

THE RAFA NADAL FOUNDATION'S CHILD SAFEGUARDING POLICY

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Contact: denuncias@fundacionrafanadal.org

Person in charge: Eunate Gómez, Head of Projects, Rafa Nadal
Foundation

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1. DEFINITIONS

CRC: Convention on the Rights of the Child. The United Nations International Convention signed in 1989 emphasises the fact that children have the same rights as adults and underscores those rights stemming from their special condition as human beings who, because they have not reached full physical and mental development, require special protection.

LPC: Spanish Organic Law 1/1996 on the Legal Protection of the Child, and Spanish Law 8/2015, of 22 July 2015, modifying the child and adolescent safeguarding system.

CHILD: Article 1 of the CRC defines a child as “every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier”.

RIGHTS OF THE CHILD: The CRC bases the rights of the child on four fundamental principles:

- 1) Non-discrimination.
- 2) The best interests of the child.
- 3) The right to life, survival and development.
- 4) Participation.

For the purposes of interpreting and applying the best interests of the child in each case, the following general criteria shall be taken into account:

- a) Protection of the right to life, survival and development of the child, and satisfaction of his or her needs, be they material, physical, educational, emotional or affective.
- b) Consideration of the desires, feelings and opinions of the child, as well as his or her right to gradually participate, depending on his or her age, maturity, development and personal growth, in the process of determining his or her best interests.
- c) Desirability of living and growing up within an adequate family environment free from violence. Priority shall be given to permanence in his or her family of origin, and his or her family relationships shall be maintained whenever that is possible and positive for the child. If a safeguarding measure is agreed, family placement shall be prioritised over residential care. When a child has been separated from his or her family, the possibility and desirability of his or her return to it will be assessed,

taking into account the family's progress since the safeguarding measure was taken, and putting the interests and needs of the child above those of the family.

d) Preservation of identity, culture, religion, convictions, sexual identity and orientation, or language of the child, as well as his or her non-discrimination on these or any other grounds, including disability, thus ensuring the harmonious development of his or her personality.

PROPER TREATMENT: The World Health Organization defines this as a form of relationship between people based on a sense of respect and worth towards the dignity of others.

MALTREATMENT: Article 19 of the CRC defines this as, "all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse..." against or of the child. We include the various types of maltreatment:

- **Physical maltreatment:** Any violence against the child that may or may not lead to physical injury, resulting from a one-off or repeated punishment of varying magnitude and characteristics.
- **Emotional maltreatment:** Habitual verbal bullying through insults, criticism, disparagement or ridicule, as well as indifference towards, or the explicit or implicit rejection of, the child or adolescent.
- **Abandonment and neglect:** This refers to the lack of protection and basic care afforded by those who have the duty to provide it, as well as the conditions for doing so. Negligence exists when those responsible for meeting the basic needs of children, both affective and material, do not do so. Some child-rearing styles may facilitate negligence or abandonment, as happens within permissive or overprotective contexts.
- **Sexual abuse:** Contact and interaction between a child and an adult when the adult (the aggressor) uses the child to sexually stimulate him or herself, the child or someone else. Sexual abuse can also be committed by someone under the age of 18 when he or she is significantly older than the child (the victim), or when the aggressor is in a position of power or control over someone else. Sexual abuse encompasses sex acts with or without physical contact, sexual contact with or without intercourse, with or without violence, and activities that have purposes of exploitation related to prostitution and pornography.

- **Institutional maltreatment:** The violation of rights and the dignity of the child caused by institutional action (laws and regulations, programmes, procedures) or the individual action of a professional within the framework of an institution, entailing abuse, negligence and detriment to the health, safety, emotional state, physical well-being and proper maturation of the child. This includes the lack of readiness to adopt measures and resources to safeguard the child.

We also understand an act of maltreatment to be a passive attitude on the part of any professional who, being aware of and witnessing a discriminatory or degrading act towards a child, maintains a passive attitude towards said act.

