

Child Protection - Detecting, Reporting and Addressing Grooming Behaviours

Grooming Behaviour

All children and young people have the right to be protected from abuse, maltreatment and harm.

Grooming behaviours can precede or can be an indicator of ongoing sexual abuse in many, but not all, cases.

The School expects a staff member, or any person engaged by the School to provide services to children, including volunteers, to observe the highest standards of ethical behaviour and integrity in their conduct.

Kambala's **Code of Conduct** sets out our key values and how they should be applied within our workplace and in our dealings with those outside of our School.

Source of Obligation

The School has a duty of care which entails protecting all students from foreseeable risks while at school or engaging in School-related activities.

In addition, the procurement or grooming of a child for the purpose of engaging in sexual conduct is a criminal offence in all jurisdictions in Australia, or at a Federal level where the conduct in question may not be prohibited under the state or territory law.

In NSW:

- section 66EB Crimes Act 1900 (NSW) 'Procuring or grooming a child under 16 for unlawful sexual activity', and
- section 66EC Crimes Act 1900 (NSW) 'Grooming a person for unlawful sexual activity with a child under the person's authority',

apply.

'Under the Authority of the person' means that the child is under the care, or under the supervision or authority, of an adult person. In the context of the School, this would include parents/carers as well as all Executive Team members, the Principal, teachers, all non-teaching staff who have students under their care or authority (such as counsellors, nurses, religious leaders or officials, sports coaches, music tutors, learning assistance staff and youth workers), Direct Contact Volunteers and Direct Contact Contractors.

Therefore, this is a criminal offence in which an adult associated with the School could be either the victim or the perpetrator.

Kambala's policy

Kambala is committed to providing a safe environment for all our students.

It is our policy that:

- all staff are trained with respect to the identification of grooming behaviours and relevant procedures
- all suspected cases of grooming are reported to the Principal, or the **Head of Counselling** as soon as practicable
- we maintain effective procedures to assist staff in identifying and reporting grooming behaviours
- we work collaboratively with relevant external agencies that are involved in child protection

- the School remains well-informed of relevant government inquiries that can provide further guidance on identifying and reporting grooming behaviours
- we act immediately to ensure the safety of students believed or suspected to be at risk of abuse
- we provide ongoing support and assistance to the students identified as having been exposed to grooming behaviours or abuse
- we provide students with age-appropriate training of what constitutes inappropriate behaviour
- we create an environment at the School conducive to staff members making reports about the behaviour of other staff members.

What is Grooming?

Grooming refers to behaviours that manipulate and control a child or young person, their family and other support networks, or institutions, with the intent of gaining access to the child or young person for the purposes of engaging in sexually harmful behaviour, obtaining the child or young person's compliance, maintaining the child or young person's silence, and avoiding discovery of the sexual abuse.

Grooming is defined as:

- ... the use of a variety of manipulative and controlling techniques,
- ... with a vulnerable subject,
- ... in a range of inter-personal and social settings,
- ... in order to establish trust or normalise sexually harmful behaviour,
- ... with the overall aim of facilitating exploitation and/or prohibiting disclosure of the harmful behaviour.

Grooming behaviour often involves a graduation from attention giving and non-sexual touching to increasingly more intimate and intrusive behaviours. Grooming usually involves a perpetrator establishing a trusting relationship with a child or young person and those associated with the child or young person's care and wellbeing, to create an environment in which sexual abuse can occur

Grooming behaviour can therefore refer to grooming of an adult with authority for a child or young person, to make it easier to procure the child or young person for sexual abuse or to ensure that, if the child or young person does disclose, that the adult does not believe the child or young person.

This policy provides a general overview of what grooming behaviour typically involves.

The Criminal Offences of Grooming and Online Grooming

Grooming is, in certain circumstances, an offence under sections 66EB and 66EC of the Crimes Act 1900 (NSW) and an offence under sections 474.26 and 474.27 of the Criminal Code Act 1995 (Cth).

For the purposes of the NSW offences, grooming is defined as:

- with respect to grooming a child, engaging in any conduct that exposes a child to indecent material or provides a child with an intoxicating substance or a financial or material benefit, or
- with respect to grooming an adult, providing any financial or other material benefit,

with the intention of procuring the child or a child under the authority of the adult for unlawful sexual activity.

