

Preventing Abuse of Positions of Trust in Sport

What is a position of trust?

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

The coach-participant relationship should focus on the sport, and romantic or sexual relationships between the adult and child or young person may be unlawful and 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 children and 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. However the existence of a significant power differential between an adult with authority, control or influence over a significant aspect of the child or 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 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. Currently being a coach/official in a sports club is currently not considered under the law as a specified role.

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 children and young people and the particular circumstances of sport that 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 of trust by having sexual contact with a 16 or 17 year old.

The nature of the problem in sport

Those in 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 children and 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 have abused their position and influence with children and 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, given the power/influence imbalance between them and the adult concerned. A significant number of people in positions of responsibility in relation to children in sport have been convicted of child sexual abuse. Prosecutions for abuse include individuals from a wide range of sports.

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 provision 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 child or young person in question.
- Safeguarding training for those working with children and 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.
- 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 16 or 17 year olds 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 Welfare 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 Welfare 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.

Summary

In summary there is evidence of a growing number of serious cases of abuse of positions of trust within sport. It should be remembered that research has consistently shown that reported incidences of abuse are much lower than the actual levels. The NSPCC is particularly concerned about risks to young people and has campaigned for extension of the abuse of trust provision to include sexual behaviour with 16 and 17 year olds by those with authority over them. A sexual relationship between a person with authority over the young person and the 16 or 17 year old is never healthy in our view, and can be open to abuse. While it may not currently constitute a criminal offence, it conflicts with safeguarding guidance. Such breaches of an organisation's code of conduct should result in disciplinary action, and potentially to a referral to the DBS.

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