



## **SAFEGUARDING PANEL PROCEDURAL RULES**

**EFFECTIVE 1 JANUARY 2025**

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**PROCEDURAL RULES GOVERNING PROCEEDINGS BEFORE A SAFEGUARDING PANEL CONVENED  
UNDER THE ITF SAFEGUARDING AND CASE MANAGEMENT PROCEDURES**

**Effective 1 January 2025**

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### **1 INTRODUCTION**

- 1.1 The ITF has contracted Sport Resolutions ([www.sportresolutions.co.uk](http://www.sportresolutions.co.uk)) to organise a panel of individuals with the necessary skills and experience (the “**Panel**”) from whom independent safeguarding panels (each, a “**Safeguarding Panel**”) may be formed to hear and determine particular matters. Sport Resolutions will act as secretariat to the Panel (working closely with the Panel member who is designated to act as Chair of the Panel – the “**Panel Chair**”) and to Safeguarding Panels appointed from the Panel to hear and determine particular matters. The ITF will compensate Sport Resolutions for its work, and (through Sport Resolutions) will compensate the Panel members for the time they spend on particular matters. However, both

Sport Resolutions and the Panel members shall be independent of the ITF and shall carry out their responsibilities independently and impartially at all times.<sup>1</sup>

- 1.2 These Safeguarding Panel Procedural Rules (the “**SP Procedural Rules**”) are effective from 1 January 2025. These SP Procedural Rules, and proceedings before the Safeguarding Panel generally, are governed by English law. The Safeguarding Panel is intended to operate as an arbitral tribunal within the meaning of the Arbitration Act 1996. A person's consent to the ITF’s Rules and Regulations, including the Safeguarding and Case Management Procedures (the “**SCMP**”) conferring jurisdiction over a dispute on the Safeguarding Panel constitutes an agreement to arbitrate such dispute before the Safeguarding Panel in accordance with these SP Procedural Rules, and proceedings before the Safeguarding Panel constitute arbitration proceedings with a seat or legal place in London, England, to which the Arbitration Act 1996 applies. Subject strictly thereto, and to the provisions of these SP Procedural Rules specifying how decisions of the Safeguarding Panel may be appealed or otherwise challenged, the English courts shall have exclusive jurisdiction over disputes arising out of proceedings before the Safeguarding Panel.
- 1.3 Unless the context otherwise requires, words in these SP Procedural Rules denoting any one gender include all other genders, and words denoting the singular include the plural and *vice versa*.
- 1.4 The Board of Directors of the ITF may amend these SP Procedural Rules from time to time. Such amendments will come into effect on the date specified by the Board of Directors.

## **2. JURISDICTION AND COMPOSITION OF THE SAFEGUARDING PANEL**

- 2.1 Where the SCMP confers jurisdiction on the Safeguarding Panel to hear and determine a matter, then the Safeguarding Panel will hear and determine the matter in accordance with these SP Procedural Rules and the SCMP.
- 2.2 Where a matter is referred to the Safeguarding Panel, the Panel Chair (or their designee) will appoint one or three members of the Panel to sit as the Safeguarding Panel in that particular matter. Three members shall be appointed to a Panel unless specified otherwise in the SCMP or if the Panel Chair considers that there are exceptional circumstances and that a Panel with one member can fairly determine the matter. Where three members are appointed, the Panel Chair (or their designee) will designate one of them (who should be legally qualified) to chair that Safeguarding Panel (the “**Safeguarding Panel Chair**”). The Panel Chair may choose to appoint themselves to sit as the Safeguarding Panel Chair or as a member of a Safeguarding Panel.
- 2.3 Each member of the Safeguarding Panel must (a) have had no prior involvement with the matter in question; and (b) act independently of the ITF and impartially at all times.
- 2.4 Upon being appointed to a Safeguarding Panel, each member must provide a declaration to the parties (via Sport Resolutions), disclosing any facts or circumstances known to them that might call into question their impartiality or independence in the matter in the eyes of a well-informed and fair-minded observer. If any such facts or circumstances arise thereafter, the member must provide an updated declaration to the parties.

