomes and system sustainability. There is a particular need to develop interpersonal skills, given that technical skills tend to dominate at the recruitment stage (currently).
194. CNZ and HPSNZ should also pay attention to succession planning as an important part of the development puzzle, to ensure competency and prevent over-reliance on particular individuals (and, therefore, system biases).
195. CNZ and HPSNZ staff/contractors should be involved in annual performance reviews and those reviews should incorporate development planning and goal setting. All can benefit from development – personal and professional – and that needs to be supported. Performance reviews also provide a "check in" where staff and contractors can address issues arising and find solutions.

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<sup>65</sup> At cl 7.2: "The High Performance Director may invite any athletes *he* considers appropriate to participate in any trial, provided that the athletes must be eligible to be nominated" (emphasis added).

<sup>66</sup> We are told that HPSNZ-provided Athlete Life support staff provide excellent assistance to those that want it and help athletes find jobs, arrange to study, and plan for life after sport. CNZ needs to take an active role in this development and coaches and HP management could do more to support and encourage athletes to nurture other skills outside of sport via the revised IPP process we suggest.

196. IPPs are used to guide athlete development, but they are used and viewed differently by different squads within CNZ. CNZ needs to reposition IPPs so that they become central to all squads and athletes. They are crucial resources for personal and sporting development. Research shows that elite athletes ought to have other things going on outside of sport (such as work or study); coaches, support staff, and others need to support that and help ensure that each athlete's sporting life fits within the rest of their life.<sup>67</sup> IPPs and regular all-stakeholders meetings should be used to ensure that a "whole of person" approach can be developed and supported.
197. We suggest that every athlete's IPP be designed by the athlete in consultation with their coach(es),<sup>68</sup> life advisor, relevant support staff and any support person or whanau the athlete wants to involve. Ideally there would be an (at least) annual roundtable meeting with the athlete and all these stakeholders to discuss the IPP and ensure that everyone is on the same page and can plan accordingly. Because the IPP is a living document, we suggest that every quarter the athlete, coach and HPD meet to discuss the athlete's progress and check whether the IPP is being followed and whether goals have been achieved. Given the accounts we have heard about training sessions being scheduled during an athlete's working hours, we see that there is a need for greater recognition of an athlete's life outside of sport.
198. By incorporating aspects such as work or study in an IPP, all of those involved should be able to structure and plan an athlete's time and commitments to meet their various goals, not just their performance goals. Sometimes an athlete's need to achieve well academically or at work will be just as or more important than their need to achieve in sport; that should be accepted and facilitated by all, including those within the HPP, to encourage wellbeing.
199. We recommend:
- a) CNZ ensure it has effective systems to deliver appropriate development to staff, including annual performance reviews for all staff and contractors and access to career development and mentoring as appropriate. HPSNZ support will, we expect, be required to deliver this.
  - b) Clear and effective coach pathways and development opportunities need to be provided nationally to coaches at all levels. HPSNZ has begun work in this area and that should continue. Consideration ought be given to the establishment of a robust quality-assured and credentialled professional development programme.

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<sup>67</sup> See B W Brewer "Self-identity and specific vulnerability to depressed mood" (1993) 61(3) *Journal of Personality* 343; B W Brewer "Review and critique of models of psychological adjustment to athletic injury" (1994) 6(1) *Journal of Applied Sport Psychology* 87; A Petitpas et al *Athletes Guide to Career Planning - Keys to Success from the Playing Field to Professional Life* (Human Kinetics, USA, 1997); D Lavallee & P Wylleman (eds) *Career transitions in sport: International perspectives* (Morgantown, Fitness Information Technology, 2000). P Wylleman, A Reints and P De Knop "A developmental and holistic perspective on athletic career development" in Popi Sotiriadou, Veerle De Bosscher (eds) *Managing High Performance Sport* (Routledge, London, 2012) 191-214.

<sup>68</sup> For centralised athletes in the HP team, this includes the national coach and any regional or personal coaches.

- c) CNZ expand its IPPs to provide for an athlete's development as both a person and an athlete and bring all relevant stakeholders into the IPP process.
- d) (As discussed below) CNZ and HPSNZ look to reform the general approach to coach development and development pathways, which are under-resourced and antithetical to a sustainable HP system at present.

## COACH DEVELOPMENT

- 200. We discussed how coach recruitment tends to rely on technical skills. That has meant that there has been room for greater development of the other skills that coaches need to be effective. We have been told that coach development has not necessarily been provided, that the pathway is unclear and often not easily accessible. In particular, there is no uniform development pathway and no uniform course or training system that will ensure that coaches have received training in all key areas. The lack of a clear development pathway leaves coaches (current and aspiring) without guidance on how to progress.
- 201. SNZ provides coaches with access to resources and initiatives designed to identify, support and grow coaches. This includes the materials available on via its Integrity Portal, the Women in HP Sport and Te Hāpaitanga programmes, the Core Knowledge programme, and the recent regional pathway pilots. In addition, we understand that CNZ and HPSNZ are working on a coach development framework. That framework will include accreditation standards and requirements and build in training opportunities to develop aspiring coaches through a combination of online, practical, and in-person learning opportunities.
- 202. We suggest that HPSNZ, in consultation with CNZ (including athletes), develop a robust coach pathway that will provide a coach pipeline from a club and regional level through to an elite level. Coaches are crucial to athlete success and happiness and yet the system does not develop coaches in any uniform way. As a result, we lack HP coaches (as discussed).

## PEOPLE: COACH CREDENTIALS

- 203. When asked whether CNZ's approach to the recruitment of coaches is fit for purpose, 54% of respondents strongly/disagreed; only 13% strongly/agreed. When asked whether CNZ's coaches have credentials that are fit for purpose, 35% strongly/agreed that they did, while 39% strongly/disagreed.
- 204. One of the recommendations in the 2018 Report focused on coach recruitment and credentials. Steps were taken to comply with that recommendation, and we have noted the work on coach development above. We also note HPSNZ's resources (available through SNZ's Integrity Portal) designed to identify, support and grow coaches and provide pathway clarity. We think there is scope to provide more uniform opportunities for coaches to obtain defined minimum credentials. Well educated, accredited coaches subject to rigorous training (academic, ethical and cultural) would benefit the entire system and help avoid the inconsistency and lack of development

opportunities that exist at present.<sup>69</sup> The initiatives already underway at HPSNZ and CNZ (above) recognise this to some extent.

205. We understand that Germany has clear requirements for coach education and that the German system includes obligations to complete ongoing professional development. Similarly, the Canadian Association of Coaches offers a National Certification Coaching Program as a pathway to becoming a Chartered Professional Coach. It also provides a Safe Sport Programme that is available to coaches and anyone involved with sport to learn about coaching and sport ethics. Canadian Coaches can progress through different levels of accreditation and must meet minimum professional development requirements each year.
206. Similarly, USA Cycling has a programme that provides three levels of coach certification.<sup>70</sup> To apply for coaching certification (at any of the three levels), a person must be over 18, pass a background check, and complete SafeSport training. Once certified, coaches can obtain a USAC Coaching License, and licences expire every 1-2 years. All coaches are required to complete Safe Sport training in order to obtain a new licence.
207. Becoming a level 3 certified coach requires completing at-home learning modules and achieving at least 80% in a take-home exam. To obtain a level 2 certification, coaches must have reached level 3 and then attend a level 2 clinic and pass the level 2 test. The clinic covers bike skills and “the basics of sport physiology, sport nutrition, over-training, and training plan design.” To become a level 1 certified coach, US coaches must have been a level 2 coach in good standing with Cycling USA for five years and attend a Level 1 clinic or be a level 2 coach for 3 years and accumulate 200 continuing education units following their completion of the level 2 clinic.<sup>71</sup> They must also pass the Level 1 exam. It is also possible to become a certified BMX coach.
208. This kind of uniform framework exists in various other professions in Aotearoa NZ, but not coaching (though some sports have adopted their own models). We encourage HPSNZ to consider implementing a credentialling programme that would educate coaches to required standards and provide ongoing professional development on the mechanics of coaching and the broader social and ethical issues. The initiatives discussed above help provide clarity to the coaching framework in Aotearoa NZ, and we encourage HPSNZ and CNZ to explore a rigorous system that includes qualitative assessment and ongoing professional development obligations.

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<sup>69</sup> We note that SNZ provides \$150,000 annually for regional cycling pathways and this funding includes coach development and some grassroots funding.

<sup>70</sup> More information on the USA Cycling system, see <<https://usacycling.org/coaches/basic-information>>.

<sup>71</sup> Or “CEUs”. The continuing education programme is delivered by approved providers and can be delivered through online or in-person seminars, workshops, courses, symposia, etc. Coaches must complete 40 CEUs every two years to be eligible to renew their coaching licence.

## Regional resources and pathways

209. At the moment CNZ does not have the capacity to support significant regional training and development efforts. Its resources and efforts are concentrated in Cambridge at its “home of cycling”. While it has “performance hubs” in some regions they are not part of the HPP, nor are they integrated into the HPP (indeed, some HP riders have difficulty accessing them). We find that the lack of regional investment and a clear athlete development pathway is causing significant challenges for aspiring HP athletes and putting pressure on CNZ’s Cambridge home as more cyclists move there in attempts to access training and support (that CNZ is not resourced to provide). Given that this is something that HPSNZ’s 2024 Strategy and its regional pathways pilot aims to address this, the current CNZ model (and the lack of HPSNZ funding for it – some funding comes from SNZ) appears incongruent. The (perceived or otherwise) lack of opportunity and access in the regions drives the movement to Cambridge (and some hubs) and increases the pressure on the HPP.
210. Unfortunately, during the course of the Inquiry CNZ announced that it would be closing four of its regional development hubs in March 2022 (Auckland, Waikato, Christchurch and Invercargill). Some have shared their concerns that the closures will mean that more young athletes are asked to or feel compelled to move to Cambridge before they are ready, which will not be good for them nor for the HPP.
211. CNZ is clear that the regional hubs are not part of HP development; it says they are used for talent identification purposes (though we posit that talent identification and HP development are, arguably, inextricably linked). CNZ states that regional hubs are not part of HP pathways and receive no pathways funding; it says it is not economically feasible for HP programmes to be based in the regions.
212. However, from a wellbeing perspective, greater investment into regional programmes and pathways seems logical. And, as we discuss below in relation to centralisation, we consider that it would be ideal from a wellbeing perspective to enable HP athletes to train at home to the greatest extent possible, supported by a HP framework and resources delivered in the regions. We acknowledge the challenge in respect to the sprint teams and their greater need to be in Cambridge.
213. There is a seemingly intractable problem, for the following reasons:
- a) CNZ’s mandate focuses on community cycling as well as HP cycling. HPSNZ funds CNZ for HP results, according to its own mandate, and that HP funding, mainly for track athletes, forms the vast majority of CNZ’s funds.
  - b) Regional development is necessary to grow a base of athletes and participants to support the HPP.