These offences only apply to children under the age of 16.



Under section 66EB of the Crimes Act 1900 (NSW), the conduct by an adult that constitutes the criminal offence of grooming a child includes:

- communicating in person or by telephone, the internet or other means
- providing any computer image, video or publication.

It is not necessary that the communication or image, video or publication itself be explicitly sexual.

It is a separate offence for an adult, who has groomed a child online, to then:

- intentionally meet the child, or travel with the intention of meeting the child, whom the adult has groomed for sexual purposes
- do so with the intention of procuring the child for unlawful sexual activity with that adult person or any other person.

Under the Criminal Code (Cth), 'Using a carriage service to procure persons under 16 years of age', and 'Using a carriage service to groom persons under 16 years of age' are criminal offences.

- Carriage services include services for carrying communications, such as telephone services, internet access services and 'voice over internet' services.
- For both of these offences, it is a crime for an adult (the sender) to use a carriage services to transmit communications to a person aged (or who the sender believes to be aged) under 16 (the recipient) with the intention of procuring the recipient to engage in sexual activity with or in the presence of either the sender or another person (the participant).

Identifying Grooming Behaviour

Grooming can be very difficult to identify. Grooming includes a range of techniques, many of which are not explicitly sexual or directly abusive in themselves. Most techniques do not appear unusual or remarkable in isolation, but instead involve many discrete acts that, on their own, are not necessarily criminal or abusive.

Grooming is not a single act of unprofessional or inappropriate conduct, but rather a pattern of behaviour where the trust of a child, or the adult with authority for the child, is gained.

Indicators of grooming behaviours by adults include:

- persuading a student or group of students that they have a special relationship
- asking a student to keep the relationship to themselves
- inappropriately allowing a student to overstep the rules
- testing boundaries, for example by undressing in front of a student
- manoeuvring to get or insisting on uninterrupted time alone with a student
- buying a student gifts
- insisting on physical affection such as hugging, wrestling or tickling even when the student clearly does not want it
- being overly interested in the sexual development of a student
- taking or having a lot of photos of an unrelated child or young person
- engaging in inappropriate or excessive physical contact with a student
- sharing alcohol or drugs with a student
- making inappropriate comments about a student's appearance or excessive flattery



- using inappropriate pet names for a student
- making jokes or innuendo of a sexual nature with a student
- making obscene gestures or using obscene language with a student
- sending correspondence of a personal nature to a student via any medium
- inviting, allowing, or encouraging students to attend a staff member's home without parental/carer permission
- entering change rooms or toilets occupied by students when supervision is not required or appropriate
- communicating with a student's parent/step parent/carer, teacher, religious official or spiritual leader with the intention of facilitating the student's involvement in sexual conduct
- inappropriately extending a relationship with a student outside of work
- photographing, audio recording, or filming students via any medium without authorisation or having parental consent to do so.

Indicators That a Child or Young Person May Be Subject to Grooming:

- developing an unusually close relationship with an adult
- displaying significant mood changes, including hyperactive, sensitive, hostile, aggressive, impatient, resentful, anxious, withdrawn or depressed behaviour
- using 'street' or different language they learned from a new or older 'friend'
- having new jewellery, clothing, expensive items or large amounts of money that were gifts from a new or older 'friend'
- using a new mobile phone excessively to make calls, videos or send text messages to a new or older 'friend'
- being excessively secretive about their use of social media or online communications
- frequently staying out late or overnight with a new or older 'friend'
- being dishonest about where they have been or who they were with
- drug and alcohol use
- being picked up in a car by a new or older 'friend' from home or school or 'down the street'.

Indicators That a Child or Young Person May Be Subject to Online Grooming:

- discovery of pornography on their computer or device
- receiving or making calls to unrecognised numbers
- increasing or excessive amount of time spent online
- increased secrecy in what they are doing online and efforts to try and hide what they are doing online
- evidence of people on their 'friends' list that are unknown and they have never met them offline.

What is Not Grooming Behaviour?

Some of the adult behaviours listed above may not constitute grooming behaviour as a one-off incident but, when repeated or escalated over a period of time, may indicate grooming behaviour.

