



Preventing Abuse of Positions of Trust in Sport

Who is this briefing for?

This briefing is for all those involved in sport – coaches, officials, volunteers and parents, and aims to help promote responsible relationships within sport and prevent the manipulation and exploitation of young people. Those in authority positions have a positive contribution to make a young person's welfare, providing that appropriate, positive relationships are maintained. This briefing should be read in conjunction with all other HSK safeguarding policies and procedures.

What is a position of trust?

A position of trust involves a person in a position of authority over another person. There is a need to protect young people ages 16-17 that, 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.

This briefing focuses on relationships between adults in authority positions and children and young people in a sporting context who may be dependent on their coach, mentor or other adult for their sporting development, success or position in a club, representation on a national team. Relationships should be supportive, positive and aimed at improving the young person's skills, and progress.

The coach-participant relationship should focus on the sport, and any romantic or sexual relationships between the adult and child or young person should be clearly defined as a breach of the organisation's code of conduct.

How may positions of trust be abused in sport?

Some individuals use their authority and influence over young people in order to groom and establish a sexual relationship with them. Such a relationship may not always be a breach of the criminal law and the young person involved may not always view it as abusive or exploitative. However the existence of a significant power differential between an adult with authority, control or influence over a significant aspect of young person's life, always raises the possibility that the relationship is unequal and constitutes an abuse of the adult's position of trust.

What does the law say?

The sexual offences legislation in the UK states that any sexual activity between adults and with children under 16 is illegal and constitutes abuse. 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. Currently, being a coach/official in a sports club is not considered under the law as a specified role.

Examples of specific roles include:

- Teachers
- Connexions person advisors
- Foster carers

Examples of specific settings include:



- Educational institutions
- Residential care homes
- Hospital
- Youth offender institutions

Positions of trust in the sports context

This legislation does not include sports roles (e.g. coaches, instructors or helpers) or sports organisations and settings (e.g. clubs, leisure facilities or events) within these definitions. Thus, at present, an abuse of a position of trust within most sport contexts will not be illegal, although there may be circumstances in which the law does apply to sports coaches - for example if they are employed by and operating within a school.

The NSPCC's view is that, because of the vulnerability of young people and the particular circumstances of sport, the legislation should be extended to roles and settings within sports. Irrespective of this, the NSPCC recommends that sports bodies work to the principles behind the legislation. They should put in place codes of ethics and conduct to which individuals are tied, which define acceptable and unacceptable behaviour, and which clearly include any abuse of positions of trust as described above. Breaches of these codes should be robustly addressed through complaints and disciplinary procedures.

It is important also to recognise that under the Safeguarding Vulnerable Groups Act/Order there are already relevant provisions to consider. Sports settings deemed to provide regulated activity for the purposes of the legislation must refer an individual to the Disclosure and Barring Service (DBS) if the club/sport:

a) withdraws permission for an individual to engage in regulated activity, or would have done so had that individual not resigned, retired, been made redundant or been transferred to a position which is not regulated activity; because

b) Decides that the individual has:

- engaged in relevant conduct
- satisfied the Harm Test
- received a caution or conviction for a relevant offence.

Governing bodies and other sports organisations should take disciplinary action in situations where an adult in a position of authority has abused their position by having sexual contact with a 16 or 17 year old.

The nature of the problem in sport

Those in positions of trust, responsibility or authority in sport can have substantial influence over young people dependent on the nature of the activity. In situations where young people are training within competitive sports, it is not unusual for young people to train three, four or more times per week.

There have been many documented cases in the UK where sports coaches and others in positions of trust, responsibility or authority have abused their position, with young people, to initiate sexual activity in circumstances that were either clearly non-consensual, or where the young person was in no position to give consent freely. A significant number of people in positions of trust, responsibility or authority, in relation to young people in sport have been convicted of sexual abuse.

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 aged 16 and 17 years must not engage in sexual relationships with them while that unequal power relationship exists."

- The abuse of position of trust should be defined by the nature of the position in relation to the young person and not be contingent on the regularity of contact with the young person in question.
- Safeguarding training for those working with young people in the sporting sector should include material on the issue on abuse of trust and guidance on maintaining appropriate boundaries between adults and young people.
- 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 young people.

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

- Ensure that they have read, understood, signed up to and comply with the code of conduct/behaviour that sport's governing body has produced for the relevant role.
- Maintain a relationship with all participants that reflects positively on the organisation.
- Whether or not the code explicitly refers to positions of trust (and what would constitute breach), someone in a position of authority not seek or engage in sexual activity or sexualised communication via social media with 16 or 17 year olds.
- If a young person's behaviour indicates that they are seeking to develop or engage in an inappropriate relationship with any member of staff or volunteer, this should be immediately brought to the attention of the organisation's Safeguarding Officer, Designated Safeguarding Lead or manager.

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 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 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.
- Alternatively, you can seek advice from the 24 hour NSPCC Helpline – 0808 800 5000