

Positions of Trust – The law is changing

July 2022

There has been an important change in legislation. It is currently an offence in England and Wales for anyone aged over 18 years in a position of trust to engage in sexual activity with a child in their care. On 28th June 2022 the roles included in the definition of position of trust were extended to include anyone who “coaches, teaches, trains, supervises or instructs on a regular basis in a sport or religion”.

The Sexual Offences Act of 2003 defines the legal age of sexual consent at 16 years. Where someone is in a ‘Position of Trust’ then the age of consent rises to 18 years. This very welcome change in the law extends legal protection particularly to 16- and 17-year-olds who are participating in sport. Sexual contact with those under 16 remains prohibited within existing legislation. This change supports and strengthens the existing expectations of the coaches' code of conduct, which states that coaches must avoid sexual intimacy with players, either while coaching them or in the period of time immediately following the end of a coaching relationship.

The ECB expects that everyone who works or volunteers with children and young people in cricket to be responsible and accountable for the way in which they behave towards them. It is expected that all adult-child relationships maintain clear boundaries, are positive and aimed at improving the young person’s skills, development, and progress.

This is a very welcome change to legislation which will provide an additional safeguard for young people in our game and indeed across sport. The ECB Safeguarding Team will continue to assess all instances of inappropriate behaviour towards children in cricket, referring any potential illegal activity to our safeguarding partners.