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STAMPING OUT SEXUAL VIOLENCE IN SPORT

2022
REPORT



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STAMPING OUT SEXUAL VIOLENCE IN SPORT

**A REPORT BY:
KYNISKA ADVOCACY LTD**

WE ARE GRATEFUL FOR THE ONGOING SUPPORT OF:

WOMEN'S SPORTS TRUST
DINO NOCIVELLI
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SCOTTISH WOMEN IN SPORT
ATHLETICS INTEGRITY UNIT (AIU)



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EXECUTIVE SUMMARY

Sports environments create unique risks regarding the safety and welfare of participants. Whilst some progress has been made to protect children, far less has been done in the UK to protect sportspeople over 18 from sexual violence.

The slow progress made to date is not due to a lack of guidance. A powerful report from a Government Commission on Duty of Care in Sport was published in 2017 with numerous recommendations, but most have been ignored.

People with lived experience of sexual violence face significant barriers to reporting. Neither organisations nor individuals in sport have a duty to report suspicions, allegations, or evidence of sexual violence.

Furthermore, there is no systematic data collection and the little data in existence is not shared between sports, nor broken down by protected characteristics (e.g., age, sex, ethnicity, and disability). Moreover, sexual violence in sport results in significant human and economic costs.

The UK's governments must urgently address this problem. From Sports Councils to sports clubs, change is required. As we will show, both cultural and structural issues exist. For the most part, National Governing Bodies remain responsible for both organising and regulating their report. We believe this creates inherent conflicts of interest.

Acting on the recommendations in this report would improve the safety of all athletes, of any ages and at all levels.



SEXUAL VIOLENCE & SPORT

WHAT IS VIOLENCE & ABUSE?

Abuse is an incident or pattern of incidents of controlling, coercive, exploitative, threatening, degrading or violent behaviour, including sexual violence[1]. It can be financial, psychological/emotional[2], spiritual, physical, and sexual, and multiple types of abuse are often perpetrated simultaneously.

Whilst abuse is widely understood within an intra-familial context (child abuse and domestic abuse), it can occur in any relationship and any setting, including work or sport. This report focuses specifically on sexual violence within a sport setting and how to tackle it.

WHAT IS SPECIFIC TO SEXUAL ABUSE & SPORT?

The very nature of sport creates unique risks when it comes to the safety and welfare of participants. Sport is inherently physical so contact between athletes and coaches is normal. This can be used as a pretext for sexual violence. Many people with lived experience have reported that the sexual violence they experienced followed, or happened during, legitimate physical contact such as sports massages or physiotherapeutic/medical examinations.

The Independent Inquiry into Child Sexual Abuse found that sport is used as a cover for child sexual violence, and that coaches and instructors exploited children's vulnerabilities in order to groom and abuse them [3]. Athletes do not stop being vulnerable to violence abuse and exploitation once they surpass 18 years of age, especially when in power-imbalanced relationships.

There are significant power imbalances within relationships in sport. Athletes and coaches often have close relationships. The future careers and success of athletes lies heavily in the hands of coaches and management. Traditionally, across many sports, a high value has also been placed on athlete compliance - completing training programmes, acting on feedback, following tactics, and even eating a certain way, often without question. Women and girls are usually less able to push back against excessive or abusive regimes.

A "success at all costs" mentality within many sports can mean that extreme and abusive coaching techniques can be tolerated or even praised as inspiration or ground-breaking, if they deliver medals. Blind eyes can be turned towards inappropriate behaviour or rumours about coaches or management, if their work is viewed as pivotal to success. Parents are also known to turn a blind eye through either vicarious success, or fear of their child being excluded. Sporting success is so often associated with pain and discomfort as athletes push their bodies to the limits, the culture places expectations on them to cope with actual abuse or inappropriate behaviour and simply "tough it out".

Finally, there remains a culture within some sports which accommodates verbal, physical and even sexually abusive behaviour in the guise of "banter", "initiations" or "team-bonding". This speaks to high frequency of peer abuse and harassment. Whilst the professionalisation of many sports has seen much of this behaviour eliminated, in amateur, grassroots, school, and university sport, incidents of abusive behaviour are still seen as part of the culture. Though cases are regularly reported, many more instances go unreported or are just rumoured as they are seen as a normal part of the sporting experience[4].

WHAT IS THE CURRENT SITUATION IN SPORT GOVERNANCE REGARDING ABUSE?



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Historically, the sports sector has been largely autonomous, leading to a reluctance from the UK government to intervene in sport. Not only that, but sport is a devolved matter, so there is no guaranteed consistency between the Scottish Government, the Welsh Senedd and the Northern Irish Assembly and UK Government. These factors have led to “a legacy of traditionalism and resistance to change” [5].

