



The Mental Shift CIC – Protecting Children from Abuse

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Introduction:

'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
- Carers or Guardians
- 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

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

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.

In 2022, following NSPCC's Close the Loophole campaign, the Sexual Offences Act 2003 in England and Wales were amended to expand position of trust roles to include sports coaches and faith group leaders.

Purpose of the Policy

Although most people who work or volunteer with children have their best interests at heart, organisations that work with children have a responsibility to prevent anyone who is in a position of authority from abusing a child. This document explains how to recognise if someone in The Mental Shift CIC is abusing their position, what to do if you have concerns and the steps you need to take to keep children safe.

Recognising Abuse

The Mental Shift CIC will make sure everyone understands the signs that someone could be using their position to abuse children.

Examples of situations that may cause concern include a member of staff or volunteer:

- giving a child or young person extra special attention or preferential treatment, or acting as their confidante
- frequently spending time on their own with a child or young person, particularly if this is in private or isolated areas.
- spending time outside their working or volunteering hours alone with a child or young person
- transporting a child or young person to or from meetings or activities on their own
- making friends with a child or young person's parents or carers and/or visiting them at home
- giving gifts, money, toys, cards or letters to a child or young person
- using texts, telephone calls, emails or social networking sites to communicate with a child or young person.
- being overly affectionate with a child or young person
- flirting with or making suggestive remarks or sexual comments around a child or young person.

You may also hear other children and young people making jokes or references about a member of staff and a specific child.

If someone is behaving in any of the ways listed above, this may not mean they are grooming or abusing a child. But all the adults involved in The Mental Shift CIC should understand what appropriate behaviour looks like.

Responding to concerns

If you're concerned about someone within The Mental Shift CIC abusing a position of trust or a position of authority, you should share your concerns.

- Follow The Mental Shift's child protection procedures.
- Contact the [NSPCC Helpline](#) on [0808 800 5000](tel:08088005000) or by emailing help@nspcc.org.uk. Their trained professionals will talk through your concerns with you and give you expert advice.
- Contact the local child protection services. Their contact details can be found on the website for the local authority the child lives in, or by contacting TMS's DSO.
- Contact the police. If you think a child is in immediate danger, contact the police on 999.

Make sure you record any concerns you may have about another member of staff or volunteer's behaviour and report them to your nominated child protection lead, your supervisor/line manager or a member of senior management.

You should do this even if you have a good relationship with the colleague involved or are worried about upsetting them. Remember that children's safety is paramount.

Investigating concerns

Organisations should take any concerns raised against staff or volunteers seriously and respond sensitively and promptly. This is regardless of who the person is, what position they hold or how long they've been involved in the organisation.

You should gather the facts of the case and keep written records. You should then liaise with the DSO, local child protection services and the police if there are any concerns that someone is using their position to abuse children.

In England, each local authority must have one or more designated officers (often known as LADOs) whose role is to manage and oversee investigations of allegations against people who work with children (Department for Education, 2018).