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<sup>1</sup> If for any reason the ITF ceases to use Sport Resolutions to provide this service, then these SP Procedural Rules shall continue to apply with the replacement service provider standing in its place.

- 2.5 Any objection to a member of a Safeguarding Panel must be made to the Panel Chair without delay, and in any event within 7 days of (a) receipt of the written declaration referred to in Article 2.4; or (b) learning by any other means (including any subsequent means) of the facts or circumstances giving rise to the objection. Failure to do so will constitute a waiver of that objection. The Panel Chair (or their designee) will rule on the objection.
- 2.6 If a member of a Safeguarding Panel is unable, unwilling or unfit to hear the matter (whether because of an objection to their independence or impartiality or otherwise), the Panel Chair may, in their absolute discretion, either (a) appoint another Panel member to replace the member on the Safeguarding Panel; or (b) in exceptional circumstances authorise the remaining member(s) of the Safeguarding Panel to hear the matter alone.
- 2.7 The Panel Chair (or their designee) has the power, whether on the application of a party or of their own motion:
- 2.7.1 to order consolidation before the same Safeguarding Panel of two or more separate proceedings, and/or to order that concurrent hearings be held in relation to such proceedings; and
- 2.7.2 to exercise any of the powers of the Safeguarding Panel in relation to urgent matters that require a decision before a Safeguarding Panel has been convened.

### **3. CONDUCT OF PROCEEDINGS BEFORE THE SAFEGUARDING PANEL**

- 3.1 To commence proceedings before the Safeguarding Panel, the relevant party must send a written notice to the Panel Chair (c/o Sport Resolutions by email to [resolve@sportresolutions.com](mailto:resolve@sportresolutions.com)), copied to the ITF Legal Team (LegalTeam@itftennis.com), containing or accompanied by the following:
- 3.1.1 contact details of the parties;
- 3.1.2 a copy of the provision in the SCMP conferring jurisdiction on the Safeguarding Panel to hear and determine the matter;
- 3.1.3 a statement of the party's case;
- 3.1.4 any proposals in relation to the conduct or venue of the proceedings, including whether the appellant is seeking an oral hearing, any interim relief and/or an expedited timetable; and
- 3.1.5 confirmation that a copy of the written notice, together with all enclosures, is being served simultaneously on the other party/parties (including the ITF) and on anyone else entitled to such notice under the SCMP.
- 3.2 The Safeguarding Panel will determine the matter in accordance with the SCMP and these SP Procedural Rules, with English law applying subsidiarily. Where the SCMP and these SP Procedural Rules conflict, the SCMP will prevail.
- 3.3 While the seat of all proceedings before a Safeguarding Panel shall be London, England, and hearings before the Safeguarding Panel shall also be held in London as a general rule, the Safeguarding Panel Chair may hold hearings elsewhere for good cause shown.