- c) Increasing regional development and investment could provide a more sustainable, “whole lifecycle” approach to the cyclists and the sport of cycling that will better protect wellbeing and allow HP athletes to train and live in their home regions.
- d) Long term centralisation carries risks for athlete wellbeing. Those risks would be mitigated or removed by a development and HP model that supports athletes to train in their home regions. When regional options are lacking, or under-resourced athletes move to Cambridge for want of support and opportunities that may or may not be provided.
- e) Increased development of coaches and other support staff in the regions will help lift the quality of our coaching cohort across the board, create more opportunities for diversity and help deliver better wellbeing outcomes. It may also mean that more coaches are available to CNZ (i.e., coaches that do not want to live in Cambridge). It would appear consistent with HPSNZ’s regional pathway pilot.

214. We received considerable feedback on this proposal when we produced our first draft report:

- a) CNZ advised that it uses a mixed model (centralised/non-centralised) to the best of its ability but cannot feasibly support equitable distribution around the regions; it notes that a track costs the same to hire whether there is one rider or 50. It says it cannot afford to offer all its programmes across New Zealand.
- b) HPSNZ responded that over the last 9 to 12 months, it worked with NSOs to provide enhanced clarity regarding each NSO’s picture of performance to ensure each a holistic perspective (without focussing purely on physical attributes/measures), and to translate what that picture of performance means for athletes at different stages of the NSO’s athlete pathway. HPSNZ notes the regional pilots it has undertaken with respect to both athlete and coach pathways, the progress that it is making within its hubs and pods approach, and the close connections between this regional approach and the wellbeing strategy which seeks to enable athletes to train close to their home support networks where appropriate.

215. We have considered that feedback. We have noted the work done and in progress at an HPSNZ level, and we recognise that redistribution of CNZ resources will require serious consideration and, potentially, additional funding. We commend the focus and investment into regions. Accordingly, we recommend that:

- a) HPSNZ work with CNZ to protect, reinvigorate and promote regional development opportunities.
- b) HPSNZ and CNZ work together to ensure there is a robust, equitable and consistent development pathway for future athletes, coaches and other support staff into the HP environment and that this starts in the regions.

- c) CNZ clarify the development framework for those within the HP cycling pipeline, including athletes, coaches and support staff. We recommend that HP athletes train and participate in HP programmes from their homes, except where necessary.

### **Injury, illness and health management**

216. Although there has been a very high standard of medical care within CNZ, it was reported to us that there have been issues with health management, transparency, and continuity of care. CNZ disagrees, but this was a strong theme. One of the issues that athletes reported to us related to the approach taken within CNZ to their medical care and/or injury/illness management:

- a) Some athletes reported that confidential medical issues were not adequately protected by non-medical people (there was no suggestion that health professionals did not do so).
- b) Athlete agreements and CNZ practice put the onus on the athlete to communicate illness or injury to their CNZ coach and HPD.<sup>72</sup> This can put athletes in the position of acting as the go-between between the coach, doctor, physio and other support staff, who all had differing views and objectives.
- c) Connected to the issue above, injuries and illnesses are not generally managed in collaborative group settings including the athlete, coach, and relevant healthcare professionals. Where there were case management meetings between support professionals, these commonly excluded athletes and so decisions were made about them, without them.
- d) We were told that appropriate psychological support has not been provided to all riders, perhaps because CNZ/HPSNZ expect riders to seek that support autonomously. This has let down some athletes and their whanau, who are often hesitant to ask for psychological support because of the stigma attached and would have preferred a referral or invitation from CNZ/HPSNZ. This is, at least in part, a societal issue and all stakeholders need to embrace psychological support.

217. These experiences have not been pleasant for athletes, who had to manage their conditions while communicating with their coach and support staff and navigate the (sometimes conflicting) advice and requirements imposed by different people. The lack of inter-disciplinary case management was not optimal for wellbeing, even where the care received was.

218. It was also reported that in the early part of 2021 (in the lead up to the Tokyo Olympics), CNZ did not have a dedicated doctor (provided by HPSNZ). Despite best efforts, vacancies persisted.

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<sup>72</sup> Clauses 8.1(b) and (e) of CNZ's template athlete agreement (2021).

Although HPSNZ made other arrangements it was perceived by a number of those interviewed that continuity of care was impacted.

219. This also raises the point about retention of medical staff. Such staff are contracted by HPSNZ to work within CNZ. As far as we are aware, CNZ has had at least three experienced sport and exercise physicians during the review period. Most NSOs retain physicians for at least an Olympic cycle and usually more, so this raises questions.
220. HPSNZ advised that while the sudden departure of CNZ's Medical Director in early 2021 was not ideal, extensive support measures were put in place which gave athletes access to two female doctors within the environment. HPSNZ says these doctors were supported by other high performance medical directors in the region (two of whom were available to provide in-person support on short notice), as well as others who were available to provide remote support from outside the region.
221. We consider that consistent, interdisciplinary care should be provided to athletes as far as possible. Under the current model, ensuring that this is possible will require collaboration between CNZ and HPSNZ. This may not always mean that in-house provision is required. What is required is a mechanism to ensure that athletes can access trusted, continuous medical care when they need it. Indeed, at times that might mean that external support should be brought in to assist (and consideration should be given to the mechanisms in place for enabling athletes to choose their own practitioners).
222. Regardless of where CNZ and HPSNZ land in relation to the future provision of support services, there is a need to ensure that the arrangements for providing health care are conducive to effective, collaborative management that respects athlete autonomy and information privacy, while avoiding putting an inappropriate onus on the athlete to inform and involve all the various stakeholders. CNZ needs to consult with athletes on how to balance these objectives to determine the athletes' preferred approach.
223. Finally, we received numerous comments that international and domestic cycling competitions do not have appear to have robust, consistent policies and processes for dealing with concussion. It was reported that multiple cyclists had suffered relatively severe head injuries, including in competition after which they were told, required, or chose to continue racing. It seems that the cycling community is accustomed to seeing cyclists visibly suffering the after-effects of a concussion.
224. CNZ reports that since 2018, concussion protocols have been under review and are currently based on International Concussion Guidelines. HPSNZ medical staff have been involved in the review. CNZ reports that it has stood down many riders after potential concussions. It is currently reviewing its concussion guidance and this review is being led by HPSNZ medical staff.

225. HPSNZ has a multidisciplinary group that advises on concussion. This group has produced resources relating to the recognition, assessment and return to sport following concussion. HPSNZ reports there are strict assessment guidelines in place for the phased return to sport and practitioners are trained in recognising and removing athletes when a concussion is suspected. HPSNZ also provides access to neurological specialists for ongoing rehabilitation in cases of complex concussion.
226. On the face of our inquiries, there seems to be a disconnect between our information and what HPSNZ and CNZ observe. HPSNZ and CNZ should work together, with appropriate medical expertise, to ensure adequate education of International Concussion Guidelines. CNZ should ensure that they are shared with all HPP participants, including athletes and coaches so that expectations are clear at every level.

### **Women's Health services**

227. Stakeholders have told us that there is a lack of appropriate women's health support within CNZ – and this extends to health support to the extent that is also understood and catered to by coaches. We heard of inadequate provision for basic issues that commonly affect women, including menstrual issues, nutrition, and pregnancy, alongside other women's health concerns. More needs to be done to meet the need and ensure equitable treatment and therefore opportunities for female cyclists. The issue is exacerbated by the overall male dominance within the HPP and the DTE. We consider that this directly impacts performance and potential.
228. However, HPSNZ's position is that female health care that is unrelated to performance needs should be dealt with by athletes' private GPs.
229. Despite that response, we note that HPSNZ has established a role for a Women's Health Doctor who will be based in Auckland. The successful candidate will deliver expert clinical services and support the development of women's health related projects. The Women's Health Doctor will be a key member of the WHISPA (Healthy Women in Sport: A Performance Advantage) initiative, being part of a national consortium of experts dedicated to enhancing the health, wellbeing, and performance of elite New Zealand female athletes. We agree that athletes should retain their personal GP throughout their time in the HPP. At the same time, there is also a need for greater expertise in the HPP and that is what HPSNZ's new role recognises.
230. CNZ and HPSNZ should:
- a) Ensure that female athletes have access to female doctors, if not within the NSO then outside of it, if they wish. CNZ notes that this will be difficult, given the small number of sport and exercise physicians in Aotearoa NZ. It may be that a team approach is required if there are issues with providing this service. Access would also be better facilitated by a shift to a decentralised model (below).

- b) Ensure that medical and support staff with expertise in women's health are available for athletes who need them.
- c) Mandate training for coaches (and other staff as required) in women's health issues in a way that gives them real, practical skills that will help them help female athletes. Topics covered ought to include: training according to menstrual cycle, RED-S and other women's health conditions (such as endometriosis and PCOS), pregnancy, and the nutritional needs of female athletes. Other topics should be included on advice from experts. While HPSNZ has made certain resources available,<sup>73</sup> more practical training and implementation is required.
- d) Work with female athletes, doctors and support staff to establish a consistent and equitable framework around pregnancy; this will include catering to pregnancy as appropriate and without assuming that pregnancy is the end of a woman's sporting career. Research shows that athletes can effectively train during pregnancy and return to peak performance after having children.<sup>74</sup> HPSNZ (through the WHISPA initiative) has begun to develop guidance on pregnancy for female athletes and the HP community. However, we were told that CNZ does not have procedures for or expertise in dealing with pregnancy and mothers returning to sport (though more commercial sports such as netball, rugby and cricket do).<sup>75</sup>

231. The lack of an effective, holistic system for catering to women's health and pregnancy is harmful. It is a performance issue. It puts women in jeopardy and risks unlawful discrimination; it needs to be addressed from a medical and organisational perspective, with coaches, support staff, athletes and NSOs all being upskilled in this area.

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<sup>73</sup> We note that HPSNZ has published guidance on topics (including periods and pregnancy) on its website as part of its WHISPA programme. See <<https://hpsnz.org.nz/home/whispa-healthy-women-in-sport-a-performance-advantage/the-menstrual-cycle-and-sport/>> and <<https://hpsnz.org.nz/home/whispa-healthy-women-in-sport-a-performance-advantage/pregnancy-and-sport/>>.

<sup>74</sup> See, for examples, Shannon Ryan "For top female athletes, pregnancy no longer a career roadblock" (Chicago Tribune, 14 May 2017) <<https://www.chicagotribune.com/sports/breaking/ct-mothers-day-athletes-pregnancy-spt-0514-20170510-story.html>>; and Margie Davenport and Tara-Leigh McHugh "Elite athletes shouldn't have to choose between their sport and pregnancy" (14 March 2022) at <<https://theconversation.com/elite-athletes-shouldnt-have-to-choose-between-their-sport-and-pregnancy-177428>>.

<sup>75</sup> We note SNZ's Pregnancy and Breastfeeding Policy, but do not consider that sufficient guidance for HP athletes and coaches (see <[https://sportnz.org.nz/media/3502/policy-4-pregnancy-and-breastfeeding-4\\_6.pdf](https://sportnz.org.nz/media/3502/policy-4-pregnancy-and-breastfeeding-4_6.pdf)>). Further, we note that the TAPS system provides "Return to Competition" TAPS, which are grants for athletes returning to HP sport after absence. Express mention is made in cl 9.2 of the TAPS Guidelines to "an extended period of maternity and parental commitments." We also note, for comparison, the work done in rugby around pregnancy. See, for example, <<https://www.nzrpa.co.nz/pdf/PREGNANCY-FOR-RUGBY-PLAYERS.pdf>>.

