



S11

POSITIONS OF TRUST GUIDANCE

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1. The Legal Position

- 1.1. 'Position of trust' is a legal term that refers to certain roles and settings where an adult has regular and direct contact with children and young people.
- 1.2. The [Sexual Offences Act 2003](#) legislation sets out which roles and settings are classed as positions of trust. This includes people regularly caring for, training, supervising or being in sole charge of a child or young person under the age of 18 in settings such as hospitals, independent clinics, residential care homes, voluntary homes or children's homes, residential family centres, or schools and educational institutions.
- 1.3. In England (Wales and Northern Ireland) changes to the law made in 2022 extended the definition to include people who regularly coach, teach, train, supervise or instruct children or young people under the age of 18 in sports settings and religious settings.
- 1.4. Within sport and therefore within boxing, the roles of coaches, Club Welfare Officers (CWOs) and some officials sit under this definition of position of trust. These roles are therefore held accountable in the same way as a teacher, doctor or care home worker.
- 1.5. Across the UK, it is illegal for those in a position of trust to engage in sexual activity with anyone under 18 who is in their care, as set out in England under the Sexual Offences Act 2003.

2. Regulated Activity

- 2.1. Statutory guidance across the UK highlights the responsibility of those in the education, community and care sectors to safeguard all children from all forms of abuse and neglect. This includes having robust procedures in place to prevent and respond to abuse by someone in a position of trust or authority.
- 2.2. Coaches, CWOs, supervisors and referees are deemed to be in 'regulated activity' due to the frequency of their instruction and education of children and young people at boxing clubs and events.
- 2.3. The inclusion of these roles in regulated activity requires England Boxing to carry out an Enhanced DBS and Barred List check, which is held on the Locker to license these roles.

- 2.4. All organisations that employ people or use volunteers to work in regulated activity have a duty to make a referral to DBS if they remove someone from working with children because that person poses a risk of harm.

3. Position of Trust

- 3.1. In boxing a 'position of trust' involves a participant in a position of authority or influence over a child, young person or adult at risk. This is exemplified by the role of a coach working with a boxer under 18.
- 3.2. Whilst EB accept that those providing boxing opportunities naturally require a level of authority over members, this guidance seeks to address that imbalance of power when it is used for reasons outside of EB activity.
- 3.3. 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. 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.
- 3.4. All staff, boxers, coaches, officials or volunteers should ensure that their relationships with children, young people and adults at risk are appropriate to the age and gender of the member. All behaviours require care and thought before action and participants should take care that their language or conduct does not give rise to comment or speculation.
- 3.5. For absolute clarity a coach, CWO, supervisor or referee cannot engage in sexual activity with a member under the age of 18, regardless of the participants' ages or age gap. Such activity is illegal and may be progressed as a criminal offence, regardless of consent.
- 3.6. An 18 year old coach in a sexual relationship with a 17 year old boxer would be illegal for the same reasons, due to the imbalance of power in their coaching role.
- 3.7. **When taking on a boxing role that is defined as regulated activity and therefore in a position of trust, it is vitally important that that participants understand that their behaviours are regulated not only by EB rules, policies, codes, procedures and guidance, but also under national legislation, which if ignored could lead to criminal charges.**