

<b>Institution:</b> Queen's University Belfast		
<b>Unit of Assessment:</b> Law (UoA 18)		
<b>Title of case study:</b> The Role of 'Grooming' in Child Sexual Abuse		
<b>Period when the underpinning research was undertaken:</b> September 2006 - October 2018		
<b>Details of staff conducting the underpinning research from the submitting unit:</b>		
<b>Name(s):</b> Anne-Marie McAlinden	<b>Role(s) (e.g. job title):</b> Professor	<b>Period(s) employed by submitting HEI:</b> September 2003-present
<b>Period when the claimed impact occurred:</b> November 2013 – present		
<b>Is this case study continued from a case study submitted in 2014?</b> N		
<b>1. Summary of the impact</b>		
<p>McAlinden's research prompted reform of the law relating to grooming in six Australian states and territories. Her research, highlighting the 'legislative gap' that exists with respect to the grooming of persons other than a child was cited in support of the recommendations of a major parliamentary inquiry in Victoria, the second most populous state. For the first time anywhere, grooming was criminalised as a 'stand-alone' sexual offence. The Royal Commission into Institutional Responses to Child Sexual Abuse modelled their understanding of grooming on McAlinden's definition and recommended the enactment of a new grooming offence across Australia. A further five states or territories have introduced legislation to this effect. McAlinden's research has also informed public and professional discourses at national and international level.</p>		
<b>2. Underpinning research</b>		
<p>Utilising a range of methodologies (comparative, doctrinal, theoretical and empirical), Professor McAlinden has published widely on the dynamics of sexual offending behaviour, including grooming. Through a series of monographs, book chapters and journal articles as well as public presentations and expert testimony, she has directly broadened the political, public and legal understanding of grooming and its role in child sexual abuse.</p> <p>Grooming is generally taken to refer to the preparatory process which precedes child sexual abuse. McAlinden's article published in 2006 was one of the first academic outputs on this topic [R1]. The core argument is that in addition to a child as the intended or primary victim, families and parents/carers can also be groomed in order to gain access to a child; and that, as a 'preparatory behaviour', this is not currently captured by the criminal law. This article also coined the phrase 'institutional grooming' to explain how abuse may occur in organisational contexts with respect to protective adults as well as children.</p> <p>McAlinden's profile as a recognised international authority on grooming has been underpinned by two additional research projects each resulting in a monograph on the topic. The first involved international comparative research on social, policy and legislative responses to grooming in a range of settings [R2]. This study produced new insights on the role of grooming in the onset and maintenance of child sexual abuse within families and institutions as well as on-line and the challenges this poses for current regulatory responses. In particular, this research highlighted the limitations of current legal responses to grooming in a range of jurisdictions, including Australia, the United States and the United Kingdom, which for the most part recognised grooming in very narrow terms as occurring only in on-line settings. It argued for the need for law and policy to broaden their understanding of grooming in order to capture the multi-dimensional nature of grooming behaviour and the ways in which it can occur in a range of contexts including both on-line and off-line.</p> <p>This research produced a new and original definition of grooming which better captures the complexity of the process, incorporating, for the first time, all aspects of grooming including on the internet, via families, within institutions and among peers:</p> <p><i>(1) the use of a variety of manipulative and controlling techniques (2) with a vulnerable subject (3) in a range of inter-personal and social settings (4) in order to establish trust or</i></p>		

*normalise sexually harmful behaviour (5) with the overall aim of facilitating exploitation and/or prohibiting exposure.*

The key aspect of this new definition is that it went beyond previous research by explicitly recognising the twin purposes of grooming in both making abuse possible as well as subsequently keeping it hidden. The empirical research was funded by the British Academy and published as a sole-authored monograph by Oxford University Press in 2012.

The second project explored 'peer based grooming' within the context of a broader study on 'risk' and harmful and exploitative sexual behaviours among children and young people, drawing on the international literature and empirical research conducted by the author. This project examined the complexities of peer-to-peer forms of grooming and how they might operate in institutional contexts, such as schools or care homes, to normalise harmful sexual behaviour and perpetuate abusive practices. The research was funded by the National Organisation for the Treatment of Abusers (NOTA) – one of the leading international organisations in the field. The resultant sole-authored monograph was published by Cambridge University Press in 2018 [R3].

McAlinden has made invited contributions on 'grooming' to edited collections comprised of practitioner and academic perspectives [R4] and to practitioner journals [R5]. In addition, she has also established research expertise on Australian inquiries into institutional abuse having published an article as lead author with an Australian academic in the *Sydney Law Review* (2016), the leading Australian law journal [R6].