## TOR 3

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.

232. Most participants reported that CNZ did not perform well in relation to the support provided on induction, selection, and exit. We are told that this is not unique to cycling.

233. We set out below the insights that we have collected on each topic, and our recommendations.

### Induction

234. In response to the survey, 20% of cyclists strongly/agreed that there was appropriate induction support in place; 60% strongly/disagreed.

235. Athlete induction is generally completed when an athlete centralises (having been invited to Cambridge as part of the HPP) and focuses on health and safety. That induction is essentially undertaken by HPSNZ and while the process is well-regarded, there is more that could be done.

236. In particular, it appears that induction is generally focused on the DTE. Some of the support that is reportedly needed relates to fundamental issues like finding housing or a job, how to budget and cook. It is, not, perhaps, the job of CNZ or HPSNZ to provide this to athletes, but unless and until CNZ adopts a more robust approach to centralisation decision-making and athlete readiness, this is the kind of support that some athletes need when they arrive.<sup>76</sup> A minority of athletes reported receiving some of this induction support.

237. More rigorous screening prior to admission to the HPP or another centralised environment is required generally and might lessen the need for additional induction support to some extent; noting that HPSNZ's 2024 Strategy emphasises the importance of readiness and transitions within the athlete pathway and ensuring that athletes receive targeted support that identifies and addresses their specific needs. It says that guidance has been provided to NSOs on what successful transitions look like, and what a holistic onboarding/induction process should entail. We cannot assess the impact of that work at this stage but welcome this emphasis. If this new

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<sup>76</sup> Feedback on the draft report noted the need for athlete resilience and autonomy. It is appropriate for CNZ and HPSNZ to expect athletes to figure some things out on their own (in some ways, centralising is similar to a young person's departure to university or their first time flatting).

approach is not embedded, some athletes will require more holistic induction support than is currently provided.

238. Finally, we note that the current induction process does not appear to integrate with the hub model and that leads to gaps in the transition process.

239. We recommend that:

- a) Induction into the HPP and the rules, culture and environment of that programme forms the backbone of an athlete's HP induction where the athlete will remain in their home base. If/when the athlete centralises, there will also need to be an induction into the centralised environment.
- b) CNZ will need to consider whether or how to integrate its induction processes with the induction service by HPSNZ (through Athlete Life). The induction process needs to be holistic, inclusive and not a one-off meeting.
- c) If/when an athlete is looking to centralise, the induction process should begin in their home region – i.e., induction starts before a person uproots their life. It should incorporate their whanau and their local Athlete Life or other advisor so that an integrated approach to induction can be taken that includes assessing readiness and setting athletes up for success before they arrive in Cambridge. This may include supporting athletes to find accommodation, employment and the like if they need it.

## Selection

240. Selection is crucially important to athletes and, unsurprisingly, causes some tension. 72% of cyclists who responded to the survey strongly/disagreed that CNZ provided appropriate support in relation to selection.

241. The key issues with selection involve a lack of transparency, clarity and understanding of what is required. Other issues include shifting goal posts, poor communication, expectation management, and disputes:

- a) It was reported that athlete selection decisions can be surprising: people who had been told they were on the path to selection were not selected, and vice versa. Olympic or pinnacle event selection decisions should not be surprising. This issue may not be widespread, but it was reported several times.
- b) Our impression is that selection policies are lengthy, legalistic documents that are not accessible. CNZ responds that its policies for major games are in a standard form approved

by the NZOC. It says its policies are freely available on CNZ's website, the appeal process is clear and transparent, and that it advises athletes of this process.

- c) Selection decisions involve discretionary decision-making power and there is a perception amongst some that CNZ's selectors have used that discretion inappropriately. Favouritism, nepotism,<sup>77</sup> and/or bias are alleged to count for more than performance in some cases. If there is a lack of transparency in decision-making, that fuels this speculation.
- d) While athletes are generally aware that selection policies exist, CNZ does not have a consistent approach to selection education. Selection policies are updated annually, but there is no all-athletes or organisation-wide training on what they mean in practice, which leaves people confused. CNZ notes that there is an onus on athletes to familiarise themselves with these policies.
- e) Respondents had the impression that the HPD was a selector. CNZ advises that is incorrect. Rather, he or she is a convenor of the selection panel and CNZ says the policies are clear on that.
- f) There is a contrast between the perception and reality in this area as with others. The impression we have is that athletes feel they are not provided with the written reasons or data behind selection decisions, and requests for data or supporting material have been denied or provision has been delayed, which has significantly impacted the athlete's chance to respond to or contest the decision. This has fuelled the perception that selection decisions are not fair or based on merit.
- g) The ability to challenge selection decisions within CNZ or via the Sports Tribunal are not seen as effective avenues for athletes. Both are regarded as overly deferential to selectors. CNZ has more power and more resources (staff, funds, and potentially lawyers, etc) which means that individual athletes cannot take them on in "fair fight" (though we are told that some athletes have pro bono lawyers). Further, we were told of examples where CNZ's approach to communicating selection decisions and providing information effectively precluded athletes from accessing pathways for challenge/appeal.

242. When it comes to selection, there is a disconnect between how athletes see things and how coaches and those charged with selection decisions see things. There is a gap in expectations and understanding, and neither side fully understands the other's point of view. Much would be achieved by increasing engagement and ensuring there is a more transparent process.

243. As CNZ submits, athletes must also take responsibility for engaging in this process, commit to reading or considering the relevant policies and be active in understanding the published criteria.

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<sup>77</sup> Interestingly, Cycling USA has a specific nepotism policy: <<https://usacycling.org/about-us/governance/policy-iva>>/>.



In addition, CNZ needs to communicate with athletes in a way that acknowledges and respects the athlete's position (including, in some cases, their devastation at not being selected). Attempts to paint non- or de-selection in a positive light have not been helpful (even if they are understandable). Some say there is a lack of empathy, others say that selection decisions are made for the wrong reasons or were just plain wrong. Frank and honest communication is the first step to addressing this imbalance.

244. Accordingly, we recommend that:

- a) Coaches, HPDs, and others regularly and effectively communicate with athletes (in the way that suits the needs of the *athlete*) regarding performance, wins, losses, and outlooks.
- b) CNZ and HPSNZ should provide greater support and training to ensure that coaches, HPDs and others can conduct those conversations effectively (and/or in writing if that is required).
- c) The selection issues highlight the need to recruit people with strong interpersonal skills and EQ, so we recommend that more attention should be given to this at the recruitment stage (as above) and in personnel development.
- d) Selection policies should be written in plain English and drafted in consultation with athletes.
- e) CNZ conduct regular training on how its selection policies operate and athletes, coaches, and support staff all attend that training together. Such training should be designed in collaboration with athletes.
- f) CNZ should work with athletes to develop a protocol for how selection decisions will be made and communicated. We include in this "selection" for funding, teams and squads. The protocol should set out:
  - i. How athletes can contribute to decision-making. Prior to selection decisions being made, athletes should be provided with a copy of the data upon which the selectors will make a decision about their selection, and be given a chance to respond to that data before any decision is made;
  - ii. What information or data explaining selection decisions will be provided. There is an equal need to provide reasons or an explanation for why an athlete *has* been selected as well as why they have not, to promote overall transparency and pathway clarity;
  - iii. How and from whom an athlete will receive selection decisions;
  - iv. How selection decisions are publicised (first to the athlete, then within CNZ and then to the public);

- v. How athletes can respond to decisions of non-selection;<sup>78</sup> and
- vi. The timeframes for each step. Timeframes should provide athletes with the time and space needed to obtain any support required (they should not be required to respond to a decision within a short timeframe).
- g) Communications should not be made without warning and, if meetings are to be held, athletes should be invited to bring a support person of their choosing. Same-day meetings will rarely be justifiable.
- h) Selection panels should be made up of three people: two independent selectors (one of whom convenes the panel) and the relevant head coach (and/or a different combination where that is required by external rules).
- i) CNZ should do more to ensure that athletes can *effectively* access their rights to challenge or appeal selection decisions. It was reported that CNZ acts as a gatekeeper against appeals and challenges; it should be supportive of athletes asserting their rights to challenge by providing necessary information proactively, agreeing to extensions of deadlines where it has been tardy, and helping athletes access independent support where required. We cannot direct its approach to challenges but caution that it should not be overly oppositional.<sup>79</sup>
- j) CNZ and HPSNZ need to recognise the toll that selection decisions can have on athletes and coaches and should consider whether greater support is required.<sup>80</sup> Support should always be offered to athletes the next calendar (not business) day after non-selection; taking up that support should be encouraged and not be seen as a weakness.

245. In response to our draft report, CNZ recognised that the selection process needs more transparency and more engagement from athletes. CNZ is working on an initiative to improve this.

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<sup>78</sup> Any athlete who is not selected should be given the opportunity to meet with the relevant CNZ person (in the case of CNZ selection) and/or HPSNZ person (in any case where HPSNZ was the decision-maker). They should be given an opportunity to understand why they were not selected and to respond to that. We encourage CNZ/HPSNZ to make such meetings collaborative, not legal, and to not involve more CNZ/HPSNZ people than necessary. The primary purpose of what we are suggesting is to help restore a person's mana, not instigate an adversarial process. Athletes should be invited to attend with support people.

<sup>79</sup> Athletes are brought into CNZ and the HPP ostensibly with the mutual goal that the athlete will follow the plan set by CNZ and its coaches/HPD. When that plan and/or that athlete fail to produce performances that result in the athlete's selection, there should be joint ownership of that between CNZ and the athlete. CNZ's approach is seen as oppositional and athletes perceive that CNZ tells them what to do and then, when it doesn't "work", leaves them to fight against CNZ.

<sup>80</sup> See, for example, Jenny McMahon, Kerry R McGannon & Chris Zehntner "The impact of selection and deselection on athlete wellbeing" in N Campbell, A Brady, & A Tincknell-Smith (eds) *Developing and supporting athlete wellbeing: person first, athlete second* (Taylor & Francis, United Kingdom, 2021) 93.

