

Preventing abuse in positions of trust in dance

Introduction

As parents, coaches, teachers, and volunteers working with young people, we must all help to promote responsible relationships within dance and prevent the manipulation and exploitation of young people: safeguarding is everyone's responsibility.

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. Whilst dance is commonly considered an 'art', it meets the criteria of a 'sport' within this definition and is therefore covered by the change in legislation.

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 person's life. For example, a young person may be dependent on their coach, mentor or other adult for their development, opportunity, success, or position in a company.

Those in a position of trust (such as a dance teacher) 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.

Researching the nature of the problem in sport

High-profile cases – including the investigations into Ballet West, the Ann Harris School of Dance, Yat Sen-Chang, and, by extension, the 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 dance and sport settings.

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, including dance. Often abuse can occur when a person in a position of trust has been able to develop a strong relationship with the children and young people in their care over a number of years; this familiarity can impact a young person's ability to recognise appropriate boundaries, often interpreting an inappropriate relationship (e.g. 'favouritism') as something that positively impacts their participation (such as being given more opportunities to perform, or principal roles), so it is important to be vigilant and aware of the interactions between participants and those in positions of trust, regardless of how long they have been known to each other.

It is important to remember that just because this is one way that the abuse can occur, that is it not the only way, and it does not mean that children and young people that are new to the dance college are any less at risk than those who have attended for a significant length of time.

Listening to people with **lived experiences of abuse within sport** and physical activity has demonstrated how difficult many young people (and their parents or carers) 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 is sexual abuse?

Child sexual abuse (CSA) is when a child is forced or persuaded to take part in sexual activities. This may involve physical contact or non-contact activities and can happen online or offline (in person). Children and young people may not always understand that they are being sexually abused and may be groomed or coerced in to taking part in sexual activities. You can find more details on the definition of child sexual abuse, contact abuse, and non-contact abuse on the NSPCC Learning website: **Protecting children from sexual abuse**.

What does the law say?

Sexual offences legislation in the UK underlines that any sexual activity between adults and 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.

The law now states that those in positions of trust within sports organisations cannot legally have a sexual relationship with young people aged 16 or 17 years old. 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 (for example, a dance teacher, choreographer, artistic director, producer)

Examples of **specific settings**:

- education institutions
- residential care homes
- hospitals
- youth offender institutions
- foster care homes

- sports organisations and regular activities (for example, a dance school or performing arts club)
- religious organisations and regular activities

What can dance organisations do?

Dance 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. Due to the nature of the dance industry and the way in which last-minute cover may be required in some schools and clubs (i.e. when teachers also work as professional dancers and secure performance work or auditions), it is important that this information is shared proactively whenever a new member of staff joins the school, whether this is on a short-term, temporary or one-off basis.

- Codes of conduct and linked disciplinary processes should be reviewed and amended to include wording that supports the maintenance of healthy working relationships between dance teachers 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 or activity between adults in such roles and 16- or 17-year-olds for whom they are in a position of authority constitutes an offence.
- The abuse of a 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 people in the dance sector should include material on Position of Trust legislation, and guidance on maintaining appropriate boundaries between adults and young people.
- Young people in dance should be informed about these expected behaviours and assured of their right to enjoy and engage in dance freely. They should be informed of how they can complain should they have any concerns about themselves, a peer, or a member of staff.
- 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 or temporary member of staff is engaged.

What can dance teachers 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, and comply with the code of conduct (or behaviour) that your club, organisation, school, or relevant membership 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 dance school or organisation for which you work or volunteer. 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 of conduct 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 has 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 it to your welfare officer or designated safeguarding officer in your own organisation or within the school where you teach
- 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 children's social care or the police.

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 (formerly known as the Local Authority 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.

All staff, students, and their parents or carers involved in your organisation should be aware of how they should deal with a concern about a possible abuse of trust.