

## Guidance - Positions of Trust

### Definition and legal status

'Position of trust' is a legal term that refers to certain roles and settings where an adult has regular and direct contact with children. Examples of positions of trust include:

- teachers
- care workers
- youth justice workers
- social workers
- doctors.

In England, Wales and Northern Ireland changes to the law made in 2022 extend the definition to include:

- faith group leaders
- sports coaches.

Currently, the 'positions of trust' law in Scotland remains as originally set out in the [Sexual Offences Act \(2009\)](#), which does not cover religious or sports settings.

It's against the law for someone in a position of trust to engage in sexual activity with a young person in their care, even if that person is over the age of consent (16 or over).

NB: There are some roles which are not currently legally defined as being positions of trust, such as driving instructors or people running community activities for children. This means it's not currently against the law for people in these roles to have a sexual relationship with a 16- or 17-year-old in their care.

Ref - NSPCC Last accessed 2/24

### National VPC Statement

All VPC adult members of staff and volunteers, are considered to be in a position of trust in relation to cadets. It is also important that those in a position of trust have a clear understanding of the responsibilities this carries to ensure they do not abuse their position or put themselves in a position where allegations of abuse, whether justified or unfounded, could be made.

**“An individual in a position of trust may be seen to have the power to advance or fail a young person. The relationship may also be distorted by fear or favour. It is therefore vital for all those in such positions of trust to understand the power this gives them over those they care for and the responsibility they must exercise as a consequence.”**

A position of trust can be described as one in which *“one party is in a position of power or influence over the other by virtue of their work or the nature of their activity.”*

Some examples of how a position of trust might be abused are:

1. Using their position to gain access to information for their own advantage and or a cadet's or to the detriment of the cadet or their family.
2. Using their own position of power to intimidate, threaten, coerce or undermine a cadet.
3. Using their status or standing to form or promote relationships with a cadet which are of a sexual nature or which may become so.
4. It is **not** appropriate for adults to take photographs of children for their personal use.

A relationship between an adult member of staff or volunteer and a cadet cannot ever be a relationship between equals. Where a person aged 18 or over is in a position of trust with a child under 18, allowing a relationship to develop in a way that might lead to a sexual relationship is wrong. It would constitute an offence for that person to engage in sexual activity with or in the presence of that child (under 18), or to cause or incite that child to engage in or watch sexual activity. A sexual relationship itself will also be intrinsically unequal whilst in a position of trust and is therefore unacceptable. It is also inappropriate since the 'professional' position of trust would be altered. For these reasons, personal relationships between adult members of staff and cadets of any age are **not** allowed and could result in misconduct and or criminal proceedings.

**Guidance for cadets who turn 18 and are in a position of trust, and have an existing relationship with a cadet in the same unit**

Good practice states that 3 months prior to a young person turning 18 years, there must be an open conversation with them clearly laying out the importance of how their position within the cadets has changed and potential options and consequences. If they are not prepared to give up the relationship and remain in a leadership role, then every effort should be made to offer a leadership position at another unit, or offer them opportunities where they are not overseeing the cadet in a senior role.

**Find related Guidance**

**NSPCC** - [Protecting children from abuse by someone in a position of trust or authority](#)

**National Youth Agency** – [Position of Trust Guidance](#)