However, one-off incidents may be a violation of the School's **Code of Conduct** or constitute professional misconduct and if so should be reported to the Principal, or the **HR Manager**.

For example, a young music tutor or volunteer sports coach using obscene language with a student may not necessarily be grooming, but may be a violation of the **Code of Conduct**.

Similarly, not all physical contact between a student and a staff member or any person engaged by the School to

provide services to children, including a volunteer, will be inappropriate and/or an indicator of possible grooming behaviour.

The following physical contact with students is not grooming behaviour:

- administration of first aid
- supporting students who have hurt themselves
- non-intrusive gestures to comfort a student who is experiencing grief, loss or distress, such as a hand on the upper arm or upper back
- non-intrusive touching i.e. shaking a student's hand or a pat on the back to congratulate a student.

Managing a Student's Disclosure of Grooming

Where a student discloses information about grooming behaviour, or behaviour that is indicative of grooming, to a staff member, the staff member should follow the same management of disclosure guidelines as in the School's **Child Protection – Child Abuse and Harm Definitions, Identification and Initial Responses** policy.

Where the student discloses grooming behaviour by showing or directing the staff member to electronic communications such as email, internet chat rooms, SMS messages or real time audio/video between the student and the adult who is the subject of the allegation, the staff member should also take appropriate steps to preserve the electronic evidence of the grooming behaviour.

Internal Reporting of Grooming Behaviours

Kambala treats the commission of grooming behaviour on its premises, online, using school equipment, during its extra-curricular activities or in other related settings (e.g. the home of a teacher) as conduct which threatens the safety of students and action must be taken under our child protection policies.

All staff should be aware that grooming behaviour committed by a staff member will constitute a breach of the School's **Staff and Student Professional Boundaries** policy and may amount to professional misconduct.

If you have a reasonable suspicion or belief that grooming of a student is occurring, or have witnessed repeated indicators of grooming of a student, a report should be made to the Principal.

If the matter involves the Principal, staff should report suspicions or beliefs to the President of Council by [email](#).

External Reporting of Grooming Behaviours

Grooming of a child or young person is conduct which may place a child or young person at risk of significant harm, which must be reported under the Children and Young Persons (Care and Protection) Act 1998 (NSW) (see **Child Protection – Mandatory Reporting of Child Abuse or Harm to DCJ**).

The grooming offences under the Crimes Act 1900 (see the **Grooming as a Criminal Offence** section of this policy) are considered 'child abuse offences' for the purposes of the criminal offences of Failure to Protect and Failure to Report. Failure to report grooming behaviours to the Police and/or to take action to prevent grooming of a student by an adult at the School from escalating into sexual abuse may also be a criminal offence. For more information on how to report to police or on what actions to take, see **Child Protection – Duty to Protect Students from Child Abuse or Harm** and **Child Protection – Mandatory Reporting of Child Abuse Offences to Police**.

The grooming of a young person (aged 16-17), while not a crime under either NSW or Commonwealth law and

while not subject to **Mandatory Reporting of Child Abuse or Harm to DCJ** or **Mandatory Reporting of Child Abuse Offences to Police**, must still be reported internally.

Where the grooming behaviour is alleged to be perpetrated by a staff member, Direct Contact Volunteer or Direct Contact Contractor, the School must report this to the NSW Children's Guardian. Reports to the Children's Guardian must be made if an allegation involving a sexual offence (including grooming offences) or sexual misconduct (which may involve grooming behaviour) is made against a staff member or any person engaged by the School to provide services to children. For more information about how to make a report of Reportable Conduct, refer to **Child Protection - Reportable Conduct of Staff, Volunteers and Others**.

What Will Happen if I Make a Report Against a Fellow Staff Member?

Reports that are made honestly and without recklessness to the School will not constitute a breach of confidence, professional ethics or a rule of professional conduct.

The School is committed to encouraging and facilitating reports of suspicions or beliefs of child abuse, neglect or grooming behaviours and providing an environment that is conducive to staff members making reports about the behaviour of other staff members.

Staff should feel safe to report all concerns including those that involve a fellow staff member.

The identity of the reporter can be protected if necessary however it may be disclosed in the event of a future criminal or civil investigation.

The reporting staff member will not be civilly or criminally liable for providing information when the report is made honestly and without recklessness.

