BRITISH TAEKWONDO COUNCIL

Safeguarding – Protecting Children Policies and Procedures

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Preventing abuse in positions of trust in sport

Introduction

As parents, coaches, officials, and volunteers working with young people, we must all help to promote responsible relationships within sport and prevent the manipulation and exploitation of young people.

Although young people aged 16 and 17 have reached the age of consent for sexual activity according to UK law, they could be vulnerable to sexual abuse and exploitation in certain situations. This includes sexual activity and manipulation by 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 on their lives.

As of 28 June 2022, the law states that those in a position of trust in sports organisations, such as a coach, cannot legally have a sexual relationship with young people they look after, under 18 years old.

Within the new policy, sport is defined as:

a) any game in which physical skill is the predominant factor, and
b) any form of physical recreation which is also engaged in for purposes of competition or display

It is not the case that both (a) and (b) must be met to meet the definition – either one is sufficient.

Those in authority positions in sport can have a positive influence on the welfare of a young person, by providing role models or someone to turn to if they have a concern. But it is important to have clear boundaries in place for the safety of both the young people and the staff, to ensure exploitation cannot take place.

What is a position of trust?

Someone in a position of trust is a person in a position of authority or responsibility over another person. Those in positions of trust have a considerable amount of power and influence on a young persons' life. For example, a young person may be dependent on their coach, mentor or other adult for their sporting development, success, or position in a club, representative or national team.

Researching the nature of the problem in sport

High profile cases including those reported in the Football Abuse Scandal, and abuse in American elite gymnastics have received widespread media coverage, and inquiries have revealed a culture of abuse from those in positions of trust within sport.

A significant number of people in positions of trust in sport have been convicted of child sexual abuse. Prosecutions for abuse, include individuals from a wide range of sports.

Listening to people with **lived experiences of abuse within sport** has demonstrated how difficult many young people have found it to voice their concerns and allegations and have them believed and acted upon. By learning from lived experiences and from inquiries into abuse, national governing bodies, sports organisations, and those who fund sport and physical activity, can work to strengthen their safeguarding practices and bring them into action.

What does the law say?

Sexual offences legislation in the UK underlines that any sexual activity between adults and with children under 16 is illegal and constitutes abuse. Furthermore, in defined circumstances, young people aged 16 and 17, despite reaching the age of consent for sexual activity, are vulnerable to sexual abuse and exploitation.

Following an NSPCC campaign in partnership with sport's governing bodies, the law, which previously only applied to roles like teachers and social workers, has now been extended to include a wider range of roles where adults hold a position of influence or power. This includes sports coaches and those in faith organisations.

In England and Wales, the law now states that those in positions of trust within sports organisations cannot legally have a sexual relationship with young people aged 16-17 years old.

The law is soon to receive Royal Ascent in Northern Ireland, but in advance of this the CPSU would encourage sports organisations to act within the remit of the positions of trust bill.

A position of trust offence is committed when an adult in a position of trust engages in sexual activity with a child in their care, even if the child is over the age of consent (aged over 16 in the UK).

The updated law now defines a wider range of 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.

Examples of specific roles include:

- teacher
- connexions personal advisors (England only)
- foster carers
- coach
- trainer
- supervisor or instructor in sport or a religion

Examples of specific settings:

- education institutions
- residential care homes
- hospitals
- youth offender institutions
- foster care homes
- sports organisations and regular activities
- religious organisations and regular activities

What can sports organisations do?

Sports organisations should clearly define within their codes of conduct that abuse of positions of trust is unacceptable behaviour, which could result in prosecution. Breaches of these codes should be robustly addressed in line with the law.

- Sports codes of conduct and linked disciplinary processes should be reviews 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 reference the law stating that any sexual relationships/activity between adults in those roles and 16–17-year-olds for whom they are in a position of authority constitutes an offence.
- 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 dependent on the regularity of contact with the young person in question.
- Safeguarding training for those working with young person in the sport sector should include material on the issue on abuse of trust guidance on maintain appropriate boundaries between adults and young people.
- Safeguarding and disciplinary policies and procedures in England and Wales should include a requirement for referral to the Disclosure and Barring Service (DBS) when an individual, who is working in regulated activity, is deemed to be unsuitable to work with young people. This should be carried out even when a short-term cover/temporary member of staff is engaged.

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

As someone in a position of trust, you have a responsibility to maintain a positive, healthy relationship with the young people under your authority.

- Ensure that you read, understand, sign up to and comply with the code of conduct/behaviour your club, organisation or relevant sport's 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. Relationships between those in positions of trust and young people in sport should be supportive, positive, and aimed at improving the young person's skills, and progress.

- 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 to or engage in sexual activity or sexualised communication or image sharing (including via social media) with 16- or 17-year-olds for whom you are responsible.
- If you think that a young person's behaviour indicated 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.

Dealing with a concern about a possible abuse of trust

If you suspect that an abuse of a position of trust has occurred, is occurring or may occur, you should:

- immediately report to your welfare officer or designated safeguarding lead
- make a written record of your concerns and relevant details
- if you are unable to contact the welfare officer or designated safeguarding lead, or if you think someone is at risk of immediate harm, you must report it to the police or children's social care.

If you think your concern has not been dealt with appropriately, or there is no safeguarding officer, you can contact the following services whose duties include responding to concerns about potential breaches of positions of trust:

- **England and Wales** - consult with the Designated Officer whose details should be available through your local authority's Children's Social Care Department.
- **Scotland** - contact your local children's social work team. Their contact details can be found on the website for the local authority the child lives in.
- **Northern Ireland** - contact the relevant Health and Social Care Trust (HSCT) **Gateway Services team**. In circumstances that are not an emergency, the HSCT gateway services team is the first point of contact for all new referrals to children's social services.

You can find additional information on who to contact when dealing with a concern on the **CPSU Website**.

Alternatively, you can seek advice from the NSPCC helpline on 0808 800 5000.