2. GENERAL INFORMATION ABOUT THE RAFA NADAL FOUNDATION

Date of foundation:	20 November 2007
Tax Identification Code:	G-57533473
Registered address:	Carretera Cales de Mallorca Km. 1.2, Manacor 07500, Mallorca, Spain
Nature:	Private not-for-profit organisation of a foundational nature.
Aims:	<p>The Foundation's general interest aims are research, social care, development cooperation, sport promotion and help for the victims of natural disasters of any kind.</p> <p>Within these broad aims is the more specific and immediate aim of sport promotion as a tool for the social integration of people at risk of social exclusion, with special attention being paid to young people; the promotion – either directly or through third parties – of research projects to improve sport in general and support for young athletes in particular, either by enhancing their sports performance or by combining high performance sport with their general education.</p>

3. STATEMENT. THE RAFA NADAL FOUNDATION'S VISION, MISSION AND VALUES

STATEMENT

The essence of the Rafa Nadal Foundation is the belief in a world where children can reach their full potential, regardless of their origin or their personal, social or cultural background, including those who have learning problems or disabilities.

With sport and education as the pillars, the Foundation's programmes and projects aim to support them and provide them with the necessary tools to be able to create their own futures, fostering positive values within them such as effort, achievement and self-esteem.

Using the transformative power of sport as the backbone of each of the Foundation's programmes while being committed to integral care is what defines the organisation's identity and makes it different. In our social action projects, education through sport is supplemented with psychological support, the promotion of healthy habits and the involvement of the family environment.

VISION

"We firmly believe in the transformative power of sport and education so that children and adolescents, regardless of their personal or social background or of their origin or culture, can have the same opportunities to reach their full potential.

We strive to ensure that the children and young people who are beneficiaries of our programmes have an open door to opportunities that they had never had before."

MISSION

"We are a Foundation with three priority lines of action: social integration, care for those with different abilities, and support for talent, with the conviction that all children and young people should have access to equal future opportunities.

Through our programmes in Spain and India, we support them so that they can reach their full potential through sport and education.

We do so by fostering positive values within them, such as self-improvement, respect and effort, which enhance their ability to cope with the future challenges of life, whether on our programmes or within their family, educational or social environments.

VALUES

The Rafa Nadal Foundation's values are:

- Humility.
- Proximity.
- Co-responsibility.
- Equality and Trust.
- Empathy and Respect.
- Resilience and Perseverance.

4. THE FOUNDATION'S CHILD SAFEGUARDING POLICY

Consistent with its mission, the Rafa Nadal Foundation shall protect children participating in and/or who are beneficiaries of its projects or activities, whether they are actions directly managed by the Foundation or those that are carried out by third parties in partnership with the Foundation, from any form of maltreatment.

To that end, the Rafa Nadal Foundation enables this Child Safeguarding Policy, the aim of which is to establish certain action guidelines aimed at preventing and/or detecting, as well as taking immediate action where appropriate, any situation that is harmful to the children cared for and/or who participate in the programmes and/or projects or activities organised directly by the Foundation or in partnership with third parties.

4.A. SCOPE OF POLICY APPLICATION

The following are subject to this policy:

- 1) The Trustees.
- 2) The Rafa Nadal Foundation's entire staff, be they employees, freelancers or volunteers.
- 3) Donors, sponsors and collaborators.
- 4) Any supplier that has direct contact with the children cared for or who participate in the Foundation's projects and activities, as well as the staff of said supplier.
- 5) Anyone who, for whatever reason, visits the facilities or spaces where the Foundation's projects or activities are carried out, in which there are children (including the media, the staff of public authorities and others).
- 6) Beneficiaries (be they physical or legal persons) of the Foundation's assistance, financial or otherwise. The concept of "beneficiaries" shall include those entities whose projects are partly or fully funded by the Rafa Nadal Foundation, as well as those entities who execute the Foundation's programmes.

4.B. SPECIFIC ACTION MEASURES

1. Measures for the recruitment of staff, collaborators or volunteers that come into direct contact with children who are beneficiaries of/cared for on the Foundation's projects or activities.

