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 and/or receiving education at their setting.

This could mean someone who provides training, care and/or supervision for a person.

The ‘person’ (in this case a pupil) could be someone who is under 18 years old, or who is over 18 and 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 education setting staff must recognise the responsibility they have to ensure they do not abuse their positions of trust.

The Sexual Offences Act 2003 helps to protect people from sexual harm.

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.

Some signs to look out for:

- Staff member giving pupil extra attention; spending time with them on their own in private or isolated areas, and/or outside working hours
- Staff member giving gifts, money etc.; being affectionate with pupil; visiting at home, making friends with parents or carers
- Staff member flirting with or making suggestive remarks or sexual comments around pupil
- Other pupils making jokes or references about a member of staff & a specific child

‘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 remain professional and are appropriate to the child or young person's 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-needing behaviours, or profess to be attracted to them.

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

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 and the sanctions for abuse of that trust
- An full understanding of how to report any suspicions of abuse of trust

Useful links/resources:

- Sexual Offences Act 2003
- NSPCC Sexual Abuse guidance
- NSPCC Protecting children from abuse of position of trust
- Working with Sexually Active Young People, Sheffield Children Safeguarding Partnership
- Keeping Children Safe in Education, DfE 2019
- Care Act 2014

Safeguarding Sheffield Children website, education, policies, procedures & guidance:

- ‘Allegations of Abuse against Staff/Volunteers
- ‘Safeguarding Adults’