

Preventing Abuse of Positions of Trust in Sport

Who is this briefing for?

This paper is for all of us involved in sport - coaches, officials, volunteers and parents, to help promote responsible relationships within sport and prevent the manipulation and exploitation of young people. Those in authority positions within sport have a positive contribution to make to a young person's welfare providing that appropriate, positive relationships are maintained.

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 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.

This briefing focuses on relationships between adults in authority positions and young people aged 16 or 17 years old in a sport context. These young people 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 young person's skills, and progress.

The coach-participant relationship should focus on the sport, and (as with teachers and their pupils) romantic or sexual relationships between the adult and 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 young people in order to groom and establish a sexual relationship with them. Such a relationship may well not 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 the 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 already provides 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 is not considered under the law as a specified role.

Examples of specific roles:

- teachers
- Connexions personal advisors (England only)
- foster carers

Examples of specific settings:

- educational institutions
- residential care homes
- hospitals
- 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 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 young people to train three, four or more times per week. A study undertaken jointly by NSPCC and the Amateur Swimming Association in 2002 examined the relationship between young sports people and their coaches. "In at the Deep End" showed that where serious abuse occurred within the sport, particularly sexual abuse, it was committed in the majority of cases by male coaches. It was evident from that study that in cases of serious sexual assault there had been a significant process of grooming leading to the abuse. In all the cases studied, the coach concerned had abused the position of trust vested in them through their role. CPSU research in 2011 of young athletes' experiences of sport found 29% of respondents had experienced sexual harassment.

High profile abuse cases including Jimmy Savile et al have received widespread media coverage. They have demonstrated how difficult many young people have found it to have their concerns and allegations listened to, believed and acted upon, and how individuals have been able to use their position, profile and reputation to harm children.

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 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.

Managing abuse of positions of trust within sport

The CPSU is aware of many sports based concerns coaches/instructors (those in authority positions) who had developed relationships with young people they had been coaching for some time, which could be



viewed as abuse of trust situations. There is currently no abuse of position of trust legislation relating to generally sport, and although referrals to police and children's services were made, no criminal convictions ensued. Thus the sports bodies were left to deal with these issues as poor practice/breaches of code of conduct on a disciplinary basis. In England there are Local Authority Designated Officers (LADOs) in place who can support sports governing bodies to manage these cases appropriately and encourage referrals to the DBS.

Why should the “Abuse of Trust” by those in authority positions in sport be addressed by governing bodies and other organisations?

Sport is an important aspect of many children's lives and development. Taking part in sport helps young people to develop social skills, learn about risk-taking in a safe environment, develop self-esteem and learn to use their own initiative.

The vast majority of children derive huge benefits from participation in sport and are a credit to the many dedicated volunteers and professionals who make this happen and who strive for a safe and caring environment in which young people can play and enjoy sport.

It is the view of NSPCC that though the current legislation covering “abuse of trust” does not regulate coach behaviour, governing bodies, clubs and other sports organisations should extend and adopt the same principles through their codes of behaviour, rules and disciplinary processes.

A compelling evidential case exists for giving young people aged 16 and 17 years in sport the same protection as 16 and 17 years olds in specified settings, by requiring coaches and others in authority roles to adhere to standards of behaviour that reflect the principles of the legislation. Sports organisations also need to ensure they have procedures in place for referring cases to the DBS (England and Wales) where they discipline and remove an individual from regulated activity as a result of concerns that they have harmed (or could harm) a young person by abusing their position 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.

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