In compliance with the provisions of Article 13 of the LPC, the Foundation shall ask those people it employs, contracts or establishes a regular collaboration with, and who may come into contact with children, to provide a certificate showing that they are not on the Central Register of Sex Offenders. Where necessary, they will also be asked to provide a criminal record certificate. Furthermore, their prior professional experience of dealing with children shall be checked, with references being requested about their previous jobs, and checking as far as possible their references in jobs related to children.

The Foundation shall also provide a training course prior to employment/contracting in order to ensure that all the employees, freelancers, volunteers, collaborators, etc. selected by the Foundation, and who will be dealing with children, have sufficient training to be able to know about the rights of the child, to identify a situation of risk of child abuse and to take the necessary action.

All of the mentioned professionals, volunteers and collaborators shall receive a copy of this policy and shall sign a document in which they commit to complying with it when they start their relationship with the Foundation's projects in which children participate/are cared for. This adherence document is incorporated into this policy as

APPENDIX 1.

2. Control measures for selecting entities with which the Rafa Nadal Foundation collaborates.

Regarding the legal persons that the Foundation contracts or collaborates with to execute programmes, projects or activities owned by the Rafa Nadal Foundation or in which the Rafa Nadal Foundation collaborates that involve contact with children, before signing any agreement and/or contract, the Foundation shall check to ensure that they have a policy or code of conduct relating to child safeguarding that, at the very least, lays down measures that are similar in scope to those laid down in this policy. If they do not have such a policy, the Foundation shall ask them to develop a child safeguarding policy within a period of one year.

Furthermore, in a contract to be entered into between the Rafa Nadal Foundation and any entity with which the Foundation agrees to collaborate on projects on which children are cared for/are the beneficiaries, the following obligations on the entity that is contracted/with which the Rafa Nadal Foundation collaborates shall be incorporated:

- a. [The entity] promises to comply with the Rafa Nadal Foundation's Child Safeguarding Policy, which is set out in the Appendix to the contract/agreement.
- b. [The entity] promises to provide a training course for all of its employees/collaborators/volunteers on the rights of the child and on the risks to which children may be exposed to ensure that they are able to identify any situation that may occur and to act accordingly to safeguard children.
- c. [The entity] promises to notify immediately, and within 24 hours of a situation occurring at the very latest, the Rafa Nadal Foundation by e-mail to denuncias@fundacionrafanadal.org of any incident of which its may have become aware relating to children on a programme/activity/project carried out. An incident notification template is set out in **APPENDIX 2**.

An incident shall be deemed to be any suspicion, sign or observation that something violating the rights of the child has occurred, as laid down in this policy. The contracted entity's failure to meet this obligation shall also be considered a breach of contract and may entitle the Foundation to take any corresponding legal action.

For contracts entered into before the signature of this policy, an appendix shall be incorporated into the signed contract. The appendix shall include the previously mentioned obligations and the entities shall be required to sign said document.

3. Code of Conduct for adults professionally involved or dealing with children on the programmes/projects/activities of the Foundation or on which the Foundation collaborates.

Behaviour that needs to be observed in the treatment of a child:

- a. Treat children with respect, regardless of their ethnicity, colour, gender, language, religion, ideology, nationality, social background, possessions, disability, sexual orientation or other characteristics.
- b. Use language and behaviour towards children that is appropriate at all times and in no way bullying, abusive, sexually provocative or degrading.
- c. Create safe spaces and relationships free from any type of violence in all areas affecting children.
- d. Listen to children's needs and requests, maintaining an attitude of respect and welcome.
- e. Provide children living with disabilities with appropriate care.
- f. Guarantee the privacy and confidentiality of children's personal data.
- g. Inform, educate and guide children on activities and conducts that may constitute a violation of their rights or an offence, doing so in a way that is both clear and appropriate to their age and personal characteristics.
- h. Inform children on the channels and people in charge on each project/programme/activity through which or to whom they can report any situation that makes them uncomfortable or concerns them.

- i. Know about and identify situations of risk to children's physical, mental and sexual integrity in order to prevent them and address them should they have occurred.
- j. Notify immediately the Rafa Nadal Foundation by e-mail to denuncias@fundacionrafanadal.org of any incident that it may have become aware of relating to children on a programme/activity/project carried out in collaboration with the Rafa Nadal Foundation. An incident notification template is set out in APPENDIX 2. An incident shall be deemed to be any suspicion, sign or observation that something violating the rights of the child has occurred, as laid down in this policy.

