



## Rationale

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

The *Crimes Act 1958 (Vic)* comprises the offence for grooming for sexual conduct with a child under the age of 16 years. (S49M)

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.

## Scripture

“But if anyone has the world's goods and sees his brother in need, yet closes his heart against him, how does God's love abide in him? Little children, let us not love in word or talk but indeed and in truth. “

1 John 3 17-18

## Vision

Inspired by the life of Christ, our Presentation Heritage and the Salesian Charism, Nagle College is a Catholic community that welcomes, builds strong relationships, evangelizes and prepares young people for life.

## Mission

So that all members of the Nagle College community can live out the College motto “Let your light shine”, we will:

- Develop a safe, nurturing and hope-filled community based on Christ’s message of love, justice and service.
- Build a culture that promotes and accepts personal excellence.
- Be people of dignity, respect, compassion, resilience and unconditional love.
- Continue to build sustainable relationships with faith communities, other educational institutions, and community organisations and businesses.

## Aim

This policy informs Nagle College staff of their responsibilities in relation to this law, 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 school staff.



This policy acknowledges the particular duty Nagle College staff have towards children/young people in their care. It respects the dignity of children/young people and Nagle College Staff and outlines their rights and responsibilities.

### Principles

- The dignity of each person, made in the image of God, is a fundamental tenet of the Catholic Church and therefore of Nagle College.
- A safe environment is required to protect children/young people from harm and to prevent staff from abusing their position of authority and trust.
- Grooming is a serious offence. Staff need to be informed of the criminal intent in grooming behaviours and be fully self-aware of their professional obligations and responsibilities. All allegations must receive a response and be dealt with promptly.
- All children/young people have the right to a thorough and systematic education in personal safety, including safety in relationships.
- After a disclosure, any ongoing harm to the child/young person and the employee is minimised by:
  - adherence to agreed procedures
  - provision of appropriate social and emotional support and pastoral care
  - appropriate confidentiality

### Definitions

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

- **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.
- **Confidential:** Being entrusted with private and restricted information that must be treated as such, both in written and verbal form.
- **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.
- **Grooming Behaviours:** There is no one set of actions or behaviours that are used to groom a child. Grooming behaviours include persuading a child/young person or group of children/young people that they have a special relationship, for example by:
  - spending inappropriate special time with a child/young person
  - inappropriately giving gifts inappropriately showing special favours to one child/young person but no to other children/young people
  - Inappropriately allowing the child to over step the rules
  - 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).

### **Duty of Care**

Staff or volunteers working in Catholic schools have a duty of care to support and protect the children and young people with whom they are professionally involved.

When staff members form a reasonable belief that a 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 young person. For some staff members this obligation is legally mandated. (Refer to the Nagle College Mandatory Reporting of Child Physical and Sexual Abuse Policy).

Duty of care is breached if a person:

- does something that a reasonable person in that person's position would not do in a particular situation
- fails to do something that a reasonable person in that person's position would do in the circumstances
- acts or fails to act in a way that causes harm to someone to whom the person owes a duty of care
- fails to report when mandated

### **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 child states that they have been sexually abused
- a child states that they know someone who has been sexually abused (sometimes the child may be talking about themselves)
- someone who knows a child states that the child has been sexually abused
- professional observations of the child's behaviour or development leads a mandated professional to form a belief that the child has been sexually abused
- signs of sexual abuse leads to a belief that the child has been sexually abused

### **Procedures**

This policy should be read in conjunction with the College's Child Protection Program and child protection policies.



The successful implementation of this policy will include the following:

- communicating this policy to staff
- educating children in personal safety and about grooming
- professional development of staff
- taking action that is timely, respectful and coordinated when a staff member forms a belief that a young person is at risk of being harmed through grooming, the matter must be referred to Victoria Police. This matter must also be referred to the Principal, unless the matter relates to the Principal, in this instance the matter must be reported directly to the IR unit at the Catholic Education Office, Diocese of Sale.
- if a mandated staff member, reporting to the Department of Health and Human Services (DHHS) unless advised by the Police
- ensuring that the young person and their family/carer's have access to appropriate services in order to reduce any long-term effects of the grooming abuse
- documenting all allegations and retaining records in a secure area, ensuring their confidentiality
- If the allegation relates to a staff member the matter must be reported as soon as possible to the Principal who must notify the Catholic Education Office, Diocese of Sale (DOSCEL). If the matter relates to the Principal, the matter should be referred directly to the (IR Unit) Catholic Education Office, Diocese of Sale.

### **Expected Outcomes**

- Nagle College staff are informed of the criminal intent in grooming behaviours and expected to be self-aware of their professional obligations and responsibilities.
- An education in personal safety, including safety in relationships will be provided for students at the school.
- Approved professional learning in providing education in personal safety will be provided to all staff.
- All allegations of grooming will receive a prompt response and be clearly documented.

### **Related Policies**

- Nagle College Child Protection Program (2016).
- Child Protection and Safety Policy.
- Mandatory Reporting of Child Physical and Sexual Abuse Policy.

### **References**

1. Catholic Education Office, Diocese of Sale (2015). Protection of Children Grooming Policy.
2. Crimes Act 1958 (Vic) accessed at Crimes Act 1958 (Vic) Retrieved from: [http://www5.austlii.edu.au/au/legis/vic/consol\\_act/ca195882/s49m.html](http://www5.austlii.edu.au/au/legis/vic/consol_act/ca195882/s49m.html).
3. Catholic Education Office, Diocese of Sale, (2018)
4. Child Wellbeing and Safety Act 2005 (Vic). Retrieved from: [http://www8.austlii.edu.au/cgi-bin/viewdb/au/legis/vic/consol\\_act/cwasa2005218/](http://www8.austlii.edu.au/cgi-bin/viewdb/au/legis/vic/consol_act/cwasa2005218/)