

SCHOOL NO. 1727 - KIALLA WEST

Policy Statement: **735 - Child Safe - Grooming Policy**

Prepared by: Wes Teague

Approved by council: August 2018

Review date: 2020

INTRODUCTION

Kialla West Primary School is committed to the creation of a safe, just and respectful environment that supports wellness for all members of the School community. In this, there is a moral obligation and shared responsibility to protect the most vulnerable members of the community.

Kialla West Primary School believes that, while protecting children and young people against sexual abuse is a community wide responsibility, Schools have particular moral and legal responsibilities to ensure children and young people are safe in their care and to actively and intentionally work to eliminate all forms of abusive behaviours towards children. There are also particular moral and legal obligations for those in authority to prevent, reduce and minimise child abuse and exploitation in all forms.

1 AIM

This policy applies to the whole School community in supporting a safe environment 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 9 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:

- a. predatory conduct designed to facilitate later sexual activity with a child.
- b. 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.
- c. 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.

2 RESPONSIBILITY FOR IMPLEMENTATION

The Principal is responsible for the implementation of this Policy.

3 DEFINITIONS

Child

A child is legally defined as a person under the age of 16 years.

Adult

A person aged 18 years or over.

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.

SOCIT

Sexual Offences and Child Abuse Investigation Team

4 GUIDING 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 School's culture and responsibility for taking action is understood and accepted at all levels of the School.

5 IMPLEMENTATION

This policy applies to the whole 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 School, 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 School community aged 18 and over who becomes aware of grooming behaviour by a person aged 18 years or over, they should notify the police and/or the Principal immediately.
- 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 annually to staff and the wider community annually
- This policy and its requirements will be communicated to new staff during induction
- School staff will be trained in personal safety and the identification of possible sexual abuse, including the recognition of 'grooming'
- Thorough and systematic education in personal safety including safety in relationships, provided for all children/young people
- Senior students will be educated of 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 behavior

6 ASSOCIATED POLICIES AND PROCEDURES

This policy should be read in conjunction with the other policies and procedures of Kialla West Primary School concerned with Child Safety and Wellbeing:

- Code of Conduct for Behaviour with Students
- Child Safe Policy and Procedure
- Child Safe: Child Protection – Mandatory Reporting
- Child Safe: Child Protection – Failure to Protect
- Child Safe: Child Protection – Failure to Disclose
- Child Safe: Child Protection – Working with Children

7 REFERENCES

- Crimes Amendment (Protection of Children) Act 2014, online,
http://www.austlii.edu.au/au/legis/vic/num_act/caoca201436o2014417

8 REVIEW TIMELINE

This policy is to be reviewed at least every three years.