Behaviour that is unacceptable in the treatment of a child:

- a. Any punishment practice and/or humiliating treatment, be it physical or psychological.
- b. Making threats about the possibility of being on the receiving end of any of the practices described in the previous section, or acting in any way that is intended to shame, humiliate or undermine the child.
- c. Not respecting children's rights to privacy, whether physical or of any other type. The child's right to privacy shall be deemed not to have been respected, among other instances, if an intimate body part is exposed to him or her and/or he or she is made to expose an intimate body part and/or there is physical contact with that body part, if there is inappropriate physical contact (kissing, caressing, etc.) that makes the child uncomfortable, if photos or other explicitly sexual materials are shared with the child and/or photos of this type are taken of him or her, and if explicitly sexual language is used with him or her.
- d. Being alone with a child, without at least one other person over the age of 18 being present, unless absolutely necessary.
- e. Consuming alcohol or illegal substances while working with children or being in contact with them, and/or working with children while drunk.
- f. Adopting language or behaviour that is inappropriate, bullying, abusive, sexually provocative, deliberately humiliating or culturally inappropriate.

- g. Visiting a child alone at his or her home and/or inviting a child to visit you at your home or lodgings, except when the child is at imminent risk of being harmed or in physical danger.
- h. Acting in a discriminatory manner towards children.
- i. Involving a child in any form of sexual activity or relationship, including paying for sexual services, and participating in other forms of exchange of sexual services with anyone under the age of 18.
- j. Having conversations with children via any digital medium, and having meetings outside of the setting of the project in which the child participates/is cared for.
- k. Taking photos of children, unless the direct instructions of the Foundation's Head of Projects are followed and the children's parent(s) or legal guardian(s) have given their consent. In this respect, and in general, the image capture devices used shall be the Foundation's and not those of adults and/or educators dealing with children. Should a private device exceptionally need to be used, the images must be transferred as quickly as possible to a medium owned by the Foundation and deleted immediately from the private device. The Foundation has a strict policy of respect for the image rights of the child, which is laid down in its Crime Prevention Protocol and its Personal Data Protection Policy.
- l. Sharing, receiving and/or distributing personal information about the children cared for, unless it is with public authorities with which there may be a duty to share information about the children.
- m. Transporting a child in or on a private vehicle.

4. Code of conduct between children.

Children who participate in and/or benefit from the programmes and projects of the Foundation and/or that the Foundation funds must act in accordance with the following behaviour guidelines:

- a. Establish relationships of respect with the other children without discriminating against them on grounds of their gender, age, sexual orientation, race, ideology, etc.
- b. Respect the physical, affective and intellectual integrity of all their fellow participants/beneficiaries.
- c. Maintain a relationship of camaraderie and sportspersonship with all the children with whom they do an activity, game, sport, competition, etc.
- d. Use respectful language and adopt an attitude of respect, avoiding insults, violence, bullying, etc.
- e. Respect fellow participants'/beneficiaries' privacy. Not to spread any information or images of another child who may have placed their trust in you, or that you may have found out about from another source, for the purpose of harming him or her.
- f. Not to intimidate, torment, threaten, bully, humiliate or harass another child for the purpose of causing him or her harm, be it in a physical space or a virtual one (Internet, smartphones, consoles or any other digital device).
- g. Tell a trusted adult about any suspicion that a fellow participant/beneficiary is experiencing a situation of risk/maltreatment or violation of his or her rights. You may also report the situation anonymously by e-mail: denuncias@fundacionrafanadal.org.