Where allegations or suspicions of grooming behaviour are reported, the School will first act to ensure the safety of the student who is the alleged victim of the grooming behaviour.

The School will then notify the staff member who is the subject of the report and provide an opportunity for them to respond to the allegations, in accordance with the principles of natural justice. If the allegation involves the Principal the report should be made to the President of Council by [email](#).

The School will conduct an internal investigation. If the allegations are of a serious nature and require further investigation, the School may refer the matter to the Police and relevant child protection agencies.

Any relevant evidence should be preserved.

The School may suspend the staff member while the allegation is being investigated.

For more information, refer to **Child Protection – Reportable Conduct of Staff, Volunteers and Others**.

Record Keeping

Where a staff member suspects grooming behaviour but does not have enough information to make a report, they should keep written and dated records of their observations and concerns until they are prepared to make a report. It should be noted that allegations of grooming are taken very seriously by the School and dishonest reports will result in disciplinary action.

All verbal and written communications regarding child protection matters (including notes of observations,

meetings and telephone calls) must be properly documented.

The documented records should include dates, times and enough detail to record key conversations, especially those relating to a student's disclosure.

The records of child protection matters must be stored securely.

For the purposes of any current or future internal or external investigations into grooming allegations, the School maintains records of any and all evidence or notes relating to the allegations made. This may include:

- notes taken during a meeting with a staff member who is the subject of a grooming allegation
- reports made by a staff member about the behaviour of a colleague
- notes taken during a disclosure by a student of grooming behaviour
- copies of any reports made to police or regulatory bodies about the matter
- digital copies of correspondence between the student and the staff member who is the subject of the allegation, if the allegation includes claims of inappropriate online activity.

Staff/Student Interaction Declaration Policy

To enable the School to be aware of appropriate and inappropriate interactions between staff and students, it is Kambala's policy that all staff are encouraged to declare any interactions with students outside school hours. These interactions may include instances where the staff member is:

- related to the student,
- friends with the student's parents or family, or
- has parental consent to interact with the student for academic purposes outside of school hours and has notified the School.

Declarations by staff about a relationship with students and their families outside of the School context or about interactions that occur with the consent of the parent/carer must be verified by the parent/carer of the student.

Kambala maintains records of all declarations made by staff members related to their interactions with students, or relationships with students, that exist outside of school hours or School premises.

This documentation is maintained by the **HR Manager** and located in the **HR Office**. These records are made available to the parents/carers of a student upon request.

Confidentiality

Staff who have access to information regarding suspected or disclosed child abuse, including grooming behaviour, must keep such information confidential and secure and must not disclose this information unless required to do so as part of an ongoing investigation, by law, or when it is necessary to disclose the reasons for removing a child or young person from a class or activity where the grooming behaviour occurred. This should only be done where absolutely necessary.

Staff must not provide undertakings that are inconsistent with their reporting obligations under this policy. For example, as with other forms of abuse, students who disclose that they have been subject to grooming behaviours may attempt to elicit a promise that a staff member not tell anyone about the disclosure. Staff members must not make this promise.

Students and any other parties who become involved in the investigation (this may include other students) should be informed of the reporting process and be requested to maintain confidentiality.

Inappropriate disclosure of confidential information will be subject to disciplinary action.

Staff Responsibilities

Staff must ensure that:

- reports of grooming behaviour or repeated incidents of indicators of grooming behaviour are made as soon as practicable
- confidentiality is maintained throughout the process
- immediate support is given to students making disclosures
- records of all verbal and written communication are maintained and stored securely
- all staff participate in training.

Signage

Posters of grooming behaviour indicators, Mandatory Reporting processes that may apply, and the NSW Office of the Children's Guardian contact details are displayed strategically in staff rooms at the School.

Implementation

This policy is implemented through a combination of:

- risk identification and reporting procedures
- the provision of counselling services
- staff training
- signage
- effective communication and incident notification procedures
- effective record keeping procedures
- initiation of corrective actions where necessary.

Discipline for Breach of Policy

Where a staff member breaches this policy, Kambala will take disciplinary action, including in the case of serious breaches, summary dismissal.

Version details

Version 2. Approved by Executive on 18 May 2020

Owner: Risk and Compliance Officer