



# Mary MacKillop College South Gippsland

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## Child Safety and Protection of Children – Grooming Policy

Ratified – June 2020, to be reviewed June 2021

### 1.0 Introduction

Protecting children and young people against sexual abuse is a community wide responsibility. Schools have a moral and legal responsibility to ensure children or young people are safe in their care and to ensure that all forms of abusive behaviours towards children are prevented.

The Crimes Act 1958 (Vic) and the Crimes Amendment (Grooming) Act 2014 comprises the offence for grooming for sexual conduct with a child under the age of 16 years. The new grooming offence became law in July 2014.

A grooming offence is committed if the offender communicates by words or conduct with a child under the age of 16 years, or the child's carer or supervisor, and intends to commit a sexual offence involving the child.

**It is imperative to prevent, reduce and minimise child abuse and exploitation in all their forms.**

### 2.0 Purpose

This policy informs Mary MacKillop College staff, advisory council members, clergy, contractors and volunteers of their responsibilities in relation to this amendment, providing a definition for grooming and how it can occur. The specific behaviours and actions of an offender grooming a child/young person, and the impact it will have on these victims, need to be understood by all staff, advisory council members, clergy, contractors and volunteers.

This policy acknowledges the particular duty staff, advisory council members, clergy, contractors and volunteers have towards children/young people in their care. It respects the dignity of children/young people and Catholic education employees and it outlines their rights and responsibilities.

### 3.0 Principles

- 3.1 The dignity of each person, made in the image of God, is a fundamental tenet of the Catholic Church and therefore of Catholic education.
- 3.2 A safe environment is required to protect children/young people from harm and to prevent staff from abusing their position of authority and trust.
- 3.3 Grooming is a serious offence. Staff, advisory council members, clergy, contractors, visitors and volunteers need to be informed of the criminal intent in grooming behaviours and be fully self-aware of their professional obligations and responsibilities.
- 3.4 All children/young people have the right to a thorough and systematic education in personal safety, including safety in relationships.
- 3.5 Abuse of children by persons in positions of trust or authority is a serious matter. All allegations must receive a response and be dealt with promptly.
- 3.6 After a disclosure, any ongoing harm to the child/young person and the employee is minimised by:

- a) adherence to agreed procedures
  - b) provision of appropriate social and emotional support and pastoral care
  - c) appropriate confidentiality.
- 3.7 The child/young person's ongoing safety and wellbeing should be the primary focus of decision making.

#### 4.0 Definitions

For the purposes of this policy, the following definitions apply:

- 4.1 **Child and Young Person:** A child is legally defined as a person under the age of 16 years. A young person is any person who comes under or may come under the care, supervision or authority of the school.
- 4.2 **Confidential:** Being entrusted with private and restricted information that must be treated as such, both in written and verbal form.
- 4.3 **Grooming:** The term 'grooming' refers to actions deliberately undertaken with the aim of befriending and influencing a child, and, in some circumstances, members of the child/young person's family, for the purpose of sexual activity with the child/young person. These actions are designed to establish an emotional connection in order to lower the child/young person's inhibitions and gain access to the intended victim. In this respect, grooming involves psychological manipulation that is usually very subtle, drawn out, calculated, controlling and premeditated' (Victorian Parliamentary Inquiry 2013). Grooming can also occur online.
- 4.4 **Grooming Behaviours:** There is no one set of actions or behaviours that are used to groom a child. Grooming behaviours include:
- a) persuading a child/young person or group of children/young people that they have a special relationship, for example by:
    - o spending inappropriate special time with a child/young person
    - o inappropriately giving gifts
    - o inappropriately showing special favours to one child/young person but not other children/young people
    - o Inappropriately allowing the child to over step the rules
    - o testing boundaries, for example, by undressing in front of the child/young person.

Grooming occurs both before the offence in order to access the child, and after the offence to maintain that access for future abuse and ensure the child's silence.

Grooming also seeks the parent or carer's continued trust (Randhawa and Jacobs, 2013).