5. Code of conduct for the Foundation's governing body and management.

The Foundation's governing body (Board of Trustees) and management must take the following measures:

- a. Check to ensure that training sessions are organised to train all the Foundation's staff, collaborators and volunteers who deal with children in the prevention, identification and reporting of any situation that is harmful to a child. The organisation of such sessions shall be responsibility of the Head of Projects.
- b. Check to ensure that the regulatory and legal provisions applicable to situations of maltreatment, in any of its forms, and all the necessary up-to-date information about the people, services or institutions that must be consulted in the event of an emergency are made known to staff, collaborators and volunteers who deal with children. This obligation falls jointly to the Foundation's Head of Projects and its legal counsel.
- c. Check to ensure that a review of this policy's fulfilment is undertaken annually. This shall entail the management visiting the centres and/or places where projects involving children are carried out, be they projects managed directly by the Rafa Nadal Foundation or projects managed by third parties. The Foundation's management shall nominate the people who must carry out the supervision visits. On completion of such visits, the deployed staff shall write a report for the management, which shall record the detected risks in relation to potential violations of this policy. This report must be sent to all the Trustees for their information. For projects managed directly by the Foundation, the Board of Trustees shall tell the staff what changes to make, taking, if need be, disciplinary action against staff who have failed to comply with the policy. Regarding projects managed by third parties, the Rafa Nadal Foundation shall submit the risk report to the management of those entities running the projects, and shall give them a deadline by which to rectify the situation. If no measures are taken, the Foundation may terminate the contract with those entities or cease to collaborate with them.

6. Code of conduct for visits to places where there are children cared for on the Foundation's projects or programmes.

Everyone (e.g., the media, visitors, etc.) accessing facilities or places where there are children on the programmes of the Rafa Nadal Foundation and/or of other entities with which the Rafa Nadal Foundation collaborates must meet the following obligations:

- a. Be accompanied at all times by someone from the Foundation.
- b. Treat all children with respect.
- c. Refrain from being alone with a child.
- d. Refrain from taking photos or filming children by any means, unless they have consent to do so from the children's parent(s) and/or legal guardian(s). The Rafa Nadal Foundation has a strict Personal Data Protection Policy. Any photo and/or image recording of a child shall require an authorisation document to be signed by the child's parent(s) and/or legal guardian(s). In every case, the request for photos and/or filmings of children shall be made solely and exclusively by the Rafa Nadal Foundation. Under no circumstances shall the visitor be able to approach the child and/or his or her parent(s)/guardian(s) directly. Unless there is a prior, express authorisation formalised in writing, all authorised photos and/or recordings shall be taken and/or made by the Rafa Nadal Foundation's staff, and under no circumstances by the visitor.
- e. Refrain from entering into conversation with any of the children, unless someone from the Foundation and/or a person in charge of the visited project or programme is present.
- f. Should the visitor detect any incident that he or she considers to be putting the child at risk, he or she must report it immediately by e-mail to denuncias@fundacionrafanadal.org.

7. Protocol for caring for children in the event of lockdown (non-in-person action).

In the event of lockdown measures being imposed by the government, the following measures must be taken into account:

- a. Check to ensure that the children are being properly cared for in their homes and to see if they need any type of external support. To these ends, and if necessary, primary care social services staff should be mobilised.
- b. Check to ensure that contact is being maintained with the child's father/mother or legal guardian, and not with the child.
- c. Check to ensure that the child is not in a situation of neglect due to an admission to hospital of one or both parents or legal guardians.
- d. Support families with all possible means (including Internet connection via Wi-Fi, computers, phones, etc.) so that children can carry on with their educational activities as normally as possible.
- e. Ensure follow-up in person, online or over the phone, evaluating each situation, in order to maintain contact and the ability to respond early to any suspicion of risk, harm or injury to, or neglect of the child.
- f. Strengthen coordination channels with primary care social services to ensure adequate monitoring of all open cases of families with children showing signs of risk or a lack of protection.

5. REPORTING CHANNELS

Anyone who suspects, has seen signs and/or has observed that a situation violating this policy has occurred or may occur and, therefore, that a child is in danger, must notify immediately, and within 24 hours at the very latest, the Rafa Nadal Foundation of it by e-mail to denuncias@fundacionrafanadal.org using the incident notification template in APPENDIX 2. If the person reporting the matter is a child, he or she may use the aforementioned reporting channel without the need to fill in incident notification template, or communicate it verbally to the centre's tutor (if the child is in a centre) or the Foundation's person in charge of the project or activity in which the child participates/of which the child is a beneficiary.