- 3.4 The proceedings shall be conducted in English. Any party wishing to rely on documents written in another language must provide certified English translations at its own cost.
- 3.5 The parties are entitled to be represented by legal counsel and/or any other representative(s) in all proceedings before a Safeguarding Panel, at their own expense.
- 3.6 The Safeguarding Panel will have all powers necessary for, and incidental to, the discharge of its responsibilities under the SCMP and these SP Procedural Rules, including (without limitation) the power, whether on the application of a party or of its own motion:
- 3.6.1 to rule on its own jurisdiction;
  - 3.6.2 to appoint an independent expert to assist or advise it on specific issues, with the costs of such expert to be borne as directed by the Safeguarding Panel;
  - 3.6.3 to expedite or to adjourn, postpone or suspend its proceedings, upon such terms as it shall determine, where fairness so requires;
  - 3.6.4 to extend or abbreviate any time-limit set in the SCMP or these SP Procedural Rules, or by the Safeguarding Panel itself, save for any limitations period or deadline for filing an appeal;
  - 3.6.5 to rule on whether an oral hearing is required in the interests of fairness, or whether the matter can be determined on the papers;
  - 3.6.6 to order any party to make any property, document or other thing in its possession or under its control available for inspection by the Safeguarding Panel and/or any other party;
  - 3.6.7 to allow one or more third parties to intervene or be joined in the proceedings, to make all appropriate procedural directions in relation to such intervention or joinder, and thereafter to make a single final decision or separate decisions in respect of all parties;
  - 3.6.8 to order that certain preliminary and/or potentially dispositive questions (e.g. as to jurisdiction, or as to whether a condition precedent has been met) be heard and determined in advance of any other issues in the matter; and
  - 3.6.9 to award interim relief or other conservatory measures on a provisional basis and subject to final determination.
- 3.7 Any procedural rulings may be made by the Safeguarding Panel Chair alone, unless they prefer to have the full Safeguarding Panel make the ruling in any particular instance.
- 3.8 As soon as practicable after the Safeguarding Panel has been convened in a particular matter, the Safeguarding Panel Chair will issue directions to the parties in relation to the procedure and timetable to be followed in the proceedings. Where they deem it appropriate, they may hear from the parties (in person, or remotely by telephone, by video-conference, or in writing) prior to issuing such directions. In particular, the directions will:
- 3.8.1 address whether an oral hearing will be convened (whether in-person or remotely) or whether the matter will be determined on the papers;

- 3.8.2 fix the date, time and venue of the hearing (if one is to be held);
- 3.8.3 establish a schedule for the exchange of one or more rounds of written submissions and evidence in advance of the hearing, so that each party understands in advance of the hearing the case that it has to meet; and
- 3.8.4 make any appropriate order in relation to the disclosure of relevant documents and/or other materials in the possession or control of any party.

### Hearings

- 3.9 All hearings will be conducted on a private and confidential basis, save that the ITF may publish the decision and/or written reasons in accordance with Article 6.3 below. Where an oral hearing is convened (whether in-person or remotely), only the parties to the proceedings and their representatives, witnesses and experts shall be permitted to attend, as well as the representatives of any third party/parties permitted under these SP Procedural Rules or the SCMP to attend in order to participate in and/or to observe the proceedings, unless agreed otherwise between the parties and the Safeguarding Panel Chair.
- 3.10 Oral hearings will be conducted remotely unless the parties agree to an in-person hearing or the Safeguarding Panel decides that an in-person hearing is required in order for the process to be fair. The Safeguarding Panel will have discretion as to whether to receive evidence from witnesses/experts in person (if an in-person hearing is being held) or remotely by telephone, by video conference, or in writing, and may question a witness/expert and control the questioning of a witness/expert by a party.
- 3.11 Any party who wishes or whose witness wishes to give oral evidence in another language must at their own cost bring, or request that the Safeguarding Panel provides, an independent translator to translate that evidence into English.
- 3.12 The procedure to be followed at the hearing will be at the discretion of the Safeguarding Panel Chair, provided always that the hearing must be conducted in a fair manner, with a reasonable opportunity provided for each party to present evidence (including the right to call and to question witnesses/experts), and present their case to the Safeguarding Panel.
- 3.13 Where the subject matter of or facts relating to an allegation of breach against one or more Covered Persons is sufficiently linked (including, but not limited to, where there is common evidence of the ITF or the charged Covered Persons) and the Safeguarding Panel has accordingly exercised its power under Article 2.7.1 above to consolidate proceedings so that they are conducted together and the allegation(s) of breach may be determined at a joint hearing:
  - 3.13.1 evidence adduced by or on behalf of a charged Covered Person shall be capable of constituting evidence against another charged Covered Person (and the Safeguarding Panel shall give appropriate weight to such evidence);
  - 3.13.2 charged Covered Persons or their representatives shall be entitled to cross-examine other charged Covered Persons and their witnesses; and
  - 3.13.3 the Safeguarding Panel may hear evidence in any order and shall have complete discretion to take matters out of order for the timely, efficient and appropriate disposal of the proceedings.