## Exit

246. We were told that exit is a difficult period for athletes, whether they exit HP sport voluntarily or not (although the challenges are greater for those where it is involuntary). We include within the concept of “exit” instances where an athlete is dropped from their squad or “decarded”.
247. 73% of cyclists who responded to the survey disagreed or strongly disagreed that that CNZ provided appropriate exit support.
248. Exit support systems are, however, in place: HPSNZ funds 6 months of post-exit support for previously carded HP athletes (though there is flexibility to provide more where required). All de-carded athletes are invited to participate in a “de-carding” medical, which assesses any additional support needs (although not all athletes take up this invitation). This is a relatively new initiative but those we interviewed generally considered that 6 months was too short a timeframe.
249. One of the key issues is that athletes are vulnerable to being “exited” abruptly due to injury or non-selection. Many athletes told us that decisions to de-select or de-card them were unexpected, not signalled, and traumatising. Many staff who had left CNZ between 2018 and the present spoke of issues with the culture and commented that more exit support was required than was received. We spoke to a number of former staff members who were still grappling with the effects of their former working environment. Exit interviews are used but are not, we understand, mandatory.
250. It does not appear that IPPs have been used as an exit-planning tool to date. That is regrettable because better planning of “life after sport” is a key protective factor for exiting athletes. Those athletes who told us that they had training, education, or job opportunities lined up for after sport generally found that that helped ease the transition out of the HPP and the DTE.
251. As set out above, we propose that IPPs and the all-stakeholders IPP development process should form the backbone of an effective athlete support system, including as it relates to exit, induction and selection. An effective and holistic IPP will help an athlete manage a move to Cambridge/the HPP and their induction, ensure that they understand the selection process and what is required of them, and are better prepared for an exit from sport when the time comes.
252. In relation to exit, we recommend that:
- a) HPSNZ consider a longer period or phasing of exit support as required;
  - b) IPPs be treated as helping set athletes up for their exit from HP sport. This will include building in goals outside of sport and ensuring that the IPP is drafted in collaboration with all relevant stakeholders, as discussed; and

- c) CNZ and/or HPSNZ invite all exiting athletes to attend an exit interview to ensure that issues can be aired, an athlete's need for ongoing support can be assessed, and to give athletes a chance to provide feedback. CNZ and HPSNZ should use any information collected to inform future decision-making as part of a continuous improvement model. Ideally, exit interviews will be carried out by an HR expert or other person independent from the HPP. They should not be carried out by the athlete's coach or HPD.

## TOR 4

### The impact that HPSNZ investment and engagement has on Cycling New Zealand's high performance programme.

253. The vast majority of people we interviewed told us that the funding model does not give sufficient priority to athlete wellbeing. The same result is borne out by the survey results (below). Even CNZ noted that given wellbeing is a key pillar of the new HPSNZ strategy, it could be better reflected in HPSNZ's funding and structure.
254. HPSNZ's investment and engagement has a crucial impact on the HPP. Indeed, without investment from HPSNZ, we doubt CNZ would be able to operate a HPP at all. To date, the funding model has both benefitted and detracted from wellbeing. HPSNZ has provided targeted wellbeing funding and one-off funding for projects as required and that has been positive. Indeed, many HPSNZ initiatives are supportive of wellbeing. For instance, access to Prime Minister's Scholarships to enable athletes to pursue careers outside of their sporting lives; payment of premiums for private health insurance; access to Performance Support providers who specialise in a range of disciplines such as medicine, physiotherapy, clinical and performance psychology, nutrition; and Athlete Life. While these are important health and wellbeing measures, they are also in large part non-negotiable basics of a HP programme in most countries. They are a baseline, not a complete answer to wellbeing. The model generally focuses on performance and medals over wellbeing (as does HPSNZ's mandate) and that has driven some of the behaviours that we find have undermined wellbeing.

#### Funding Model

255. We have set out above how HP sport is organised and funded in NZ. We noted that the HP sport system is medal-focused and attitudes, operations, and funds flow accordingly. The system is designed to deliver performances; that is the return on investment. HPSNZ's investment into the HPP is dictated accordingly.

256. This Inquiry has found that:

- a) When asked whether the CNZ funding and investment model has sufficiently prioritised athlete welfare, 3% strongly agreed, 11% agreed, 15% neither agreed or disagreed, 33% disagreed and 26% strongly disagreed (others didn't know).
- b) When asked whether the HPSNZ funding and investment model sufficiently prioritised athlete welfare, 42% of respondents disagreed, and 23% strongly disagreed. Only 4% strongly agreed that it did sufficiently prioritise athlete welfare, and 10% agreed.

HPSNZ's 2024 Strategy includes an increased focus on wellbeing and, accordingly, funding decisions will take an NSO's wellbeing performance and plans into account. HPSNZ has evolved its model to include wellbeing as a key pillar and it is given more prominence than has been the case to date. Funding has, therefore, been tied to wellbeing and NSO funding applications are assessed for wellbeing as well as performance plans. Given the cost of HPPs, wellbeing is not the primary cost. HPSNZ advises that its wellbeing support initiatives have been developed over recent years and include those measures outlined in paragraph 254.

- c) In addition to the new funding guidelines, HPSNZ requires NSOs to complete regular health checks and report any wellbeing issues arising. This helps give HPSNZ some degree of oversight, although health checks are self-reported and relatively brief.
- d) As of December 2021, the total investment by HPSNZ into CNZ was \$6.24m, comprised of direct investment, value in kind (including performance support provided to athletes) and TAPS (including direct payment to athletes under the Tailored Athlete Pathway Support programme, discussed below). That includes funding for campaigns, pathways, and wellbeing (including funding for a wellbeing officer).
- e) That new strategy and focus on wellbeing is progressive. However, in our view it is not a sufficient response to the issues identified in this Inquiry.
- f) In the 2022-2024 funding round CNZ requested significantly more funding than it received, and included in its request a significant amount of pathways funding. Regional development hubs do not receive any part of its funding, and as a result there is no sustainable, whole of lifecycle approach (the hubs are used for talent identification and are not part of the HPP pathway). The lack of development is antithetical to wellbeing and future HP outcomes. The funding shortfall is problematic for the reasons discussed above.<sup>81</sup>

257. While we acknowledge that recent changes to the funding model have attempted to spotlight wellbeing, those changes do not appear to be sufficient. The model should recognise that

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<sup>81</sup> The model is also incongruous with HPSNZ's identification of the fact that elite and development cycling coaching lacks depth.

wellbeing is the starting point that produces performance, as opposed to focusing on delivering performance and trying to insert welfare initiatives as add ons. Wellbeing and performance should be mutually reinforcing. The clear view of participants in this Inquiry was that a system designed to deliver wellbeing will deliver better performance outcomes, better people, and better societal outcomes for Aotearoa NZ because people in the system are healthy, happy, and best placed to perform.

258. Ultimately, despite the fact that the narrative in the HPP is generally not about winning at all costs, funds flow according to past performance and future medal potential. This was referred to as “money for medals”. Shifts toward wellbeing have not yet been substantive. We were told multiple times that the funding model for HPP requires a total rethink.
259. Some will argue that the point of a HPP is to deliver HP results – medals. That is true: the athletes we spoke to want to win. However, when we focus on medals first and wellbeing second we prioritise an uncertain, uncontrollable outcome.
260. Participants in this Inquiry advocated for a system that focuses on investing in developing athletes who are happy, resilient people and community members first and trusting that their dedication, talent and training in combination with increased wellbeing would deliver HP outcomes. We were told that this is the approach adopted by other high-performing sporting codes (notably, rugby and cricket, which are largely self-funded).
261. We recommend a HPP that is focused on people and process first, grounded in the understanding that this helps ensure performance. CNZ’s “Unlocking People Potential” mission statement is a shift in the right direction.
262. CNZ is aware of crucial wellbeing drivers such as culture, communication, and developing people rather than athletes. It also recognises that wellbeing is something that begins with an organisation’s basic function and environment. Doing justice to its current priorities will require extensive investment from both CNZ and HPSNZ in terms of both money, time, and expertise. Getting the right people into the right roles at the right time will be crucial.

### **Athlete funding**

263. The general funding model for the HPP athletes needs continued examination. Most of the athletes we spoke to agreed that pay for performance was a sensible part of the athlete funding model, but there is real tension around basic funding to support an athlete’s training.
264. There are various ways to reimagine the athlete funding model. Recent changes to the system were designed to fund more HP and development athletes across NZ, mostly at relatively low levels. Some say that is optimal to provide support for more athletes. Others say that more athlete support would mean funding fewer athletes in higher amounts. Others again say that

private rather than public funds should be used to support athletes. There is not necessarily one model that is better than another, given the constant pressure from all sides on funding. Ultimately, HPSNZ in conjunction with CNZ has to make a clear choice: adequately fund athletes within budget to recognise minimum wage and associated obligations, or ensure that the environment enables them to live, work, and train with more limited public funding. There is a need for ideological clarity.

265. To date:

- a) HP athletes have generally been funded based on proven and potential performance.
- b) Until 2021, athletes were supported in four ways:
  - i. **Carding:** a carded athlete is an athlete who is recognised as a HP athlete by HPSNZ and granted access to agreed athlete performance support (which might include HPSNZ-provided resources such as gyms, physios, some coaches, doctors, and the like). Funding grants are administered separately to carding; it is common for a carded athlete to also receive funding (PEGS, below), but not all carded athletes are funded.
  - ii. **Performance Enhancement Grants (PEGS):** PEGS were discontinued at the end of 2021, but they were merit-based grants provided to athletes who placed in the Olympic top 8, Paralympic top 6, or medalled at a non-Olympic world-class event. The aim of PEGS was to provide athletes/teams with direct financial support to enable them to commit to longer periods of training and competition on an annual basis.<sup>82</sup> Only athletes in PEGS-qualifying sports were eligible for PEGS (at the discretion of HPSNZ). PEGS were funded by HPSNZ but paid to athletes via their NSO. PEGS were intended to be spent on an athletes' living costs. PEGS awards ranged from \$25,000 - \$60,000 per annum for individual athletes and \$25,000 - \$35,000 per annum for those in teams, as follows:

| Sport              | Outcome at PEGs Qualifying Event            | Award Level per Athlete (before taxes) |
|--------------------|---|--|
| Olympic Individual | Gold Medalist                               | \$60,000                               |
|                    | Silver/Bronze Medalist                      | \$55,000                               |
|                    | 4 <sup>th</sup> to 6 <sup>th</sup> Placing  | \$47,500                               |
|                    | 7 <sup>th</sup> to 8 <sup>th</sup> Placing  | \$40,000                               |
|                    | 9 <sup>th</sup> to 12 <sup>th</sup> Placing | \$30,000                               |

<sup>82</sup> Meaning that grant amounts could vary each year of a four-year cycle.

|                        |  |          |
|------------------------|--|----------|
| Paralympic Individual  | Gold Medalist                              | \$60,000 |
|                        | Silver/Bronze Medalist                     | \$55,000 |
|                        | 4 <sup>th</sup> to 6 <sup>th</sup> Placing | \$47,500 |
| Non-Olympic Individual | Medalist                                   | \$25,000 |

| Table 2: Performance Standards and Amounts (Teams) |  |  |
|--|--|--|
| Sport  | Outcome at PEGs Qualifying Event           | Award Level per Athlete (before taxes) |
| Olympic Team                                       | Gold Medal                                 | \$35,000                               |
|  | Silver/Bronze Medal                        | \$30,000                               |
|  | 4 <sup>th</sup> to 8 <sup>th</sup> Placing | \$25,500                               |
| Non-Olympic Team                                   | Medal                                      | \$25,000                               |

iii. **Development Enhancement Grants (DEGs):** DEGS were intended to provide enhanced support to enable emerging athletes (five to eight years from the podium), to commit to training time or access other support. Up to 55 DEGS were allocated per annum. DEGS were worth \$10,000 per annum.

iv. **Prime Minister's Scholarships:** Prime Minister's Scholarships were (and remain) available annually to athletes pursuing study or further education while training. Athlete scholarships cover the fees associated with study, and also provide an allocation of study support allowance to eligible athletes. There is some flexibility as to when athletes complete their studies and use the funds. Prime Minister's Scholarships are also available to coaches and other support staff. The scholarship programme is administered by HPSNZ and the available funding amounts to c\$4.25m per year.

c) Under the general framework, both PEGS and DEGS could be allocated to an athlete who had not met the general criteria on a discretionary basis when that was considered appropriate. An athlete who received a PEG had certain obligations, as did their NSO.