- 4.5 **Duty of Care:** Staff or advisory council members, clergy, contractors and volunteers working in *Catholic* [sic] schools have a duty of care to support and protect the children and young people with whom they are professionally involved.

When staff, advisory council members, clergy, contractors and volunteers members form a reasonable belief that a child or young person has been harmed or is at risk of harm, they are ethically bound to take action to protect the safety and wellbeing of that child or young person. For some staff members this obligation is legally mandated (cf DEECD and DHHS 2010).

Duty of care is breached if a person:

- a) does something that a reasonable person in that person's position would not do in a particular situation.
- b) fails to do something that a reasonable person in that person's position would do in the circumstances.

- c) acts or fails to act in a way that causes harm to someone to whom the person owes a duty of care.
  - d) fails to report when mandated.
- 4.6 **Reasonable belief:** A 'reasonable belief' is not the same as having proof. A 'reasonable belief' is formed if a reasonable person in the same position would have formed the belief on the same grounds. For example, a 'reasonable belief' might be formed when:
- a) a child states that they have been sexually abused
  - b) a child states that they know someone who has been sexually abused (sometimes the child may be talking about themselves)
  - c) someone who knows a child states that the child has been sexually abused
  - d) professional observations of the child's behaviour or development leads a mandated professional to form a belief that the child has been sexually abused
  - e) signs of sexual abuse leads to a belief that the child has been sexually abused.

## 5.0 Procedures

This policy should be read in conjunction with the Mary MacKillop College Pastoral Care and Child Protection Policies (see 8). The successful implementation of this policy will include the following:

- 5.1 Implementation of procedures to respond to grooming law and behaviours
- 5.2 Regularly communicating this policy to staff, advisory council members, clergy, contractors, visitors and volunteers.
- 5.3 Educating children in personal safety and about grooming
- 5.4 Educating school staff to identify possible grooming behaviours
- 5.5 Taking action that is timely, respectful and coordinated when a staff member forms a belief that a child/young person is at risk of being harmed through grooming. The matter must be reported to the Police and the Principal. Victoria Police has primary responsibility for conducting investigations into the alleged matter
- 5.6 If a mandated staff member, reporting to DHHS unless otherwise advised by the police
- 5.7 Ensuring the child/young person and the child's/young person's family have access to appropriate services in order to reduce any long-term effects of the grooming abuse
- 5.8 Documenting all allegations and retaining records in a secure area, ensuring their confidentiality.

## 6.0 Expected Outcomes

- 6.1 Mary MacKillop employees are informed of the criminal intent in grooming behaviours and expected to be self-aware of their professional obligations and responsibilities.
- 6.2 A thorough and systematic education in personal safety, including safety in relationships, will be provided for all children/young people.
- 6.3 Approved professional learning in providing education in personal safety will be provided to all staff.
- 6.4 All allegations of grooming will receive a prompt response and be clearly documented.

## **7.0 References**

Parliament of Victoria 2014, Crimes Amendment Grooming Bill, online, <http://www.austlii.edu.au/cgi-bin/download.cgi/cgi-bin/download/au/legislation>, retrieved 2 July 2014.

Victorian Parliamentary Inquiry into the Handling of Child Sexual Abuse by Religious and Other Non-Government Organisations, Final Report, Betrayal of Trust, November 2013.

Randhawa T and Jacobs S 2013, Child Grooming – 'Offending all the way through from the start': Exploring the call for law reform, Report prepared for Child Wise. DEECD and DHHS 2010, Protecting the Safety and Wellbeing of Children and Young People, A joint protocol of the Department of Health and Human Services Child Protection, Department of Education and Early Childhood Development, Licensed Children's Services and Victorian Schools.

## **8.0 Related Policies**

- Child Safety and Protection - Pastoral Care Policy
- Child Safety and Protection Policy
- Child Safety and Protection – Grooming Policy
- Child Safety and Protection – Failure to Protect Policy