As a result, measures to safeguard children in sport are still relatively recent additions to the British and international sport’s policy agenda [6].

Currently, national governing bodies (NGBs) of sport are not required to set aside a minimum amount for safeguarding and athlete welfare in the way they do for other operating costs, such as for sports coaching. Consequently, not only do resources for safeguarding and child protection vary according to the financial health of an NGB, but they are also dependent upon the value that senior executives place on that area amidst other (funding-contingent) dimensions of their remit [7].

To access funding, NGBs are now required to have “appropriate policies and procedures” in place and to “implement and adhere to the Standards for Safeguarding and Protecting Children in Sport” as published by the NSPCC Child Protection in Sport Unit (CPSU) [8], but most of these policies do not cover those over the age of 18. Academics have determined that “the relatively narrow focus of the CPSU on children, defined as under 18 years old, draws attention and resources away from those over that age boundary, including many people with disabilities and, especially, adult women in sport.”[9]

In a positive step, the Police, Crime, Sentencing and Courts Bill [10] proposes to extend the “positions of trust” offences to include sport and religious settings, prohibiting those who are employed to look after children under the age of 18 from engaging in sexual activity with them, even where such activity is apparently consensual and would otherwise be legal.

The new position of trust roles will replicate the existing possible sentences for position of trust offences under section 16 to section 19 of the Sexual Offences Act 2003 [11]. This is a maximum of 5 years in prison. While the policies in place are welcome, they fail to protect young adults, despite no drastic change in their inherent vulnerability. In recent years, there have been numerous alleged instances of coaches coercing athletes over the age of 18 into sexual relationships or using their power and position to cover up physical, emotional/psychological or sexual violence.

Sports Councils and NGBs have taken some steps to address sexual violence in sport. Sport England, Sport Wales and UK Sport, fund the Ann Craft Trust, LimeCulture and the NWG Network to provide support on safeguarding in sport [12], and UK Athletics has recently put in place lifetime bans for abusive coaches.

Each Sports Council also funds a home country child protection in sports organisation. However, the 2020 UK Sport’s Culture Health Check found that of those on the high-performance programme, only 53% of respondents believe there are consequences when people behave inappropriately. More work is needed to ensure that regardless of age, everyone is protected from coercive control, emotional/psychological abuse, physical abuse, and sexual violence [13].

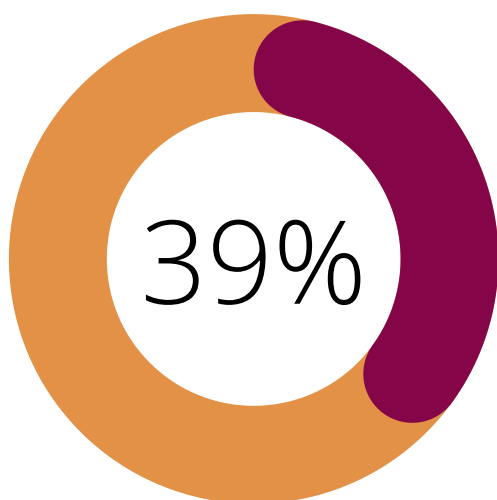
LimeCulture Community Interest Company (CIC) is a national sexual violence and safeguarding organisation based in the UK.

NWG is a charitable organisation formed as a UK network of over 14,500 practitioners who disseminate our information down through their services, to professionals working on the issue of child exploitation (CE) and trafficking within the UK.



WHAT ARE THE BARRIERS ATHLETES FACE WHEN REPORTING COMPLAINTS?

The 2020 UK Sport Culture Health Check found that of the athletes who witnessed and/or experienced unacceptable behaviour, only 39% formally reported the behaviour and only 22% of those who reported believed it was dealt with satisfactorily [14]



A lack of faith in the current system can mean that people with lived experience do not believe that the outcome of their report will be worth the trauma of reporting. People with lived experience know that their complaints are unlikely to be dealt with by an independent body and are instead reliant on their NGB.

