

## **NSPCC – Written evidence (NPS0107)**

The NSPCC is the leading children’s charity fighting to prevent child abuse in the UK and Channel Islands. We help children who have been abused to rebuild their lives, protect those at risk, and find the best ways of preventing abuse from ever happening. To achieve our vision, we:

- create, deliver and evaluate services for children which are innovative, distinctive, and demonstrate how to enhance child protection;
- provide advice and support to ensure that every child is listened to;
- campaign for changes to legislation, policy, and practice to ensure the best protection for children; and
- inform and educate the public to change attitudes and behaviours.

### **1. How can local delivery, including funding structures, of sport and recreation be improved to ensure that people of all ages and abilities are able to lead an active lifestyle? For example, how successfully do local authorities and other bodies such as Active Partnerships, Leisure Trusts, local sports clubs and charities work together, and how might coordination be improved?**

Local delivery of sport and physical activity should be linked to Local Safeguarding Partnerships to ensure that safeguarding is embedded in all plans to coordinate the delivery to young people. Active Partnerships are a critical partner in this work as they have links with local authorities, charities, local groups and National Governing Bodies of sport, so they should be empowered and funded to be involved in this work. This is easier with traditional sports but more work needs to be done to engage with unregulated and less traditional sport and physical activity to ensure all sport and activity is safe for children and young people.

### **2. How can children and young people be encouraged to participate in sport and recreation both at school and outside school, and lead an active lifestyle? If possible, share examples of success stories and good practice, and challenges faced.**

Participation in sport should always be grounded in ensuring sport and physical activity provides a safe environment for children and young people. When children and young people feel safe, they are more likely to continue with the activity. Sport and physical activity also provides an important place where concerns about young people can be picked up, and where children and young people can obtain important social links and support. To increase participation, we need to think beyond the traditional sports sector, which is great for some children and young people, towards less conventional activity. A good example of how a contextual safeguarding perspective informs increased participation can be seen in the Hackney Quest “Sports Cages” project (<http://www.hackneyquest.org.uk/>, “Sports Cages & Multi-Use Games Areas: Places of safety, places of harm, places of potential” by Luke Billingham, Nov 2020.)

Sport is not always seen as inclusive to the LGBTQ+ community and more can be done to make organisations inclusive and welcoming.

<https://www.stonewall.org.uk/top-tips-lgbt-inclusion-sport>

**3. How can adults of all ages and backgrounds, particularly those from under-represented groups, including women and girls, ethnic minorities, disabled people, older people, and those from less affluent backgrounds, be encouraged to lead more active lifestyles? If possible, share examples of success stories and good practice, and challenges faced.**

This question is addressed in part in the answer to question 2. However it is also important to consider the additional vulnerability to abuse for many young people including those with disabilities, LGBT+ young people and Black, Asian and Minority Ethnic young people. Therefore, as we increase provision for these young people, it is essential that we build safeguarding into this work from the outset. There are excellent examples of increasing provision to less traditional audiences such as the work of British Wrestling running groups for Muslim Women or in Sikh temples.

Also, for some of these communities sport and activity is not part of their lives so it is key that there is work and engagement with the communities and the leaders in those communities to talk about the barriers and work with together to address them.

**4. Sporting Future: A New Strategy for an Active Nation, the Government's 2015 sports strategy, outlines five outcome priorities: physical health, mental health, individual development, social and community development and economic development. Are these the right priorities and how successful has the government been in measuring and delivering these outcomes to date?**

Following concerns raised across sport about the culture within some organisations, the importance of a safeguarding culture should be included within this strategy. This should be led from senior management and incorporated into planning and decision making.

**5. Is government capturing an accurate picture of how people participate in sport and recreation activities in its data collection? How could this be improved?**

**6. How can racism, homophobia, transphobia, misogyny and ableism in sport be tackled?**

The above answers to questions 1, 2 and 3 are relevant here.

**7. What can be done to improve and implement effective duty of care and safeguarding standards for sports and recreation activities at all levels?**

Since 2017 the NSPCC has been campaigning to Close the Loophole that allows sports coaches, trainers and other adults with power and influence over children to legally use their position to have sexual contact with 16 and 17 year olds.

