

CHILD PROTECTION: GROOMING POLICY

INTRODUCTION

Victory Christian College is committed to creating and maintaining a child-safe and child-friendly environment, where children and young people are safe and feel safe. It is vital that we are diligent ambassadors for child safety as an expression of our Christian values and ethos

SCOPE

This policy applies to the whole school community in supporting safe environments for all children and young people. It concerns the Crimes Act 1958 (Vic) and the Crimes Amendment (Grooming) Act 2014 which commenced in Victoria on 9th April 2014, introducing the offence of Grooming for sexual conduct with a child under the age of 16 years. The Crimes Amendment (Grooming) offence provides that the offence of grooming concerns:

- predatory conduct designed to facilitate later sexual activity with a child.
- an adult communicating, in person or electronically, by word or conduct, with a child under the age of 16
- years or with a person who has care, supervision or authority for the child with the intention of facilitating the
- child's involvement in sexual conduct, either with the groomer or another adult.
- sexual conduct which constitutes an indictable offence.

Note: Grooming does not necessarily involve any sexual activity or even discussion of sexual activity – for example it may involve establishing a relationship with a child, parent or carer for the purpose of facilitating sexual activity at a later time.

The offence can be committed by any person aged 18 years and over. It does not apply to communication between people who are both under 18 years of age.

The offence applies to communication with children under 16 years, but not to communication with 16 and 17 year old children. This distinction between children aged below 16 and those aged 16 or 17 reflects the general age of consent (16 years) recognised by the criminal law in relation to sexual offences.

KEY PRINCIPLES

A safe environment is required to protect children and young people from harm and to prevent staff from abusing their position of authority and trust.

The child and young person's ongoing safety and wellbeing must be the primary focus of all decision making.

School leaders and staff must be fully self-aware of, and comply with, their professional obligations and responsibilities.

The commitment to protecting children is embedded in the organisation's culture and responsibility for acting is understood and accepted at all levels of the organisation.

DEFINITIONS

- **Adult**
A person aged 18 years or over.
- **Child**
For the purposes of this policy and the relevant offence, a child is legally defined as a person under the age of 16 years.

- **Grooming**
Grooming refers to predatory conduct undertaken by an adult (18 years or over) to prepare a child (under the age of 16) for sexual activity at a later time. It may involve communication, in person or electronically, by words or conduct, with a child or with a person who has care, supervision or authority for the child with the intention of facilitating the child's involvement in sexual conduct either with the groomer or another adult. There may be no sexual activity or even discussion of sexual activity. Grooming is now a criminal offence under the Crimes Act 1958.
- **Indictable Sexual Offence**
This includes offences such as sexual penetration of a child, indecent assault and indecent act in the presence of a child. It does not include summary offences, such as up-skirting and indecent behaviour in public.
Note: The committing of these offences does not come under the definition of grooming, rather grooming is conduct in preparation of these offences.
- **Person In Authority**
A person in authority is someone who, by reason of their position within a relevant organisation, has the power or responsibility to reduce or remove a substantial risk that a child under the age of 16 years, who is under their care, supervision or authority, may become the victim of sexual abuse committed by an adult associated with the organisation. The role may be a formal, management role but may also apply to less formal roles such as a volunteer coach for a sports team.
- **Reasonable Belief**
A 'reasonable belief' is formed if a reasonable person in the same position would have formed the belief on the same grounds. A 'reasonable belief' is not the same as having proof.
- **Sexual Abuse**
Sexual abuse occurs when a person uses power or authority over a child to involve the child in sexual activity and the child's parent or caregiver has not protected the child. Physical force is sometimes involved. Child sexual abuse involves a wide range of sexual activity, including physical activity and/or exposure of the child to pornography.

IMPLEMENTATION

This policy applies to the school community in supporting a safe environment for all children and young people.

- It applies to all persons in positions of authority, care or supervision, all employees of the College, all students of 18 years or over to ensure they understand their role and responsibility in protecting the safety and wellbeing of children and young people under the age of 16 in accordance with the *Crimes Act 1958 (Vic)*.
- It applies to any member of the College community aged 18 and over who becomes aware of grooming behaviour by a person aged 18 years or over. They should notify the police in line with the Child Protection- Mandatory Reporting Policy.
- Staff will be fully informed annually of and committed to their obligations and responsibilities to proactively protect children from abuse.
- This policy and its requirements will be communicated to staff and the wider community annually.
- This policy and its requirements will be communicated to new staff during induction.
- Senior students will be educated about their obligations under 'Grooming' legislation once they are over eighteen years of age.
- Prompt and full responses to any allegations will be undertaken promptly, with well-documented records retained securely and confidentially.
- Risks associated with 'Grooming' will be included, assessed and mitigated in its ongoing risk identification and management processes.
- Under 'Failure to Protect' requirements, the Principal or others with authority or responsibility, will take action upon becoming aware of suspected grooming behaviour, regardless of the time or location of that behaviour.

- Allegations of misconduct against a staff member, contractor or volunteer, which meet the Reportable Conduct Scheme criteria must be reported by the Principal to the Commission for Children and Young People, within three business days of the report to DFFH Child Protection being made.

LEGISLATION

- Crimes Amendment (Protection of Children) Act 2014, online http://www.austlii.edu.au/au/legis/vic/num_act/caoca201436o2014417
- Children, Youth and Families Act (Vic) 2005 http://www.austlii.edu.au/au/legis/vic/consol_act/cyafa2005252/index.html
- Victorian Parliamentary Inquiry into the Handling of Child Sexual Abuse by Religious and Other Non-Government Organisations, Final Report, *Betrayal of Trust*, November 2013 <http://www.parliament.vic.gov.au/fcdc/article/1788>

ASSOCIATED POLICIES AND PROCEDURES

This policy should be read in conjunction with the other policies and procedures of Victory Christian College concerned with Child Safety:

- Bullying and Harassment Policy
- Child Protection: Failure to Disclose Policy
- Child Protection: Failure to Protect Policy
- Child Protection: Mandatory Reporting Policy
- Child Protection Student Fact Sheet
- Child Safety and Wellbeing Policy
- Child Safety Code of Conduct
- ICT and Internet Acceptable Use Policy
- Privacy Policy
- Screening Checks Procedure for Working with Children