



Abuse of Trust

A relationship of trust applies to staff and volunteers in a position of power or influence over a 'person' who is attending their setting.

This could mean someone who provides training, supervision or is in sole charge of a person.

The 'person' (often in this case a student) could be someone who is under 18 years, or who is over 18 if considered to be a 'vulnerable' adult, e.g. they have a serious disability or mental ill-health.

This power or influence might be abused to persuade, encourage or intimidate a child or young person into certain behaviours or activities.

All staff must recognise the responsibility they have to ensure they do not abuse their positions of trust.

The [Sexual Offences Act 2003](#) exists to protect children, young people and vulnerable adults.

It also supports parents, doctors, and other health professionals who provide sexual health advice as long as their only motivation in doing so is the protection of the child or young person.

Whilst the legal age of consent to sexual activity is 16 years, 'position of trust' offences were extended in this legislation to protect 16 and 17 year olds and vulnerable adults from sexual abuse by people in positions of trust and authority.

Vulnerable adults are also protected from sexual abuse & exploitation through the legislation:

['Safeguarding Vulnerable Groups Act' 2006](#)

All settings should ensure that staff have:

- Access to and understanding of the policy about 'Abuse of Trust'
- An explanation of the relationship between the Code of Conduct and Abuse of Trust
- An explanation of their responsibilities in a relationship of trust
- The detailed procedures to be put in place and the sanctions for abuse of trust

'Position of Trust' offences include:

- Causing or inciting a child or young person into sexual activity
- Engaging in sexual activity in the presence of a child or young person
- Causing a child or young person to watch a sexual act

There are 2 exceptions to this application:

- Where a person is legally married to, or in a civil partnership with, the young person
- Where a lawful sexual relationship existed before the position of trust arose

Staff and volunteers should ensure that:

- All relationships are appropriate to the persons age & understanding
- Their language and conduct do not give rise to speculation

Sometimes staff or volunteers may meet children, young people or vulnerable adults who display attention seeking behaviour, or profess to be attracted to them.

- Staff should deal with those situations sensitively and appropriately
- Ensure that their behaviour cannot be misinterpreted
- Ensure that a senior colleague is made aware of the situation immediately

Useful links/resources:

- [What are Sexual Offences?, CPS](#)
- [Sexual Offences Act 2003](#)
- [NSPCC Sexual Abuse legislation & policy guidance](#)
- [Working with Sexually Active Young People, Sheffield Safeguarding Children Board](#)
- [Keeping Children Safe in Education, DfE 2015](#)