



## Child Safe Program

### **Grooming Behaviour and Grooming Offences**

Grooming refers to behaviours that manipulate and control a child, their family and other support networks, or institutions with the intent of gaining access to the child, obtaining the child's compliance, maintaining the child's silence and avoiding discovery of the sexual abuse. Grooming therefore includes behaviour aimed at a person with care, supervision or authority for a child, to make it easier to procure the child for sexual abuse or to ensure that, if the child does disclose, that the person does not believe the child. Grooming does not necessarily involve any sexual activity or even discussion of sexual activity.

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 towards children often involves a graduation from attention giving and non-sexual touching to increasingly more intimate and intrusive behaviour. 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 behaviours are considered:

- conduct that could lead to a reasonable belief that the child is likely to suffer sexual abuse, which must be reported under the Child, Youth and Families Act 2005 (Vic) (refer to [Mandatory Reporting to Child Protection](#))
- in certain circumstances, an offence under section 49M of the Crimes Act 1958 (Vic) that must be reported to Police under section 327 of the Crimes Act (refer to [Reporting to Police](#)) and from which persons at the Lakeside College, who have the authority to do so, must protect students (refer to [Duty to Protect/Failure to Protect](#))
- sexual misconduct which must be reported to the Commission for Children and Young People under the Child Wellbeing and Safety Act 2005 (Vic) (refer to [Reportable Conduct](#))
- a breach of the [Child Safety Codes of Conduct](#).

## Overlap between Grooming Behaviour, Grooming Offences and Encouragement Offences

Refer to [Offences Under the Crimes Act 1958 \(Vic\)](#) for a description of the encouragement offences and a discussion of the differences between grooming offences and encouragement offences.

Both grooming offences (including the offence of grooming a person who has the care, supervision or authority of a child aged under 16) and encouragement offences are included in the sexual offences against children that must be reported to Police by any adult who reasonably believes that the sexual offence has occurred. For more information, refer to [Reporting to Police](#). They are both also sexual offences from which persons at the Lakeside College, who have the authority to do so, must protect students. For more information, refer to [Duty to Protect/Failure to Protect](#).

The behaviours that may constitute grooming and those that may constitute the encouragement offences overlap. For example, as part of the grooming process, a person may encourage a child to be involved in sexual activity and may do so through the provision of gifts or money.

However not all grooming behaviour is a grooming offence, not all grooming behaviour is an encouragement offence and not all encouragement offences involve grooming behaviour or a grooming offence. For example:

- Grooming behaviour by an older child towards a younger child is not a grooming offence because grooming offences can only be committed by persons aged 18 or over.
- Building a relationship with a child to gain trust is grooming behaviour and may be a grooming offence, but – unless there is also a specific act of encouragement for the child to engage in, or be involved in, a sexual activity – would not be an encouragement offence.

- Encouraging a child to be involved in sexual activity that does not itself constitute a sexual offence (for example, viewing pornography) may be an encouragement offence, and indeed may be grooming behaviour, but would not be a grooming offence.

While grooming behaviour, grooming offences and encouragement offences are distinct and separate, due to the possibility for overlap, the indicators set out below are likely to apply to all three.

## **Grooming Offences**

Grooming is, in certain circumstances, an offence under section 49M of the Crimes Act 1958 (Vic) and an offence under sections 474.26 and 474.27 of the Criminal Code Act 1995 (Cth).

For the purposes of the Victorian offence, grooming is defined as:

- an adult communicating, by words or conduct (whether or not a response is made to the communication), with a child who is aged under 16 or with a person who has a child under their care, supervision or authority
- with the intent of facilitating the child engaging or being involved in the commission of a sexual offence by the offender or by another adult.

For information on what is a sexual offence, refer to [Offences Under the Crimes Act 1958 \(Vic\)](#).

Conduct by the offender which occurred outside Victoria, but while the child or the person with care, supervision or authority for the child were in Victoria is included in the offence. Conduct by the offender which occurred inside Victoria, but while the child or the person with care, supervision or authority for the child were outside Victoria is also included in the offence.

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 additional criminal offences.

Carriage services include services for carrying communications, such as the post, 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 service 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).

## Online Grooming

Online grooming is defined as an adult using electronic means (including social media) in a predatory fashion to try and lower a child's inhibitions, or heighten their curiosity regarding sexual behaviour or activity, with the aim of eventually meeting them in person for the purposes of sexual activity. This can include communications through social media, online chat rooms, sexting or emails.

Both the Victorian and Commonwealth grooming offences include online grooming:

- for the purposes of the Victorian grooming offence, "communication" includes electronic communications.
- for the purposes of the Commonwealth grooming offences, "carriage" services specifically include telephone and internet services.

## Identifying Grooming Behaviour, Grooming Offences and Encouragement Offences

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.

Encouragement offences may be more easily identified. Possible indicators of an encouragement offence could include an adult engaging in grooming behaviour that specifically involves communication with a child about sexual activity, communication that appears to threaten the child and/or the provision of money or gifts. The encouragement need not involve a pattern of behaviour.

## Possible Grooming/Encouragement Behaviour by Adults Associated with the Lakeside College

- persuading a child or group of children that they have a special relationship
- asking a child to keep the relationship to themselves
- inappropriately allowing a child to overstep the rules
- testing boundaries, for example by undressing in front of a child
- 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 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 without parental/carer permission
- entering change rooms or toilets occupied by students when supervision is not required or appropriate
- communicating with a child's parent/stepparent, legal guardian, teacher, religious official or spiritual leader with the intention of facilitating the child's involvement in sexual conduct
- inappropriately extending a relationship 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 May Be Subject to Grooming/Encouragement**

- 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 May Be Subject to Online Grooming/Encouragement

- 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?

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.

Similarly, not all physical contact between a student and a staff member or any person engaged by the Lakeside College 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.