The current safeguarding and reporting systems established in many sports put the onus on individuals to speak up, but there are several sport-specific reasons why athletes may not feel able to report their experiences of sexual violence:

◆ **There are figures in sport, including coaches, perceived as being “untouchables” because of their achievements, position of authority, reputation for producing successful athletes and their connections within the sport**

◆ **Sports communities are often tight-knit social circles, meaning that people with lived experience fear disrupting the ‘social circle’ hierarchy and being ostracised, not being believed or their report not being acted on due to the community “closing ranks” to protect the perpetrator**

◆ **Often athletes fear speaking out at the risk of losing performance opportunities, funding, and sponsorship, which all rely heavily on coaches, management and NGBs themselves. British gymnasts have referred to the fear of “rocking the boat”[15] and the need to remain silent to avoid deselection – athletes are afraid to speak out[16] because of the consequences it may have on their careers[17].**

WHAT IS THE COST OF SEXUAL VIOLENCE IN SPORT?



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Sexual violence in sport does not only negatively impact the individual, but it also impacts their family and friends, their teammates, the club and even the NGB. It does not only affect one aspect of the athlete's life, but it can have consequential effects on their mental health and their day-to-day life away from sport which is often overlooked.

Small NGBs do not have the funds to operate effective and adequate safeguarding and welfare programmes. Reported costs of safeguarding within UK Athletics from 2020-21 were in the region of half a million that year alone, with the cost of running the safeguarding and welfare team coming to £257,000, the cost of counselling and psychology sessions for individuals being around £22,000, and the legal costs of reviewing policies and case panels coming to £248,000. This is just over 1% of the £23m UK Sport funding given to UK Athletics [18]. It is worth noting that UKA funds safeguarding from its core budget, UKS only support cases relating to the World Class Programme

When sexual abuse cases and institutional duty of care failings are reported and investigated by NGBs, the lack of internal expertise, and sometimes the recognition of conflict of interest may lead to their commissioning expensive external reviews. NGB inaction – due to capacity, skill and resource limitations – can have an extensive negative impact, and can result in a high moral and financial cost

Furthermore, when sexual violence cases which are considered 'scandals' come to light, athletes, coaches and sports organisations are at risk of losing sponsorship[19]. USA Gymnastics lost four of their key sponsors in the wake of the Larry Nassar sexual abuse scandal; Procter & Gamble, Kellogg's, Under Armour and Hershey's reportedly no longer wanted to associate themselves with the troubled governing body [20].

There is a paucity of research regarding the wider costs of sexual violence in sport. The result of this is that we are unaware of the true extent of the damage in society or to the sports industry and NGBs. There are, however, both direct financial costs (legal, etc.) and social costs (affected mental health, work productivity and quality of life) which affect both the athlete, and others.

Individuals with lived experience of sexual violence will reportedly often need professional therapy in the form of counselling, or medication, such as antidepressants [21]. The estimated lifetime cost of therapy for people with lived experience is not insignificant at over £35,000 [22] which can seriously impact an athlete's financial situation.

Studies have found that young athletes who experience abuse in a sports setting, including physical, sexual, and psychological/emotional violence, are more likely to suffer more psychological issues as adults and have poor well-being and quality of life [23].

According to the International Olympic Committee "sexual violence in sport seriously and negatively affects athletes' physical and psychological health. It can also result in sleeping problems, lack of concentration and impaired performance and can lead to athlete drop-out.

Psychosomatic illnesses, anxiety, depression, substance abuse, self-harm and suicide are some of the serious health consequences. Sexual violence also damages relationships with coaches in general and causes a reduction in trust by athletes in coaches" [24].

It is paramount that the UK and devolved governments and Sports Councils act now, not just because it is right for them to do so, but because of the very real costs of sexual violence in sport.

WHAT HAS TO CHANGE?

1. Independent body for duty of care and safeguarding in sport

As was recommended to the government in 2017 by Baroness Grey-Thompson in her Duty of Care in Sport Review[25], it is vital that an independent body be created to tackle all forms of abuse, and ensure high levels of duty of care in sport.

The House of Lords National Plan for Sport and Recreation Committee, published at the end of 2021, highlighted the lack of action by the government to implement the recommendations of the Duty of Care in Sport Review and emphasised the need to prioritise the creation of an “independent sports ombudsman”. We welcome this to relieve NGBs of the existing resource burden of regulation and high costs.

The independent body must be both proactive and reactive. This means it should work with the sports sector not only to prevent duty of care failings from occurring and promote best practice, but also adjudicate on cases where duty of care failings have allegedly occurred.

Westminster and the devolved governments will need to work closely together to ensure a consistently high duty of care standard for everyone involved across the UK.

