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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 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.

Malek Fahd Islamic School'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, and 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 Criminal Code Act 1995 (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 prohibited.

Malek Fahd Islamic School's Policy

Malek Fahd Islamic School 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 School Board 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 is the means by which a person creates or exploits opportunities to safely engage in sexual contact with a particular child or children.

Grooming behaviour typically involves a graduation from attention giving and non-sexual touching to increasingly more intimate and intrusive behaviours. It involves the use of a variety of manipulative and controlling techniques, with a vulnerable subject, in a range of interpersonal and social settings, in order to establish trust or normalise sexually harmful behaviour, with the overall aim of facilitating exploitation and/or prohibiting exposure. Perpetrators can groom a child, as well as other people in the child's life, for example parents/carers and other staff members at the School.

Grooming is not a single act of unprofessional or inappropriate conduct, but rather a pattern of behaviour where the trust of a child is gained and a 'special relationship' is developed between the adult and the child.

Grooming involves making the child feel important and special, often by giving the child extra attention, privileges and gifts. In many cases, the child's family is engaged by the adult to gain access to the child outside of school hours and the child is encouraged to see the adult as a friend.

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

What are Indicators of Grooming Behaviour?

The nature of grooming behaviour is that it usually occurs when a student and adult are alone. As with other forms of abuse, students may have promised the abuser that they will not tell anyone, or they may be afraid to speak out.

Indicators of grooming behaviours include an adult:

- attempting to keep a special relationship with a student a secret
- manoeuvring to get or insisting on uninterrupted time alone with a student
- showing favouritism towards a student
- offering to help a student to improve their performance at school
- 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 a lot of photos of a student
- 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
- making jokes or innuendo of a sexual nature
- making obscene gestures or using obscene language
- sending correspondence of a personal nature via any medium
- inviting, allowing, or encouraging students to attend a staff member's home
- entering change rooms or toilets occupied by students when supervision is not required or appropriate
- photographing, audio recording, or filming students via any medium without authorisation or having parental consent to do so.

Grooming Behaviour is Repeated Behaviour

Certain behaviours or acts will not in isolation constitute grooming behaviour. However where there is a repeating pattern of indicative behaviour, or several incidents of indicative behaviour, it may constitute grooming behaviour.

For example, the grooming behaviours listed above, in isolation will usually not constitute grooming behaviour but when repeated or escalated over a period of time, may be reportable as grooming behaviour.

Where the above acts or behaviours do not constitute grooming behaviour, they 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 School Board if the matter involves the Principal.

What is Not Grooming Behaviour?

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.

What is the Connection Between Grooming Behaviour and Abuse?

It is an offence in New South Wales under the Crimes Act 1900 to:

- Procure or groom a child under 16 for unlawful sexual activity.
- Groom a person for unlawful sexual activity with a child under the person's authority. This offence relates to an adult (18 years or over) who provides a benefit (financial or other material) to another person (other than a child under the age of 16) with the intention of making it easier to procure a child who is under the authority of that person for unlawful sexual activity with the adult person or any other person.

"Under the authority" means under the care, or under the supervision or authority, of the other person. This includes the relationship between a student and a Principal, teacher/volunteer/contractor.

In NSW, these forms of grooming conduct are individual offences which may precede a separate sexual offence.

These offences only apply to children (a person under the age of 16). The grooming of a young person, while not a crime, must still be reported to the School Principal.

Reporting Grooming Behaviours

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

If the matter involves the Principal, staff should report suspicions or beliefs to the School Board.

In NSW grooming behaviour is a crime. It is also conduct which may place a child at risk of significant harm, which must be reported under the Children and Young Persons (Care and Protection) Act 1998 (NSW) (refer to **Child Protection - Mandatory Reporting of Abuse**).

Malek Fahd Islamic School 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. Any concern a staff member has about whether a situation may compromise or breach the Staff and Student Professional Boundaries policy should be reported to the Principal (or the School Board, if the matter involves the Principal).

Grooming Behaviours Involving Staff Must Be Reported to the NSW Ombudsman

The School must report substantiated incidents of 'sexual misconduct' involving staff to the NSW Ombudsman. Sexual misconduct includes grooming behaviour. This form of reporting obligation is distinct from, and broader than, the Mandatory Reporting obligations under The Children and Young Persons (Care and Protection) Act 1998 (NSW). Reports to the Ombudsman must be made if an allegation is made against a staff member or any person engaged by the School.

For information as to how to make a report to the NSW Ombudsman refer to **Reportable Conduct of Staff, Volunteers and Others**.

If the allegations are substantiated the School will notify the NSW Office of the Children's Guardian that a staff member at the school has been accused of behaviour that may affect their clearance to work with children.

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 - Abuse Identification and Initial Notification** policy.

Where the student discloses grooming behaviour by 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 report the matter to the Principal (or the School Board, if the matter involves the Principal). In these circumstances, appropriate steps should be taken to preserve the electronic evidence of the grooming behaviour that has been disclosed.

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 School Board.

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.

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.

Recording Staff/Student Interaction Disclosures

It is Malek Fahd Islamic School'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.

Malek Fahd Islamic School 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.

These records are kept for a period of seven years.

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 and the NSW Ombudsman 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, Malek Fahd Islamic School will take disciplinary action, including in the case of serious breaches, summary dismissal.