

Submission to the Committee for Justice on the Justice (Sex Offences and Trafficking Victims) Bill

Introduction

The Christian Institute exists for “the furtherance and promotion of the Christian religion in the United Kingdom”. We are a nondenominational Christian charity operating throughout the UK. Within Northern Ireland we are supported by approximately 10,000 individuals and churches.

Justice (Sexual Offences and Trafficking Victims) Bill

The Christian Institute welcomes the Justice (Sexual Offences and Trafficking Victims) Bill, including the planned amendments detailed by the Justice Minister. In particular, we wish to comment on the proposal to widen and strengthen the law on abuse of trust.

The Christian Institute has long called for the definition of a position of trust in sexual offences law to be extended to cover more roles with power and responsibility over a child. The existing law in Northern Ireland follows the narrow approach taken in England and Wales in the Sexual Offences Act 2003. Given the profound influence that sports coaches and religious teachers can have over young people, failing to include them was always a glaring omission. This has been further emphasised by high-profile scandals in recent years. At the very least, the Justice Minister’s amendments must cover these two groups, as the Police, Crime, Sentencing and Courts Bill is set to do in England and Wales.

Other roles

However, vulnerable teenagers are also at risk in other settings. **Tutors** meet with young people privately on a regular basis and should be covered by the law. There is also a particular need for **youth leaders** to be classified as holding a position of trust. Young people can spend substantial time under their supervision, including on residential trips. These leaders often carry out a mentoring role and can therefore hold considerable power over a young person.

Loophole

The law in this area also needs to recognise that the power an adult holds over a young person can extend beyond the end of their formal position of trust. Abusers must not be allowed take advantage of this loophole to evade the law by simply delaying taking sexual advantage of the young person until a few weeks or months after their position of trust ceases to be formal. Sex abusers are often master manipulators who know how to skirt around the law. They also know how to maintain and exploit their emotional hold over a young person.

For example, let us assume sports coaches are added to the list of positions of trust. A sports coach caring for under-16s could establish a powerful relationship of trust with someone in their charge over the course of, say, a year. The coach could be grooming them for what comes next. When the young person moves up to the next age group, the under-16s coach would no longer be occupying a position of trust within the terms of the law. Yet the manipulative influence built up over the previous year would still exist. Any sexual relationship between the coach and the young person would have its roots in the prior position of trust. This is clearly repugnant. So the abuse of trust law should not only be extended to include

protect 16 and 17-year-olds from abuse by former coaches etc. who groomed them while they were under 16.

Technological advancements mean there is an even more pressing need to extend this provision. Young people are now vulnerable to grooming 24/7. A specialist solicitors' firm dedicated to helping survivors of sexual abuse has identified this issue:

“Electronic media certainly gives greater scope for an adult/child relationship to develop. Texting, emails, and social networking sites have radically altered the relationship between those in positions of trust and those young people who they are working with. Before, those in positions of trust simply did not exist outside of the school, sports field, or youth club situation. Contact was limited to being in the physical presence of each other, which limited scope for any inappropriate relationship to develop. Nowadays, contact outside the formal setting where contact usually takes place is commonplace, via the ubiquitous smartphone which we all carry. Grooming can now go on without being in each other's physical presence.”¹

The abuse of trust law must cover a sexual relationship between a 16-to-17 year old and anyone who holds – or has held – significant responsibility, influence or authority over them.

The Christian Institute
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¹ ‘Sexual consent and “positions of trust”’, Tracey Emmott, *Abuse Survivors Blog*, 30 November 2018, see <https://www.emmottsnell.co.uk/blog/sexual-consent-and-positions-of-trust> as at 24 September 2021