A Canada-based study into Safe Sport [26] devises four fundamental components necessary for a truly independent complaint process:

- **Filing of a complaint to an Independent Body;**
- **Independent investigation process;**
- **Independent adjudication processes;**
- **Independent provision of support and resources.**



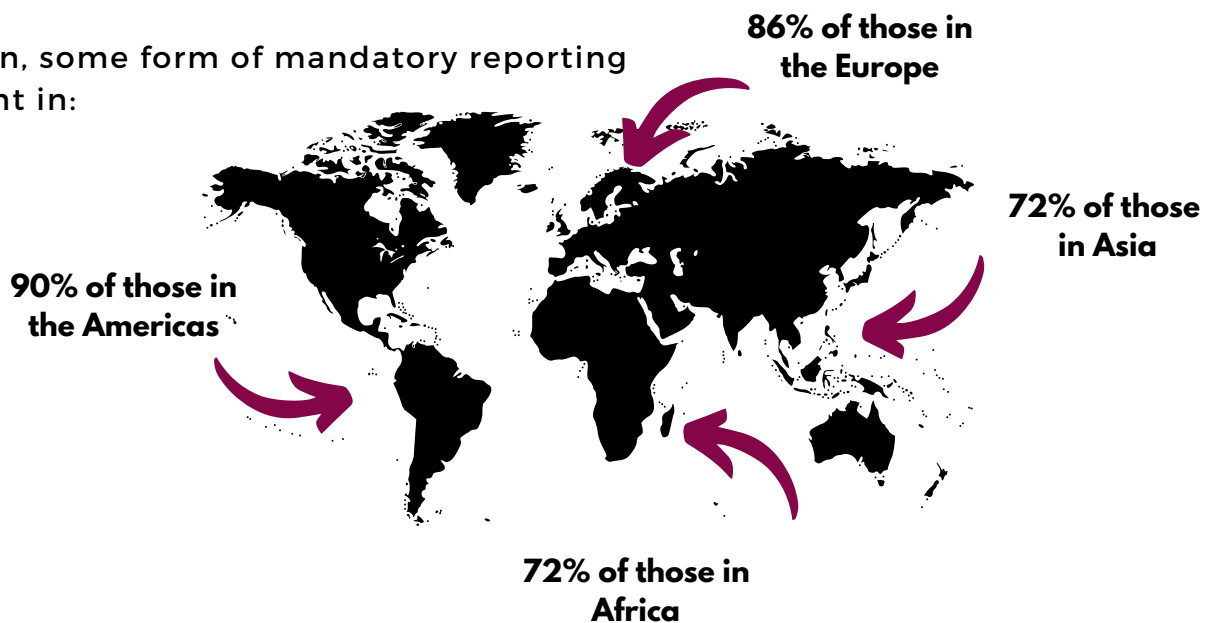
2. Mandatory reporting of sexual abuse and misconduct to the police and independent body for sport

Currently, there is no statutory requirement for individuals working in sports organisations to report known or suspected child sexual or physical abuse to the local authority, or the police in appropriate circumstances, for independent assessment.

Therefore, in sport, many cases of criminality never reach the police [27]. We believe a statutory duty to report these concerns on reasonable grounds must be introduced to sports personnel who have personal responsibility for the children in their care.

Today, the UK and devolved nations are out of step with most jurisdictions in the rest of the world in not having mandatory reporting.

By region, some form of mandatory reporting is present in:



Well-designed mandatory reporting protects good staff and the children in their care. It is a key component of significantly improved safeguarding as data reveals.

For sports personnel defined as ‘regulated activities,’ the government must now introduce well-designed mandatory reporting to the LADO (‘Local Authority Designated Officer’), or the police in appropriate circumstances,

For those participants in sport over the age of 18 years, NGBs and sports organisations must be directed by the DCMS to report the same cases to the independent regulator and, where necessary, the police.

3. Ringfenced funding for safeguarding and welfare from Sports Councils.

We propose that Sports Councils require that a reasonable proportionate percentage of their funding is dedicated to implementing robust safeguarding and athlete welfare systems at all levels of the sport. At present, NGBs have autonomy over how and where they can use the money they receive.

In practice, this currently means that those NGBs who are committed to safeguarding may well dedicate more funds to safeguarding, whereas those that are not, will not. While more money is certainly needed, ensuring that a percentage of the money that NGBs receive is dedicated to safeguarding is paramount in moving towards a state where safeguarding is better funded.

By ensuring that there are specific funds for safeguarding and athlete welfare, NGBs can ensure that they have full-time welfare officers who are always paid. Researchers like Dr Melanie Lang emphasise the importance in recognising that the Welfare Officer role is both wide-ranging in its remit and specialist in nature, yet there are no formal qualifications for or prior training to become a designated officer within sport [28]. So, Welfare Officers enter their role from a variety of backgrounds and with a variety of different experiences and understandings of child welfare.