3.14 Unless the Safeguarding Panel decides to determine the matter on the papers, all parties should attend hearings (whether in person or remotely, as determined by the Safeguarding Panel), along with any representative(s). The non-attendance of any party and/or its representative(s) at the hearing, after due notice has been given, will not prevent the Safeguarding Panel from proceeding with the hearing in its absence, whether or not written submissions have been made by or on behalf of that party.

3.15 Where a matter is determined on the papers, these SP Procedural Rules shall apply *mutatis mutandis* (i.e., with any amendments deemed to have been made necessary to take account of the different context).

#### **4. BURDEN AND STANDARD OF PROOF**

4.1 Unless otherwise specified in the SCMP, the burden of proof shall be on the party asserting the claim or fact in issue, and the standard of proof to be met shall be the balance of probabilities.

#### **5. EVIDENCE**

5.1 No formal rules as to admissibility of evidence shall apply. Facts may be established by any reliable means. It is for the Safeguarding Panel to decide what weight to place on evidence that is put before it.

5.2 A person is bound by and may not dispute facts determined by a court or tribunal of competent jurisdiction in a decision in proceedings to which they were a party that is not the subject of a pending appeal.

5.3 Where a party declines or refuses to appear at a hearing or to answer questions, or appears at an oral hearing but refuses to answer a question, the Safeguarding Panel may infer that the answer(s) would be adverse to that party.

#### **6. DECISIONS OF THE SAFEGUARDING PANEL**

6.1 The Safeguarding Panel will make its decision by majority vote. No Panel member may abstain.

6.2 The Safeguarding Panel will provide its decision to the parties in a written, reasoned decision, dated and signed by at least the Safeguarding Panel Chair, as soon as practicable after the hearing. A copy of the decision will also be sent to any other person/entity that has a right of appeal against the decision. Where a matter is urgent, the Safeguarding Panel may first report the decision summarily, with written reasons to follow as soon as practicable thereafter.

6.3 The ITF may publish the decision on the ITF's website and/or otherwise as it sees fit, but otherwise the proceedings shall be confidential and no Panel member, party, third party observer, witness, or other participant in the proceedings or recipient of the decision may disclose any facts or other information relating to the proceedings.

6.4 The Safeguarding Panel may award such relief as it sees fit, including declaratory and/or injunctive relief. Where, in relevant cases, the Safeguarding Panel determines that a Significant Breach of the ITF Safeguarding Code of Conduct has been established and/or that a Covered Person otherwise poses, or may pose, a risk of Harm to Children or Adults, and/or that a Sanction for a breach of the ITF Safeguarding Code of Conduct should be imposed, then (subject to any specific provisions relating to sanctions set out in the SCMP) the Safeguarding

Panel may impose such sanctions as it deems appropriate (any of which may be suspended), including (without limitation):

- 6.4.1 a permanent suspension from all ITF Competitions or from taking part in any other capacity in tennis events and/or centres organised, authorised and/or sanctioned by the ITF, including revocation of existing entries;
  - 6.4.2 withdrawal of access to and accreditation for any tennis event and/or centre organised, authorised and/or sanctioned by the ITF;
  - 6.4.3 a referral to the Disclosure and Barring Service or other equivalent Statutory Agency in country, e.g. US Safesport in USA;
  - 6.4.4 a suspension from participating in or otherwise attending any tennis event and/or centre organised, authorised and/or sanctioned by the ITF for a specified period, including revocation of existing entries;
  - 6.4.5 a written warning outlining the areas of safeguarding concern which must be addressed by the Covered Person within a specified period before any access to or accreditation for any tennis event and/or centre organised, authorised and/or sanctioned by the ITF is granted;
  - 6.4.6 conditions upon any such participation or access to or approval of accreditation for any tennis event and/or centre organised, authorised and/or sanctioned by the ITF;
  - 6.4.7 a requirement that the Covered Person be supervised and/or work with a mentor for a specified period of time or permanently;
  - 6.4.8 a requirement that the Covered Person concerned undertakes approved safeguarding training or relevant education before any suspension is lifted or access to or accreditation for any tennis event and/or centre organised, authorised and/or sanctioned by the ITF is approved;
  - 6.4.9 a requirement that an assessment of the current risk posed by the Covered Person be undertaken by a suitably qualified person;
  - 6.4.10 a requirement that the Covered Person completes a supervised probationary period on reinstatement from suspension;
  - 6.4.11 a reprimand and/or warning as to future conduct; and/or
  - 6.4.12 any other sanctions/risk management measures as the Safeguarding Panel considers appropriate.
- 6.5 Where the Safeguarding Panel finds that an argument advanced by a party was frivolous or otherwise entirely without merit, the Safeguarding Panel may award costs against that party. Otherwise, however, each of the parties will bear its own costs (legal, expert, and otherwise), and the ITF will bear the costs of convening the Safeguarding Panel.

