

Position of Trust Guidance

Maintaining an appropriate and professional relationship with children, young people and adults at risk is a key part of keeping everyone safe. In this guidance we explain what a position of trust is and how to prevent abuse of a position of trust.

More advice is available www.bhs.org.uk/safeguardingchildren

What is a position of trust?

A position of trust involves a person in a position of authority over another person. The coach-participant relationship should focus on the sport, and romantic or sexual relationships between the adult and child or young person is unlawful (in England and Wales) and should be clearly defined as a breach of the organisation's code of conduct. Sports organisations will need to report such a breach to statutory organisations such as the police. They should take disciplinary action in situations where an adult in a position of authority has abused their position of trust by having sexual contact with anyone under the age of 18.

What does the law say?

The sexual offences legislation in England and Wales states that any sexual activity between adults and with children under 16 is illegal and constitutes abuse. The primary motivation for legislation which addresses the abuse of positions of trust is the need to protect young people aged 16 and 17 who, despite reaching the age of consent for sexual activity, are considered to be vulnerable to sexual abuse and exploitation, in defined circumstances. This includes sexual activity and relationships with adults who hold a position of trust, responsibility or authority in relation to them and, as a result, have a considerable amount of power and influence in their lives. The law defines specific roles and settings where sexual activity between 16 and 17 year olds and those in positions of trust, responsibility or authority constitutes a criminal offence. Changes to the Sexual Offences Act 2003 mean being a coach/official in a sports club is now considered under the law as a specified role.

What can sports organisations do?

- Sports codes of conduct and linked disciplinary processes should be reviewed and amended to include wording that supports the maintenance of healthy and positive relationships between sports coaches and young people. The code of conduct should reference the organisation's definition of roles that constitute positions of trust and ban any sexual relationships/activity between adults in those roles and 16 - 17 year olds for whom they are in a position of authority. Suggested wording may be:

"Coaches should ensure they maintain healthy, positive and professional relationships with all athletes. Coaches and others in positions of authority and trust in relation to athletes must not engage in sexual relationships with under 18s while that unequal power relationship exists."

- Children and young people in sport should be informed about these relevant rules, and assured of their right to enjoy and engage in sport freely and without pressure to comply with adults' sexual requests.
- Safeguarding and disciplinary policies and procedures should include a requirement for referral to the Disclosure and Barring Service (DBS) when an individual is deemed to be unsuitable to work with children and young people.

What can sports coaches and others in positions of trust do?

- Ensure that you read, understand, sign up to and comply with the code of conduct/behaviour your club, organisation or relevant sports governing body has produced for the role you hold.
- Maintain a relationship with all participants that is appropriate to your role and reflects positively on the club or organisation you work or volunteer for.
- Whether or not the code explicitly refers to positions of trust (and what would constitute breach) as someone in a position of authority you should not seek or engage in sexual activity or sexualised communication via social media with under 18s for whom you are responsible.
- If you think that a young person's behaviour indicates that they are seeking to develop or engage in an inappropriate relationship with you, immediately bring this to the attention of your club or organisation's Safeguarding Officer, designated safeguarding lead or manager. Be careful not to respond to the participant in any way that could be interpreted as encouraging the young person concerned. Make a written record of your concerns and relevant details

Advice for anyone concerned about the possible abuse of a position of trust

If you suspect that an abuse of a position of trust has occurred, is occurring or may occur you should report this to the Safeguarding Officer or designated safeguarding lead for the club or organisation in line with the complaints or safeguarding policy and procedure.

Make a written record of your concerns and relevant details

If you feel your concern has not been dealt with appropriately, or there is no welfare or safeguarding lead, you can consult with the Local Authority Designated Officer (LADO - England only) whose details should be available through your local authority's Children's Social Care Department and whose duties include responding to concerns about potential breaches of positions of trust.

Taken from <https://thecpsu.org.uk/resource-library/best-practice/abuse-in-positions-of-trust-in-sport-and-activity/>