If sending an e-mail is not possible, he or she may call the number +34 971 171 679.

The reporting e-mail address is managed solely by the Rafa Nadal Foundation's legal advisor. After receiving a report, the legal advisor shall convey it to the Foundation's management so that it can start the procedure described in the next section. Confidentiality shall be guaranteed at all times. If the Foundation's legal advisor needs to take a leave of absence, the advisor will pass the passwords for the reporting e-mail address to the Foundation's Director.

In parallel to the notification of an incident by e-mail to the Foundation's reporting e-mail address, the person reporting the incident, or the Foundation's management if that person has not done so, must bring the events to the competent authorities attention if he, she or it considers that the child is at serious risk.

6. PROCEDURE AFTER A REPORT

Once it has received a report from the legal advisor, the Foundation's management shall start an investigation procedure consisting of the following steps:

- a. Writing a report about the reported events.
- b. Communicating the report to the entity that manages the programme on which the incident is reported to have occurred, where appropriate, so that it can start to take the corresponding measures.
- c. Communicating the report to the competent authorities, where appropriate.
- d. To remove, as a precautionary measure, the reported person.

7. PENALTIES/ACTIONS

The establishment of an adequate disciplinary regime is essential to ensure that any system of prevention for which the Foundation is responsible can be considered effective.

The breach of any of the measures established in this policy shall entail disciplinary action being taken in accordance with the laws and regulations in force, as applicable to each case. The penalty imposed shall be proportionate to the seriousness of the breach and the effects thereof, in accordance with applicable labour legislation and, in particular, with the Workers' Statute and the applicable collective bargaining agreements.

Regarding a breach by the entities or people with which or whom the Foundation has entered into an agreement or contract to collaborate on a certain project/activity, the Foundation may deem that a breach of contract has occurred and urge the early termination of the agreement and, where appropriate, take legal action.

8. POLICY PUBLICITY

The Rafa Nadal Foundation shall publish this policy on its website.

APPENDIX 1

**THE RAFA NADAL FOUNDATION'S CHILD SAFEGUARDING POLICY
ADHERENCE DOCUMENT**

By way of this document, I, _____, of legal age and holding Identity Card Number/Tax Identification Code _____, domiciled in _____

Acting:

On my own behalf/On behalf of and representing _____

DECLARE:

1. That I have received a copy of the Rafa Nadal Foundation's Child Safeguarding Policy.
2. That I have read and understood the content of the Rafa Nadal Foundation's Child Safeguarding Policy.
3. That I promise to comply with the Code of Conduct for the Rafa Nadal Foundation's Child Safeguarding Policy in regard to my treatment of children.
4. That I know that a breach of above-mentioned Code of Conduct by me may result in the Rafa Nadal Foundation taking disciplinary action as laid down in the Policy.

Signed: name, surname(s), Identity Card Number/Tax Identification Code and date

APPENDIX 2

INCIDENT NOTIFICATION TEMPLATE

NOTE: This APPENDIX must be completed by the person who suspects, has seen signs of or has observed any case of breach of the Rafa Nadal Foundation's Child Safeguarding Policy.

Once completed, please send this document by e-mail to denuncias@fundacionrafanadal.org should you wish to report a child-related incident. Reports are dealt with in the strictest confidence.

DETAILS OF THE REPORTING PERSON	
Name and surname(s)	
Phone number	
Post	
Relationship to the affected child	
DETAILS OF THE REPORTED PERSON	
Name and surname(s)	
Post/Position and workplace	
Relationship to the affected child	
DETAILS OF THE AFFECTED CHILD (if known)	
Age	
Gender	
Activity/Project	

DETAILS OF THE INCIDENT/DESCRIPTION OF EVENTS (what, who, where, when [include the affected child's own words if possible], measures adopted so far)

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DETAILS OF WITNESSES (if any)

Name and surname(s)	
Phone number	
Relationship to the affected child	

Additional information (if the situation has been communicated to the child's parent[s] or guardian[s] or if someone has spoken to the child about it, etc.)

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Place and date	Signature
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