266. On 1 January 2022, the Carding/PEGS/DEGS system was replaced by the new Targeted Athlete Pathway Support (**TAPS**) system. TAPS is intended to support and enable the performance and wellbeing of TAPS athletes in Aotearoa NZ HP sport across a four-year Olympic/Paralympic cycle.<sup>83</sup> This new system gives athletes in TAPS Eligible Sports (again, determined by HPSNZ) the

<sup>83</sup> I.e., the intention is that TAP grants will be fixed across the cycle, rather than potentially changing each year like PEGS grants did.



opportunity to be funded, and funding is tied to their stage in the programme, and their past or potential performance. The TAPS system intends to spread the available funding across a greater number of athletes (and sports). Development Training Grants (**DTGs**) of \$10,000 per annum are available for development (“opportunity” or “potential”) athletes, and HP athletes (“probable” or “convert”) can receive Base Training Grants (**BTGs**) of up to \$25,000, as set out below:

| LEVEL                                  | POSSIBLE TAPS DURATION                              | SUPPORT SPECIFICS  |
|--|---|--|
| <b>Identification and Confirmation</b> | 1 year  | <ul style="list-style-type: none"> <li>Agreed HP athlete educational modules</li> <li>Agreed Performance Support as agreed by sport appropriate to this stage</li> <li>Athlete Life support</li> <li>Access to apply for a Prime Minister’s Scholarship</li> </ul>   |
| <b>Opportunity or Potential</b>        | 1 to 2 years  | <ul style="list-style-type: none"> <li>Development Training Grant (DTG) of up to \$10,000 gross per annum</li> <li>Medical Insurance</li> <li>Performance Health</li> <li>Bespoke Performance Support aligned to Individual Performance Plan (IPP)</li> <li>Athlete Life support</li> <li>Access to apply for a Prime Minister’s Scholarship</li> </ul>  |
| <b>Probable or Convert</b>             | 1 to 4 years  | <ul style="list-style-type: none"> <li>Base Training Grant (BTG) of up to \$25,000 gross per annum</li> <li>Medical Insurance</li> <li>Performance Health</li> <li>Bespoke Performance Support aligned to Individual Performance Plan (IPP)</li> <li>Consideration for Excellence Grant (IEG)</li> <li>Athlete Life support</li> <li>Access to apply for a Prime Minister’s Scholarship</li> </ul> |
| <b>Life After Competition</b>          | Up to 6 months or as agreed on a case by case basis | <ul style="list-style-type: none"> <li>Transition Performance Health &amp; Support</li> <li>Athlete Life support to assist with transition to future career and employment</li> <li>Access to apply for a Prime Minister’s Scholarship if meet relevant criteria</li> </ul>  |

267. In addition to DTGs/BTGs, athletes who have achieved Olympic top 8, or medal success at a Paralympic or non-Olympic world-class event will be eligible for Excellence Grants. Excellence grants will be less common than BTGs/DTGS and will be available as follows:

| QUALIFYING SPORT              | EG CATEGORY | OUTCOME AT EG QUALIFYING EVENT             | EG LEVEL PER ATHLETE PER ANNUM (GROSS) |
|-------------------------------|-------------|--|--|
| <b>Olympic Individual</b>     | A           | Gold Medalist                              | \$40,000                               |
|                               | B           | Silver/Bronze Medalist                     | \$30,000                               |
|                               | C           | 4 <sup>th</sup> to 6 <sup>th</sup> Placing | \$15,000                               |
|                               | D           | 7 <sup>th</sup> to 8 <sup>th</sup> Placing | \$10,000                               |
| <b>Paralympic Individual</b>  | A           | Gold Medalist                              | \$40,000                               |
|                               | B           | Silver/Bronze Medalist                     | \$30,000                               |
|                               | C           | 4 <sup>th</sup> to 6 <sup>th</sup> Placing | \$15,000                               |
| <b>Non-Olympic Individual</b> | A           | Gold Medalist                              | \$10,000                               |
| <b>Olympic Team</b>           | A           | Gold Medalist                              | \$40,000                               |
|                               | B           | Silver/Bronze Medalist                     | \$30,000                               |
|                               | C           | 4 <sup>th</sup> to 6 <sup>th</sup> Placing | \$15,000                               |
| <b>Paralympic Team</b>        | A           | Gold Medalist                              | \$40,000                               |
|                               | B           | Silver/Bronze Medalist                     | \$30,000                               |
| <b>Non-Olympic Team</b>       | A           | Gold Medalist                              | \$10,000                               |

Athletes are classified as Probable, Convert, Opportunity, or Potential Olympic medal prospects under TAPS. As with PEGS, the focus is on Olympic/Paralympic performance. However, we note that cyclists accumulate points through UCI events, and those points determine Olympic qualification. Cyclists are assessed for Excellence Grants once per annum based on either a Benchmark Event (e.g. World Championships) or the Pinnacle Event (e.g. Olympic Games), so those events can factor into TAPS being granted.

268. TAPS athletes are also offered access to medical insurance during their sporting career, and that scheme will cover certain pre-existing conditions. HPSNZ will pay the premiums for an athlete's Base Policy, and the athlete can add additional cover at their own expense.

269. TAPS replaces carding, PEGs and DEGs, but not Prime Minister's scholarships. With the introduction of TAPS, HPSNZ has increased its direct athlete funding from \$6.74m to \$11.82m per annum, and the increase in part reflects that under TAPS HPSNZ will directly support an estimated 920 athletes, compared to the 559 it previously did. HPSNZ expects that at least 240-260 athletes will receive a BTG of \$25,000 per annum, and another 140-160 performance potential athletes will receive \$10,000 per annum. Grants are taxed as schedular payments paid to contractors; CNZ generally withholds tax at a rate of 20% on grants paid to athletes.

270. The TAPS model was developed by HPSNZ and that work was led by a group comprising various stakeholders including, we understand, athletes. It clearly broadens the funding available, whilst arguably making it more shallow for certain athletes. The overall impact of this change is yet to be seen.
271. While HPSNZ consulted CNZ on the design of TAPS, we are told that this took place too late to allow CNZ to meaningfully contribute. It does not appear that HPSNZ nor CNZ consulted the athlete community in any significant way or invited them to contribute to the system design. Indeed, we observed a flow-on effect where HPSNZ consulted CNZ quickly and late in the piece and therefore undermined CNZ's ability to consult its athletes and stakeholders. TAPS is now being reviewed by HPSNZ.
272. HPSNZ allocates TAPS funding to athletes after receiving recommendations from CNZ. Athletes have no right to have recommendation or allocation decisions reviewed or to appeal them. The fact that CNZ recommends if/how each athlete is funded but HPSNZ has final say creates some tension. That tension should be alleviated by ensuring that there is transparency as to who made what recommendation/decision.
273. We make the following observations in relation to TAPS:
- a) TAPS will support more athletes across more sports. We are in favour of measures to support athletes. However, we observe real issues with how athletes are brought into the HP system and expansion of the funding to too many athletes puts pressure on the system to provide for all of them. Within CNZ there is currently too little consideration of suitability, readiness, and life skills to adequately determine whether a person should be brought into the HPP, and we think that funding more athletes generally may compound existing issues if readiness/suitability are not appropriately considered. Adding money to the system could entrench issues of athlete (un)readiness, institutionalisation, and dependence on a system not designed to either provide a living "wage" or support wellbeing. We do not consider that supporting more athletes will generally produce better wellbeing or performance outcomes.
  - b) TAPS is not responsive to need; it is not means tested. Although its stated intention is to support living and training costs, grants are not determined based on actual costs.<sup>84</sup> Some athletes advised us that they struggled to cover their rent, food,<sup>85</sup> and/or equipment costs.
  - c) TAPS grants are generally low compared to living costs. The underlying assumption justifying the low amount is that athletes have or should have other financial resources (a job, savings, external support, study support). Some athletes will have those things, others will not. While

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<sup>84</sup> We recognise that they are limited to athletes in certain sports only. HPSNZ has been reviewing eligible sports and any further consultation will likely need to include a broad range of athletes across all sports.

<sup>85</sup> Particularly, athletes reported difficulty and/or inability to afford the amount/quality of food that they are advised to eat.

we endorse athletes having jobs or studying while training, we were cautioned that this is not realistic for all.

- d) Because athletes are contractors (not employees), they lack not only minimum wage entitlements, but other basic protections that are generally put in place to reflect work/effort expended by one person for another.
- e) The maximum amount available through a BTG is \$25,000 per annum, in circumstances where an athlete might have sport obligations for approximately 30 hours a week. At the start of this inquiry, the minimum wage was \$20/hour; it increased to \$21.20 on 1 April 2022, or roughly \$44,096 per annum for the equivalent of a 40-hour week for the 2022/2023 financial year. The living wage paid to government public service contractors is \$22.75 per hour,<sup>86</sup> or around \$47,320 per annum. Assuming that HP athletes are, essentially, public service contractors, they have an annual funding shortfall against minimum in the region of \$19,096 in FY2022/2023.<sup>87</sup> That means that to be on a living wage annual income they need to make an additional almost \$370 per week. In a minimum wage job, that will mean that they need to work 17.3 hours per week on top of sport commitments. If they are studying, an athlete may receive a student allowance in the region of \$279.97 per week.<sup>88</sup> Because TAPS is not (and is not intended to be) a wage, minimum wage obligations do not apply.
- f) In the context of CNZ, we were told that the funding deficit is exacerbated by the high cost of living in Cambridge (with athletes reporting rent in the region of \$200/week per person) and the small size of the job market. Some were living outside of Cambridge and travelling in for training (which comes at a financial and time cost), living with parents, partners, or family members, or commuting to jobs elsewhere (again, with a financial/time cost). Part of the deficit, however, may be met by the extensive VIK support available to carded athletes.
- g) The deficit produced by low BTG/DTGs will drive athletes towards Excellence Grants and reinforces the “money for medals” approach discussed. Only a small number of athletes will ever achieve results entitling them to Excellence Grants and achieving those results will always be somewhat uncontrollable. We do not know whether the new model changes the position to a significant degree.
- h) Many athletes report that they train for up to 30 hours a week, with meetings and other obligations on top of that. Many work part-time, and report that they have little time for rest or recovery. Of those that did not work part-time, we observed that the majority relied on parental support. Others study while they train, and accordingly rely on study support. While

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<sup>86</sup> See <<https://www.beehive.govt.nz/release/living-wage-public-service-contractors>>.

<sup>87</sup> Not accounting for the time difference between the introduction of TAPS on 1 January and the increase in minimum wage on 1 April.

<sup>88</sup> After tax, assuming they are under 24, single and living independently of their parents. See <<https://www.studylink.govt.nz/products/rates/student-allowance-rates.html>>.

we perceive that studying or working while training is often protective of overall wellbeing,<sup>89</sup> the funding model makes training/studying/relying on parents a necessity without providing the infrastructure that makes that feasible (for instance, protecting rest and holiday time, or money for adequate nutrition). This directly undermines wellbeing.