## **7. APPEALS FROM DECISIONS OF THE SAFEGUARDING PANEL**

- 7.1 A decision of the Safeguarding Panel may be challenged by a party to the proceedings to the Independent Tribunal which shall exercise a supervisory jurisdiction and shall act in

accordance with the *Procedural Rules Governing Proceedings Before An Independent Tribunal Convened Under ITF Rules* in hearing and determining the challenge. All parties waive irrevocably any right to any other form of appeal, review or recourse by or in any court or judicial authority, insofar as such waiver may validly be made. For the avoidance of doubt, such a waiver extends to any rights that would otherwise arise under sections 45 or 69 of the Arbitration Act 1996.

- 7.2 The deadline for filing a challenge to the Independent Tribunal shall be twenty-one (21) days from the date of receipt of the decision in question by the challenging party and must be made in accordance with the *Procedural Rules Governing Proceedings Before An Independent Tribunal Convened Under ITF Rules*. The decision of the Safeguarding Panel under challenge will remain in full force and effect pending determination of the challenge, unless the Independent Tribunal orders otherwise.
- 7.3 The decision of the Independent Tribunal shall be final and binding and there shall be no further right of challenge or appeal under these SP Procedural Rules or any other Rules or Regulations of the ITF.

## **8. MISCELLANEOUS**

- 8.1 Any notice or other communication required to be given by a party pursuant to these SP Procedural Rules must be given in writing and must be sent by first class post or transmitted by email. If sent by first class post, the notice or other communication will be deemed to have been given on the first day (other than a Saturday or Sunday) on which banks are open for business in London (a "**Working Day**") after the day it is sent. If transmitted by email before 5pm (London time) on a Working Day, the notice or other communication will be deemed to have been given on that Working Day. If transmitted by email on a non-Working Day, or at or after 5pm (London time) on a Working Day, the notice or other communication will be deemed to have been given on the next Working Day.
- 8.2 A party's last-known residence or place of business or email will be a valid address for the purpose of any notice or other communication unless notification of a change to such address has been communicated to all parties, the Panel Chair and the Safeguarding Panel Chair.
- 8.3 Any period of time specified in these SP Procedural Rules will begin to run on the day following the day when a notice or other communication is given. Non-Working Days occurring during the period are included in calculating the running of that period, save that if the period, so calculated, ends on a non-Working Day, then it will be deemed to end on the next Working Day.
- 8.4 Where a matter arises that is not otherwise provided for in the SCMP or in these SP Procedural Rules, the Panel Chair or (if a Safeguarding Panel has been convened) the Safeguarding Panel Chair will resolve it as they see fit.
- 8.5 Any deviation from any provision of these SP Procedural Rules and/or any irregularity, omission, technicality or other defect in the procedures followed by the Panel Chair or by any Safeguarding Panel will not invalidate any finding, procedure or decision (including but not limited to its enforceability or binding nature) unless it is shown to render the proceedings unreliable or to have caused a miscarriage of justice.



- 8.6 Neither the Panel Chair, nor the members of the Safeguarding Panel, nor any expert appointed to assist a Safeguarding Panel, will be liable to any party for any act or omission unless it is actuated by malice or bad faith.

Approved: 5 December 2024

Effective: 1 January 2025