As designated people responsible for managing NGBs' child welfare responsibilities,

Welfare Officers are central to safeguarding and protecting children and young people in sport, yet they require no formal child welfare qualifications and receive minimal training

(and limited emotional support). This raises questions about the value attributed to SCP in sport and the support offered to those with operational responsibility for this area.

There is no evidence to suggest that all the systems currently in place are delivering their objectives satisfactorily. It is paramount that sport gets to a place where we know what works and what does not in terms of best safeguarding practices so that money can be funnelled towards the things that are effective. This is a long-term goal but it's paramount that sports are offering the safest possible environment for athletes.

4. National coaches licensing scheme and register

While individual NGBs have largely put in place both licensing schemes and coaching registers (for example British Fencing [28]), the Duty of Care in Sport Review concluded that “more work is needed around checking whether self-employed individuals have the appropriate qualifications and security checks to work in sport... to assist with this, a national coach licensing scheme should be considered, with the creation of a register of licensed coaches.”[29]

As it stands, a coach found guilty of sexual violence may receive a lifetime ban from one NGB, but there is no centralised licensing scheme to ban them from all sports, and individual NGB coaching registers are often hard to access, unpublished or do not specify reasons for a ban. Ultimately, if there is no criminal conviction and only a ban from the National Governing Body, there is very little preventing them from moving to another sport or a different country or continuing to coach privately without a licence. This allows them the opportunity to continue to coach and potentially perpetrate further abuse.

A national coaches licensing scheme and register would allow for cross-sport coaching bans and for NGBs and other employers to check whether a coach is banned, and if so for what reason. Alongside a “duty to report” suspicions, allegations and evidence of abuse or misconduct, a national scheme and register could ensure that concerning patterns of behaviour by coaches are identified far earlier and sexual violence and other forms of maltreatment are prevented.

This coaches licensing scheme and register should be:

- Operated by the newly created independent body for sport
- Publicly accessible
- Be continuously updated by NGBs

Ideally the national coaches register should feed into an equivalent international register, to prevent abusers from moving abroad to continue perpetrating sexual violence. A starting point for the international register could be that international sports federations compile open registers of qualified coaches.

5. Lifetime bans for abusive coaches in cases of physical, sexual, and emotional/psychological abuse

All sports should implement a policy of implementing lifetime bans for coaches proven, through a disciplinary process, to have committed any form of abuse, even without a criminal case. Currently, most NGBs use the ‘balance of probabilities’ threshold for disciplinary proceedings, which is lower than that used in criminal courts (‘beyond a reasonable doubt’). Positively, this means that internal courts of arbitration, hearings and tribunals are more likely to return an outcome in favour of individuals with lived experience. More athletes will be protected as a result of lifetime bans being issued.

UK Athletics have led the way by integrating a policy of zero-tolerance lifetime bans into their coaching licence terms and conditions. Introduced due to pressure from athletes with lived experience of sexual violence, this policy means that coaches found to have perpetrated physical or sexual violence on the “balance of probability”, can have their coaching licence permanently revoked with a lifetime ban. However, this policy does not cover emotional/psychological abuse, and we recommend an extension of the policy to cover abuse of this nature.

UK Athletics safeguarding regulations now see that a UKA appointed, but ultimately independent, safeguarding panel decides upon an appropriate outcome to reflect the seriousness of the case and harm caused. The Panel can “suspend, revoke or place any restriction on a club, organisation, any licence, or any membership of the respondent for a specified period of time or permanently”[30]. UK Athletics have also ring-fenced funds to re-open historical cases, so athletes receive the justice they deserve.



OUR RECOMMENDATIONS

For too long, government has failed to act and NGBs have moved too slowly when it comes to protecting adults from sexual violence in sport. Current policies and resources to prevent sexual violence are patchy and inconsistent, and there is a lack of faith in the system.

The recommendations made in this report will make sport safer for all participants. Safeguarding and welfare must be a priority regardless of where in the UK you live or the sport you partake in.

Bold policy, and legislative change is needed to better protect everyone in sport. Sports organisations must fully implement their duty of care towards athletes, due process must be put in place and followed, and more transparency and accountability across the sports sector must be achieved.

Therefore, we are calling for:

- **An independent body for duty of care and safeguarding in sport.**
 - **Mandatory reporting of sexual abuse and misconduct.**
 - **Ringfenced Sports Council funding for safeguarding and athlete welfare.**
 - **A national coaches licensing scheme and register**
 - **Lifetime bans for coaches found guilty of physical, sexual and emotional/psychological abuse.**
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