- i) While it is inevitable that some athletes will come from wealthier backgrounds than others, a system that relies on athletes having alternative sources of funding (particularly when athletes have limited capacity to earn extra income) entrenches the assumption that HP sport and cycling in particular are the exclusive preserve of the middle to upper classes (alongside the prevalence of pākehā). It makes sport exclusive. That is inequitable and HPSNZ, as a Crown agent, ought to work towards greater equity of opportunities.
- j) Some told us that training schedules, NSOs and/or coaches do not give adequate consideration to athletes who have competing work/study commitments. For instance, they schedule training sessions during work hours or at late notice, regardless of the ramifications for athletes. This limits an athlete's ability to work to make up the inevitable funding shortfall. More concerning, we have heard that this issue may be more acute for female athletes, with certain female teams more commonly being required to train during working hours than men's teams. This raises concerns around gender bias and substantive equity.
- k) If the intention is that athletes in receipt of HPSNZ funding must work or study to support themselves, then:
  - i. That needs to be explicitly recognised in the funding guidelines, requirements and conditions. It needs to be made explicitly clear to all athletes before they join the HPP.
  - ii. CNZ, coaches and HPSNZ need to do more to facilitate athletes' pursuits outside of sport. The collaborative IPPs we suggest should be used to set boundaries that will allow sport to co-exist alongside work or study.
  - iii. HPSNZ should consult on how it can better regulate requirements on athletes' time and energy. We see room to mandate that coaches consult with athletes about training schedules, or that on-site training hours be limited, or that limits are imposed on additional training sessions. If such measures are put in place, CNZ and HPSNZ need to be clear on who will enforce them and how, and what the consequences of non-compliance will be.

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<sup>89</sup> When facilitated and managed appropriately. This takes into account the increases to student allowance amounts on 1 April 2022.

## EMPLOYEES VS CONTRACTORS

274. One suggestion for improvement put to us by various parties was that CNZ's HP athletes should be employees, not contractors, in recognition of the fact that they are under CNZ's effective control and train/compete at CNZ's direction. Others said a contractor model was appropriate to recognise the athlete's ability to contract elsewhere (e.g., for sponsorship or part-time jobs), and that an employment relationship would be too expensive.
275. We observed that many athletes, when asked to talk about what welfare protections they thought would benefit athletes, talked about things that are fundamental to an employment relationship (e.g., pay for work, holiday and leave entitlements, KiwiSaver). Against that background and in response to the views put to us, we identified a need to evaluate existing arrangements and the alternative model.
276. At present, CNZ contracts with its HP athletes via athlete agreements. These are contractor agreements, not employment agreements, and they set out the relationship between CNZ and the athlete, including the rights and obligations of each party. Athlete agreements also cover any funding the athlete receives under PEGS/TAPS (the money for which is paid to CNZ by HPSNZ). Athletes do not enter any agreements with HPSNZ (though some told us they did).
277. The difference between being an employee and a contractor can be minute in real life, but legally the two are different. We set out key differentiating factors in [Appendix 2](#).
278. There are distinct advantages to being an employee and to being a contractor. Issues can arise, however, where the lines are blurred between the two and/or a relationship is mischaracterised.
279. CNZ's template athlete agreement contains a standard clause where the athlete acknowledges that there is no employment (or agency) relationship between them and CNZ,<sup>90</sup> and that they will not claim that they are an employee of CNZ.<sup>91</sup>
280. Fundamentally, contractor agreements are less onerous for the contracting entity (here, CNZ), because they provide fewer protections for the provider (here, the athlete). They also (generally) impose fewer restrictions than employment agreements. Theoretically, the key benefit of being a contractor is that it gives a person freedom to sell their skills on their own terms and to as many different parties as they see fit. But that is not the case with CNZ's athlete contracts.
281. CNZ's athlete agreements are premised on the notion that CNZ provides the HP programme, support and resources to enable athletes to win at key events.<sup>92</sup> In order to be considered for selection at CNZ camps or to compete at domestic and international competitions, athletes must commit to the programme and sign the athlete agreement.

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<sup>90</sup> Clause 22.1.

<sup>91</sup> Clause 22.2.

<sup>92</sup> Background recital B.

282. We are concerned that CNZ's athlete agreement is restrictive in a way that is not conducive to either wellbeing or performance. CNZ will be aware that the agreements are vulnerable to challenge. The athlete agreements impose far more obligations on the athlete than on CNZ, and athletes have no ability to:

- a) manage themselves;
- b) choose their own hours;
- c) choose for themselves where they live;
- d) determine the price payable for their services; or
- e) contract freely with sponsors or supporters. While athletes have a right to have additional sponsorship, CNZ has rights to approve, veto or impose conditions on sponsorship.<sup>93</sup>

283. The athlete agreement does allow athletes to cycle for other teams, but they must continue to comply with the athlete agreement if they do so (and it is difficult to imagine how this might work in practice, given the other restrictions. In reality, it is generally only men's endurance riders who have significant opportunities to ride elsewhere. To date, whether or not it is possible has also depended on individual coaching decisions – there is no uniform policy or equity).

284. The athlete agreement requires the athlete to:

- a) operate in good faith towards CNZ;
- b) be a good role model;
- c) make themselves available as and when required by CNZ for training, competition, and promotional events;<sup>94</sup>
- d) train and adhere to their IPP, maintain their fitness, be subject to performance reviews, travel as and when required;
- e) perform;
- f) support other CNZ members;

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<sup>93</sup> Clause 15.5 contains an acknowledgement by the athlete that they "understand and accept" that the athlete agreement restricts their "absolute freedom" and that of their sponsors to exploit and use their image, and that such restrictions are necessary "in the public interest". There is another clause where they acknowledge that the agreement may operate as a restraint of trade, and that this is also in the public's interest. We doubt that this is the case, and note that the language is coercive.

<sup>94</sup> Limitations apply to attendance at promotional events.

- g) remain under the management and control of the HPD or CEO;
- h) provide information requested by CNZ;
- i) refrain from saying anything in the media that could negatively affect CNZ or sport generally.<sup>95</sup> There is also an obligation to keep CNZ training programmes and assessment procedures confidential, and limits on social media use; and
- j) grant CNZ a non-exclusive right to use their image.

285. The obligations imposed on CNZ are more limited. Under the athlete agreement CNZ will provide a general HP programme (something it already mandated to do). We were told that the HP programme and training regime is generally “one size fits all” and greater personalisation is required for optimal wellbeing.

286. Further, under the athlete agreements CNZ has no obligation to provide an athlete with a coach, nor to fund, select,<sup>96</sup> or provide a uniform/equipment.<sup>97</sup> CNZ agrees to meet an athletes’ costs for travel, accommodation, food and expenses when competing for CNZ, contingent on CNZ having the funds to do so. Although the athlete agreement requires athletes to always act in good faith towards CNZ and its stakeholders, there is no corresponding duty on CNZ. Such a discrepancy is unprincipled and diminishes the mana of athletes.

287. The athlete agreement also sets out different ways that the athlete might breach the agreement, and the powers that CNZ will have in response.<sup>98</sup> But there is no corresponding clause addressing breaches by CNZ and the powers the athlete would have in that situation. Similarly, the athlete agrees not to hold CNZ liable for loss or damage the athlete suffers (including from competition, training, a dispute with CNZ, or selection/withdrawal issues), and agrees to indemnify CNZ from loss it incurs in connection with the athlete. CNZ has no such obligation to the athlete.

288. The athlete agreements reflect the significant power imbalance between CNZ and athletes. There are aspects of the agreement that we consider are overly restrictive in themselves, and others are overly restrictive in the context where the athletes are:

- a) often young (this includes athletes under 18, in which case the agreement needs to be signed by a parent/guardian. We are told that CNZ does not in practice contract with under 18s);

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<sup>95</sup> Prohibitions on discrediting an employer or contracting party are not unusual, but we note that CNZ’s whistleblowing policies do not appear to be operational. The combination of that and this prohibition has had a chilling effect on athletes and others speaking out.

<sup>96</sup> For training camps or competitions.

<sup>97</sup> One might assume that CNZ would provide uniforms for athletes it has selected to race for it in competitions, but we were told that this is not always the case. This caused some distress.

<sup>98</sup> These include deselection, withholding funds, imposing fines or other penalties, termination, or other action.



- b) often lacking in commercial and life experience;
- c) not generally advised by independent legal counsel; and
- d) not in a position to negotiate the contract or enter into a contract with another party.

289. The agreements need serious attention to address the imbalance and unfairness.

290. The reality is that elite Olympic athletes almost always require the support of the relevant NSO to compete in world class events and, as they put it “wear the fern”. That is the case at CNZ: athletes must sign the athlete agreement to obtain CNZ support and compete for Aotearoa NZ. They cannot generally contract with another entity to do that (though they must also sign a contract with NZOC).<sup>99</sup> That gives NSOs like CNZ significant power, leaving the athlete with little to no power to negotiate, call their own shots, or seek support elsewhere. That is suboptimal from a wellbeing perspective.

291. The issue is exacerbated by the lack of independent legal advice that is available to most athletes. CNZ does not currently have a mechanism to make independent legal advice available for athletes, though we understand that it is considering engaging an advocate to advise its athletes, and we have discussed above HPSNZ’s work around an athlete’s advocacy organisation.

292. We stress the need for access to independent advisors chosen by athletes. Such advisors cannot be on the CNZ payroll/contracted by CNZ; there needs to be an avenue for accessing independent legal advice. A better system would involve providing athletes with a one-off grant for legal expenses, and/or via the athletes’ organisation discussed above.

293. Accordingly, we recommend that:

- a) CNZ continue with its existing work of updating its athlete agreements.
- b) CNZ and HPSNZ ensure that athletes have appropriate time and resources to seek advice on and negotiate their athlete agreements.<sup>100</sup>
- c) In connection with that work, HPSNZ explore how it can ensure that athletes can access expert, independent legal advice (presumably via the body discussed in relation to TOR1).
- d) HPSNZ revisit the work it has done previously with a view to providing greater guidance and uniformity for athlete agreements.

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<sup>99</sup> Though we have heard of some instances where athletes have been given direct support from the NZOC instead of an NSO, that appears to be rare.

<sup>100</sup> As CNZ is aware, many athlete agreements expired at the end of 2021 without replacements agreements having been negotiated and agreed. In part, this had to do with the timing of HPSNZ funding decisions. It meant that in the last two weeks of 2021 CNZ and athletes were under pressure to secure new contracts fast. That is not optimal for anybody.

e) HPSNZ consult with athletes at CNZ on the contractor vs employee model. We note that the model may be more expensive, but it would provide greater protections for athletes and incentivise better decision-making around who is brought into the HPP and when and where that occurs. An employment model is not impossible.<sup>101</sup> HPSNZ and CNZ each employ a significant number of people. Athletes are their raison d'être or reason for being, without them the HPP would not exist – they deserve the same protection.

### **Imbalance in HP funding on opportunity across cycling disciplines.**

294. One of the consequences of the fact that HPSNZ funds are CNZ's primary source of income is that the vast majority of its resources and effort goes into the HPP and, within that, into track cycling. Other disciplines (road, BMX, and mountain biking (**MTB**)) are less likely to gain as many medals (because fewer medals are available) and are therefore not funded by HPSNZ to the same extent as track disciplines. Because CNZ does not have the revenue to invest in other disciplines on its own, these other disciplines are seen as the "poor cousin" (MTB and BMX more so than road) and the wellbeing of those athletes suffers.