The definition of Positions of Trust in section 21 of the Sexual Offences Act (2003) states an adult is in a Position of Trust over a child when they are "A person [who] looks after persons under 18, if he is regularly involved in caring for, training, supervising or being in sole charge of such persons." However it only applies to certain statutory position like teacher or social worker, leaving children unprotected from grooming by adults with responsibility or authority over them in many extra-curricular activities like sport that are so important for their development.

This loophole means Police do not currently have the power to prosecute an adult in a position of power not currently covered by this definition for committing a sexual act with a 16-17-year old in their care because their actions would not be defined as a criminal act.

To highlight the scale of the problem we made freedom of information requests to all local authority children's services in England and Wales, asking for the number of complaints about adults having sex with 16 and 17 year olds in their care who were not already covered by the criminal law between 2014 and 2018.

- Over the four-year period there were 653 complaints of this nature made to local authorities.
- Over the same period police in England and Wales recorded 1,025 offences of Abuse of Position of Trust of a Sexual Nature. Those figures can be found [here](#) [Police recorded crime open data Police Force Area tables from year ending March 2013 onwards].
- We also asked authorities to provide information on the fields of work of the referrals. The main range of activities were: Sport and leisure (26%); Religious groups (12%); Transport/drivers (11%); Voluntary/charity work (5.7%); Cadets (5.7%).

There is a clear rationale for this change which has widespread support from the organisations that work with children in the settings that would be included in the new definition. Sector and child safeguarding professionals have already told the Ministry of Justice that this legal loophole is impeding their ability to keep 16/17 year olds safe.

- In a [Westminster Hall Debate in March 2020](#), Justice Minister Alex Chalk MP noted that 'most' of the stakeholders the MOJ met with whilst conducting the review 'felt that a law change was required' to address this issue.
- The Independent Inquiry into Child Sexual Abuse has recommended that the Sexual Offences Act be amended to extend the definition of positions of trust to Clergy.
- The APPG on Faith and Safeguarding published a [report](#) in March 2020 recommending Positions of Trust definition be amended to include all adults who work with children.
- Local Authority Designated Safeguarding (LADO) National Officers Conference [surveyed its members in 2018](#) and found that 65% of Strongly Agreed or Agreed that the 'Current position of trust provision does not enable the effective management of allegations against adult workers not currently covered in current arrangements' 71% 'Strongly Agreed' that

'The current definition of position of trust should be broadened to include all adults who work with children'

- Safeguarding should be a central pillar of the Governance Code with accountability at CEO level.
- A national coaches register would ensure consistent regulation of coaches across sports organisations.

In addition, the Child Protection in Sport Unit ([www.thecpsu.org.uk](http://www.thecpsu.org.uk)) regulate the funded sport sector through the Safeguarding in Sport Standards which are now enshrined in government guidance (Working Together to Safeguard Children, 2018.) However there is no equivalent statutory guidance or regulation for those organisations not receiving government funding leading to an inconsistent application of safeguards across the sector and we need to find a way to reach out and support those organisations or individuals.

**8. What are the opportunities and challenges facing elite sports in the UK and what can be done to make national sports governing bodies more accountable? For example, accountability for representing and protecting their membership, promoting their sport and maximising participation.**

As discussed in the answer the question 4, concerns raised in some sports have highlighted the importance of a safeguarding culture which values the safety and welfare of young athletes above and beyond their medals and awards. This should be reflected in the funding and accountability structure within elite sport. Research tells us ("The experiences of children participating in organised sport in the UK" NSPCC research, May 2011) that young people at the elite end of sport are more vulnerable to abuse and poor practice.

The work around athlete voice is key to this as well. We need to be able to hear from those athletes without them fearing recrimination of deselection or jeopardising their future. Ensuring the individual is seen, heard and respected is key to long lasting change in this area.

**9. What successful policy interventions have other countries used to encourage people of all ages, backgrounds and abilities to participate in sport and recreation, and lead more active lifestyles?**

**10. Should there be a national plan for sport and recreation? Why/why not?**

Yes, many organisations work across the UK geography boundaries. It is key that there are the sports councils in those countries but an overarching plan that creates cohesion across the UK would raise the standards for sport and activity across the board. This would not replace the current structure but facilitate better partnership working across the nations.

*28 January 2021*