295. To the extent that this raises issues about CNZ's non-HP operations, it is outside the TOR. However, to the extent that the dominance of track cycling and the investment into that discipline impacts CNZ's HPP it falls within both TOR 2 and TOR 4.

## **TOR 5**

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.

296. Centralisation received mixed reviews from participants, and we have touched on some of the feedback we received already. Those in favour were generally in favour for performance reasons. Those who reported serious welfare issues tended to look less favourably on centralisation. We have commented that CNZ should consider decreasing its reliance on a centralised model and only require centralisation where and when necessary.

297. CNZ advised that it has moved away from a blanket approach, as we have noted already. CNZ advises that sprint squads are mainly based in Cambridge and that athletes realise that their performance on a team will be significantly decreased if they do not train with the team. Thus, it

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<sup>101</sup> We note the 2019-2020 Collective Agreement between the New Zealand Rugby Union Incorporated and the Rugby Players Collective Incorporated, which facilitated the employment of professional rugby players. A copy of the agreement is available at <<https://www.nzrpa.co.nz/pdf/200129-Rugby-Players-Collective-Agreement-2019-2020.pdf>>.

is quite difficult for members of these squads not to be based in Cambridge. We understand that and suggest (below) that a more nuanced approach is therefore required.

298. HPSNZ advises that it has recently conducted regional pilots for athlete and coach pathways, and notes that it has been making progress with its hubs and pods approach. It also notes the close connections between this regional approach and the wellbeing strategy which seeks to enable athletes to train close to their home support networks where appropriate. We have heard good things about the recent Christchurch pilot, but it remains a pilot and we have not considered it in depth. We remain of the view that closer regional connection is required; HPSNZ has begun that work, but the outcome has not been the focus of this inquiry.
299. Participants noted that many other sporting codes in Aotearoa NZ had moved to a decentralised model (only bringing athletes together for camps ahead of major events) to enhance athlete welfare, and at the same time still maintained performance. That would appear optimal from a wellbeing perspective and was supported by participants in this inquiry. As discussed above, any athlete that is centralised should be supported and this should have been planned over a period of time prior to centralisation, with all relevant parties involved.
300. We asked in the survey whether CNZ has effective methods to address the welfare needs of centralised athletes. 58% strongly/disagreed. That aligns with what we found in our interviews.
301. Until the end of 2021, CNZ's athlete agreements generally required athletes to reside in Cambridge. However, new interim athlete agreements have been drafted and do not include the same requirement.<sup>102</sup> The drafts instead state "...your residential location in relation to your Cycling New Zealand training environment needs to be agreed with Cycling New Zealand." That said, TAPS support will be provided from Cambridge. It is not clear to us what this means in practice.
302. To begin with the positives, centralisation provides:
- a) access to world-class facilities and resources;
  - b) access to support staff at the training site;
  - c) cost efficiencies obtained by having HP athletes based in a single location year round;
  - d) direct and immediate access to coaches, support staff, and management;
  - e) opportunities for team/culture building amongst CNZ teams, squads, and the organisation as a whole; and

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<sup>102</sup> The agreements are interim because CNZ is working with athletes to determine the content of these agreements going forward. That is a progressive step and indicates that CNZ is alive and responsive to issues within the organisation.

f) a singular “home of cycling” (at least for track cycling).

303. On the other hand, participants who had experience of centralisation in various capacities told us that it also results in:

- a) Dislocation of athletes from their support networks (including families, partners, the coaches and support staff who have supported them through to HP level, jobs, and cycling and non-cycling communities);
- b) Centralisation of most (if not all) HP cyclists from all disciplines, despite the fact that centralisation at the Velodrome is not necessary where cyclists don't need to train on the track (consensus view was that track cyclists had the greatest need for centralisation, though in essence that was a need for track access and not necessarily a centralised environment);
- c) Isolation. Being immersed in a centralised programme (particularly in a small town like Cambridge) reportedly led to athletes feeling trapped within a HP environment 100% of the time, which diminished their capacity to develop an identity outside of cycling, cultivate other interests/friends, and therefore cope with poor performance or challenges within cycling;
- d) A pressure-cooker environment that suits some but not most athletes;
- e) A generally male-dominated, pākehā-centric environment for athletes and support staff;
- f) Increased costs of living (many athletes reported that if they stayed in their hometowns they could live with family and/or retain jobs);
- g) A homogenised culture and increased pressure to conform, because athletes are siloed within their cycling community without the balance that would come from being in a regular environment where they have jobs, friends, and homes outside of the cycling community;
- h) Potentially serious mental health impacts, in particular for athletes who, due to injury or illness, cannot train or are struggling for selection;
- i) Pressure on parents to fund an athlete's life in Cambridge;
- j) Athletes arriving in Cambridge and expecting to be supported by CNZ and guided through the transition, but finding instead that they were left to their own devices. Some told us that CNZ did not provide the care and support they expected when they moved; and
- k) A perception (right or wrong) that non-HP athletes need to proactively move to Cambridge to be within CNZ's line of sight and get selected in future. This has led to several (generally very

young) athletes moving to Cambridge on their own, and this had severely detrimental impacts on some.<sup>103</sup>

304. The reported impacts of centralisation on athlete wellbeing are concerning and, we observe, widespread. The impacts set out above were said to be more normal than exceptional. We doubt whether they can be remedied by “wellbeing initiatives” and the like. The fact that there is not a cohesive, “whole of cycling” culture means that CNZ’s DTE lacks the truly communal environment that one might expect from centralisation. It is not yet one big happy family.
305. We also note that similar impacts were reported, to a lesser extent, by staff within CNZ. The reality is that the home of cycling in Cambridge is small. Life in a small town tends to exacerbate issues of loneliness and one-dimensionality, and the high cost of living causes financial stress. Issues also arise where there is a small number of support staff and that can lead to a lack of professional support or supervision.
306. Taking all these reports together, we have considered what, if any, changes we could recommend in response to the TOR. There are multiple options. Some advocated for doing away with centralisation other than for camps and in the lead up to peak events. Others advocated for retaining the current model but significantly re-jigging it to provide better support at all stages and levels. Others were supportive of the existing model.
307. We have concluded that blanket centralisation is not generally protective of athlete wellbeing, and therefore some change is optimal.<sup>104</sup> In the experience of cyclists in Cambridge, cyclists outside of Cambridge, athletes we spoke to from other sports, and various experts, the centralised model has seemed to create more problems than it solved. We heard reports of various athletes in Cambridge struggling with mental health, some to a critical extent. That is not a result of centralisation alone, but people we spoke to reported concerns about the mental health of athletes and staff/contractors within Cambridge and within CNZ’s DTE.
308. TOR 5 asks us to consider the positive and negative effects of centralisation. TOR 2 and TOR 6 ask us to identify areas of improvement for, respectively, wellbeing of the people within CNZ, and practices and policies of CNZ’s HPP with a view to ensuring wellbeing within its environment. Our response to these TOR, collectively, is that blanket centralisation needs reconsideration and CNZ should decrease its reliance on a centralised model.

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<sup>103</sup> Some onus rests on athletes for moving to Cambridge too soon and without invitation; but the bulk sits on the shoulders of CNZ and HPSNZ because the centralised HP model and the lack of regional investment indirectly but inevitably promotes flight from the regions to the seat of the national programme. That is not appropriate when the environment in Cambridge is sub-optimal, as we have found. The model leaves our rangatahi, who have aspirations of representing Aotearoa NZ, vulnerable and under-served.

<sup>104</sup> That said, we acknowledge that CNZ’s 2022 plan will involve significant overseas campaign-based training models, given the need for international competition and qualification.

309. CNZ's policies and the welfare of its people would be improved by moving to a mixed model of centralisation during key phases, with athletes, coaches, support staff, and others returning to their home bases as required. This would allow anyone who wants to be centred in Cambridge to remain, while giving others the freedom to determine where their home is and, for athletes, where and what their DTE looks like, while ensuring that preparation for key events and team building is facilitated regularly and systematically via CNZ. It will also have the benefit of:

- a) Decreasing financial pressure on athletes;
- b) Allowing more equitable distribution of resources across Aotearoa NZ and through the cycling community (including greater regional investment, as set out above);
- c) Ensuring that talent is retained and developed in the regions;
- d) Giving athletes better work, study and community opportunities and decreasing TAPS reliance;
- e) Lessening the us/them divide that exists in the cycling community between stakeholders in different disciplines, at different levels, and in different places;
- f) Disincentivising young athletes from moving to Cambridge for fear of missing out;
- g) Allowing athletes to train in their home environments and with their home teams where they have a proven recipe for performance; and
- h) Improving equity of opportunity by making participation in HP cycling more accessible for those who cannot afford to relocate to Cambridge.

310. CNZ advised us that it already uses a mixed centralised and decentralised model to the best of its ability, and that it cannot feasibly support equitable distribution around the regions.

311. Having considered the issue and the various responses we received, we make the following recommendations (which reflect the analysis required by TOR 5, and answer the questions about improvements posed in TOR 2 and TOR 6):

- a) CNZ should de-emphasise centralisation as a key aspect of its programme, particularly for disciplines other than sprint cycling. In relation to sprint cycling, CNZ should consider whether it can reduce the centralised period.
- b) That work should be supported by HPSNZ, including in regards to funding.

- c) CNZ should implement a policy of periodic, rather than fulltime, centralisation on a clear and principled basis. Determination of the level and duration of centralisation required should be approached per discipline and per squad/team.
- d) That policy should be translated into a centralisation programme, drawn up in consultation with athletes, coaches, the HPD and support staff. That will not mean adopting the same programme from year to year. It will mean assessing the needs of stakeholders and the sport on an annual or campaign basis to determine when and why a squad/team/athlete will be required to be in Cambridge during a given year depending on the athlete, what events are coming up, and the level of centralised training and development required accordingly. Those imperatives need to be balanced against athletes' commitments to jobs, study, family life, and community.
- e) Athlete wellbeing should be at the centre of any proposed new centralisation model. For instance, it might be that there is a CNZ squad where the majority of athletes are Christchurch-based (or another city). In that scenario CNZ should consider whether or how often centralisation in Cambridge is required or whether it can be facilitated in that other location. We caution CNZ against implementing requirements for arbitrary periods of centralised training for athletes who are performing in their home environments.
- f) Where and when athletes are centralised, more, holistic support should be provided and CNZ/HPSNZ need to work collaboratively – in consultation with athletes and whanau – to determine who provides that support, how, and what else is provided. Key support needs include:
  - i. Assessing athlete readiness for centralisation early and openly, with input from the athlete, whanau, their regional and proposed national coach, and existing support personnel (athlete life, physio, mental health, etc). This may include psychological assessment. It may also include covering practical aspects such as whether an athlete will be able to support themselves financially in Cambridge.
  - ii. Ensuring that athletes are inducted in relation to CNZ, HPSNZ and life in Cambridge. This includes having somewhere to live at a reasonable cost.
  - iii. Introducing athletes to relevant support people and networks on arrival. Small things like having someone meet new athletes in Cambridge on arrival would have a significant impact.

## TOR 6

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.

312. CNZ's policies and governance may not have been directly causative of the key issues identified in this report, but all have played a role. Certain CNZ practices and policies have been discussed above.

313. Our recommendations for improving CNZ's HP programme with a view to ensuring the safety, wellbeing and empowerment of individuals within the programme are set out below.

### PRACTICES

314. As set out above, CNZ needs to improve its practices by:

- a) having athletes at the centre of everything it does;
- b) changing its culture to one that centres on individual and collective wellbeing and support, with particular emphasis on the critical role of the athlete/coach relationship;
- c) decreasing, if not removing, the emphasis on winning medals as part of coach and HPD KPIs;
- d) "living" its policies day to day at all levels;
- e) being proactively and boldly transparent and communicate better (particularly with athletes);
- f) holding all people at all levels to account according to agreed standards. This includes coaches and medallists;
- g) catering to people management needs by recruiting an expert HR manager to sit on the SLT; and
- h) continuing to reflect and refine the approach to centralisation.

315. CNZ's governors need to ensure that the organisation has an effective escalation process. Every athlete, staff member or contractor should have a line of communication for escalating issues,



and that should extend to escalating issues to Board level if they have not been dealt with elsewhere.

316. If there is a single overarching change in practice required, then it is the need to put wellbeing first. This has been described as “people first”, “person first, athlete second”, “people driven” and “athlete focussed”. Another phrase we heard from an athlete point of view was “no decision about us, without us”.

## POLICIES

317. Throughout this report we have identified policy changes that CNZ will need to make to better protect those within the HPP. At times we have also suggested behavioural changes; certain of those would be supported by updated policies and we recommend that CNZ update its policies accordingly. In terms of key policy changes, we recommend:

- a) CNZ adopt a centralisation policy that takes a people-first approach and only requires centralisation where necessary after consultation with athletes and other stakeholders;
- b) CNZ consult on and introduce a policy that will guide stakeholders in dealing with all issues of pregnancy and head injuries affecting HP athletes; and
- c) CNZ and HPSNZ adopt a robust escalation/whistleblowing policies, as above.

318. Each policy initiative must be supported by robust, regular, all-comers training workshops that give meaning to policies.

## GOVERNANCE

319. CNZ is governed by a mix of independent directors (four) and representatives from its member organisations.<sup>105</sup> Although the bulk of CNZ’s funding is tagged for the HP programme, CNZ’s board must oversee all CNZ’s programmes and operations across various locations and disciplines. While the board oversees the HPP, it is led by the HPD with oversight from the CEO.

320. The four organisational members on CNZ’s board provide input and experience from their own organisations that can help guide CNZ’s community activities and HPP. Its independent board members have varying connections to the sport and bring other perspectives, skills and experience. The current board members are volunteers with an impressive range of skills and expertise. The question we pose is whether the current governance structure is fit for purpose to oversee the running of a HPP (without any criticism of the past or present board), as opposed to a whole sport from grassroots through to HP.

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<sup>105</sup> Cycling New Zealand Road and Track, MTB NZ, BMX NZ, and Cycling New Zealand Schools.

321. CNZ and HPSNZ ought to reflect on whether the current governance structure matches the overwhelming weight of the HP programme (to CNZ) and what is required to be delivered by an essentially community organisation. The proposition is that the HPP is a highly specialised, \$5million per annum operation, and arguably requires a different set of governance skills and expertise than the other parts of the organisation. There may be governance solutions, such as a specialist sub-committee with co-opted or appointed HP expertise, which could ensure an expert focus on the HPP and the ability to monitor and hold to account the CEO and HPD for its delivery (and free the Board generally for other matters).
322. Any such changes to governance would need to be considered collectively and from a long-term, whole of sport sustainability perspective, and not just with a HPP lens (remembering that CNZ is an autonomous, by-members for-members organisation).
323. Consideration needs to be given to how the board interacts with athletes. Consideration should be given to either having an athlete representative on the Board, or robust and routine meetings between the board and a representative (person or body). Connection between the board and athletes is key to promoting transparency, accountability and an overarching culture.
324. Many of the issues identified in this report do not necessarily arise from governance but ultimately the CNZ board has responsibility for the culture and conduct within the organisation. The CNZ board generally responded appropriately to the recommendations of the 2018 Report and oversaw improvements that have and should continue to improve wellbeing within CNZ. Such measures include the proactive establishment of the AVC and the introduction and refinement of the policies required.
325. If the governance structure of the HPP remains the same, there is scope for CNZ's board to take steps to ensure it has greater oversight of wellbeing and HR matters and does more to lead the organisation and its culture, including in the HP space. CNZ's governors will need to set the tone and mandate for continued cultural change within the organisation and lead the push for change from the top down.
326. In addition, while not a governance change, we recommend that CNZ's board consider the make-up of CNZ's SLT, in concert with its CEO. This arises from the specific comments we have made about the composition of the SLT above.

# APPENDIX 1: TERMS OF REFERENCE

## Introduction

1. 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).
2. 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.
3. 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).
4. The key objectives of the Inquiry (Objectives) are:
  - a) 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);
  - b) 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;
  - c) 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;
  - d) To assess the impact that HPSNZ investment and engagement has on Cycling New Zealand's high performance programme;
  - e) 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
  - f) 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.

5. 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.
6. 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.
7. 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**

8. 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. This service was established in early 2021 and is operated by Immediation New Zealand Limited, who has been contracted by SNZ to run the service independent of any sporting bodies, clubs and organisations.
9. 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**

10. The Inquiry will be carried out by an interdisciplinary panel (Panel) consisting of:
  - a) 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;
  - b) 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;

- c) 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
  - d) Genevieve Macky: having represented New Zealand in rowing at the 2016 Olympics, Ms Macky brings an elite athlete perspective.
11. Sarah Leberman and Michael Heron QC will operate as Co-Chairs of the Panel in acknowledgement of the benefit of collaborative leadership.
  12. 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

13. It is expected that the Inquiry will:
  - a) Consider the 2018 Report as a baseline of the efforts to be undertaken by Cycling New Zealand and HPSNZ during the intervening period; and
  - b) Produce a report that seeks to address the Objectives outlined in paragraph 4 above.
14. 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.
15. 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.
16. 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**

17. An Inquiry website will be established to provide the following information:
  - a) Background to the Inquiry;
  - b) Profiles of Panel members;
  - c) Methods to engage and contact the Inquiry;
  - d) News and resources;
  - e) Terms of Reference;
  - f) How to provide feedback, make a complaint and/or access counselling and other support services.
18. 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.
19. 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.
20. Cycling New Zealand and HPSNZ will proactively notify the following stakeholders of the Inquiry and invite them to take part in the process:
  - a) All Cycling New Zealand and HPSNZ Board members since 1 September 2016;
  - b) All athletes, coaches and support staff who have been part of Cycling New Zealand's development programmes since 1 September 2016; and
  - c) All athletes, coaches and support staff who have been part of Cycling New Zealand's high performance programmes since 1 September 2016.

## Timing

21. The Panel will begin the Inquiry as soon as possible, with the aim that a draft report will be completed within three months.
22. 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:
  - a) At Cycling New Zealand: Jacques Landry (CEO) and Phil Holden (Chair); and
  - b) 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.

23. 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

24. 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.
25. All information collected in the course of this Inquiry will 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.
26. 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

27. 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.

## APPENDIX 2

| Key characteristics: employee vs contractor model |  |   |
|---|--|---|
|   | Employee   | Contractor  |
| Contract type:                                    | Contract of service, i.e., the employee is engaged to do things to serve their employer as their employer requires.  | Contract for services, i.e., the contractor is engaged to do specific things for the other party.   |
| Method of payment:                                | The employee gets paid a wage or salary, set by the employer, on a regular basis.  | The contractor determines what the service costs and bills the other party regularly or once the services have been provided.   |
| Rights:   | <p>Employees have minimum employee rights, including rights to:<sup>106</sup></p> <ul style="list-style-type: none"> <li>• Minimum employment standards, including protections against unjustified dismissal and the like;</li> <li>• Minimum wage; and</li> <li>• Holidays and paid leave.</li> </ul> | <p>A contractor's rights are generally determined by their contractor agreement. Contractors are not entitled to employment protections, leave, or minimum wage.</p>  |
| Obligations:                                      | <p>Employees must comply with their employment agreements. There is a fundamental obligation on both the employer and employee to operate in good faith.</p>   | <p>Contractors must comply with the terms of their contract. There is no fundamental good faith obligation. Ordinary contractual principles apply.</p>  |
| Tax:  | <p>Tax is deducted and paid by the employer from salary and wages using the PAYE system. Any student loan or child support payments are also automatically deducted.</p>   | <p>The contractor is responsible for their own tax and must file and pay tax at the end of each year. Contractors who earn above a certain amount will be liable for provisional tax, which is paid in advance.</p> |

<sup>106</sup> Sourced from the Employment Relations Act 2000, the Minimum Wage Act 1983, the Wages Protection Act 1983, the Holidays Act 2003, and others. For more, see <<https://www.employment.govt.nz/starting-employment/rights-and-responsibilities/minimum-rights-of-employees/>>.



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|--------------------|--|--|
|                    | Most employees do not need to file tax returns. <sup>107</sup> No GST obligations arise.   | Contractors with more than \$60,000 turnover per year are generally required to collect and pay GST.   |
| KiwiSaver:         | <p>Employees are KiwiSaver members, unless they opt out. Employers deduct KiwiSaver contributions from employees' pay so there is no need for the employee to deposit money into their KiwiSaver.</p> <p>Employers contribute to their employees' KiwiSaver schemes with each pay.<sup>108</sup></p> | Contractors are not automatically enrolled in KiwiSaver and there are no employer contributions. They can join and contribute to KiwiSaver if they wish but there is no equivalent to the employer contribution. |
| ACC:               | ACC levies are automatically deducted from pay and the employee does not need to do anything.  | ACC levies will be payable by the contractor if they earn more than a certain amount. <sup>109</sup> The contractor is responsible for this payment.   |
| Other jobs:        | Depending on their employment agreements, employees may have multiple jobs (in which case they will pay secondary tax, which is an administrative issue and deducted at source). <sup>110</sup>  | Contractors are free to contract to any number of parties simultaneously.  |
| Flexibility:       | The employee is generally required to work at hours and places set by the employer. The employer can direct when an employee may take leave.   | Contractors can generally choose their own hours and where they work from (subject to the requirements of the particular contract).  |
| Health and safety: | Covered under the Health and Safety at Work Act 2015.  | Covered under the Health and Safety at Work Act 2015.  |

<sup>107</sup> Most employees are only required to file tax returns if they receive other income not taxed at source.

<sup>108</sup> An employer's contribution to an employee's KiwiSaver may be made from the employee's salary/wages, or on top of it.

<sup>109</sup> This has caused issues for athletes, where ACC has on occasion incorrectly sent bills to athlete-contractors for staggering amounts, causing confusion and stress.

<sup>110</sup> Note that secondary tax is not additional tax. The point of secondary tax is to make sure that multiple sources of income are taxed at the source, not that the person pays more tax for working two jobs.