### 3. References to the research

1. McAlinden, A-M (2006), "'Setting 'Em Up': Personal, Familial and Institutional Grooming in the Sexual Abuse of Children' (2006) *Social and Legal Studies* 15(3): 339-362 <https://journals.sagepub.com/doi/10.1177/0964663906066613>
2. McAlinden, A-M (2012), *'Grooming' and the Sexual Abuse of Children: Institutional, Internet and Familial Dimensions*, Clarendon Studies in Criminology (Oxford University Press) (376 pp). (Can be supplied on request).
3. McAlinden, A-M (2018b), *Children as 'Risk': Sexual Exploitation and Abuse by Children and Young People*, Cambridge Studies in Law and Society (Cambridge University Press) (372 pp). [See REF2] (Can be supplied on request).
4. McAlinden, A-M (2018), 'Organisational Sex Offenders and "Institutional Grooming"' in M Erooga (ed), *Protecting Children and Adults from Abuse After Savile* (Jessica Kingsley) <https://pure.qub.ac.uk/en/persons/anne-marie-mcalinden/publications/>
5. Ashurst, E and McAlinden, A-M (2015), 'Young People, Peer-to-Peer Grooming and Sexual Offending: Understanding and Responding to Harmful Sexual Behaviour within a Social Media Society', *Probation Journal* (Special Issue) 62(4): 374-88 <https://journals.sagepub.com/doi/10.1177/0264550515619572>
6. McAlinden, AM and Naylor, B (2016), 'Reframing Public Inquiries as Procedural Justice for Victims of Institutional Child Abuse: Towards a Hybrid Model of Justice', *Sydney Law Review*, 38(3): 277-309. [See REF2] <http://www.austlii.edu.au/cgi-bin/viewdoc/au/journals/SydLawRw/2016/14.html>

McAlinden's 2006 article has become a reference point on 'grooming' [R1] – downloaded 6,555 times from Pure (QUB's institutional repository) with an 'Altmetric score' (measuring the attention an output receives) of 50, placing it in the top 5% of all research outputs in all disciplines. The underpinning research includes two University Press monographs within two prestigious specialist book series [R2 & R3]. Both monographs have received wide and positive citations with reviewers praising its relevance for professional audiences. For example, the first monograph was reviewed in *The British Journal of Criminology (BJC)* 54(3), May 2014 as: an 'important and timely book...[with] significant additions around institutional grooming...compulsory reading for all staff and particularly managers in such settings' The second monograph was also reviewed in the *BJC* 59(3), May 2019 as: 'a superb monograph... practitioners and policy-makers alike will benefit from reading McAlinden's analysis.' This book was awarded the Kevin Boyle Book Prize 2019, by the Irish Association of Law Teachers for 'outstanding legal scholarship.'

#### 4. Details of the impact

The impact of McAlinden's research on grooming has occurred in the following ways: First, it underpinned the recommendations of a parliamentary inquiry and shaped the formulation of a new offence of 'grooming' in Victoria, the second most populous state in Australia with a population of 6.49M, including 1.01M children. Subsequently, her research and expert testimony provided to the Royal Commission into Institutional Responses to Child Sexual Abuse resulted in recommendations to extend this 'grooming offence' across Australia. Five further states or territories within Australia to date have enacted or amended legislation to this effect, strengthening child protection policies and helping to safeguard a combined child population of 4.26M. McAlinden's research has also informed public and professional debates on grooming at a national and international level.

##### Public Inquiry & Recommendations for Law Reform

McAlinden's earlier (2006) research on grooming [R1] was first cited by a parliamentary inquiry on institutional child abuse in Victoria, Australia (*Betrayal of Trust*, 2013), where the Inquiry picked up on McAlinden's research themselves.

McAlinden's research made a distinct and material contribution to the recommendations of the Victoria Inquiry and the legislation enacted as a result of that Inquiry. Published in November 2013, the Inquiry Report cited the research in recommending the enactment of a new criminal offence of grooming a child, their parents or others with the intention of committing a sexual offence against a child. Within Volume 2, Chapter 22 of the Inquiry Report, 'The Criminality of Grooming', McAlinden's article is cited 3 times in 11 pages [Source A below]. Beyond witness transcripts and other inquiry reports, there were no other academic texts cited in this part of the Inquiry Report. As McAlinden had recommended, this new offence explicitly recognises that children, as well as their parents, carers or other family members, may be targeted and 'groomed' by would-be 'sex offenders', via for example, offenders befriending or commencing relationships with parents as a prelude to sexual abuse.

##### New Legislation on 'Grooming'

Recommendations from the Inquiry led to legal and policy reform in Victoria in which 'grooming' was redefined for the first time as a substantive sexual offence, rather than simply an aggravating factor [Source B below]. The new offence of 'grooming for sexual conduct with a child under 16' was enacted by the Crimes Amendment (Grooming) Act 2014 in Victoria, Australia (amending the Crimes Amendment Act 1958, section 49M) [Source C below]. This now makes it an offence to groom a child under 16 or their parents or carers with a penalty of up to 10 years' imprisonment. The offence commenced 9 April 2014. The offence provides that a person (A) commits an offence if –

- a. A is 18 years of age or more; and
- b. A communicates, by words or conduct (whether or not a response is made to the communication), with –
  - i. another person (B) who is a child under the age of 16 years; or
  - ii. another person under whose care, supervision or authority B is [emphasis added]; and
- c. A intends that the communication facilitate B engaging or being involved in the commission of a sexual offence by A or by another person who is 18 years of age or more

This offence, as recommended by the Inquiry based on McAlinden's research, explicitly recognises the broader scope of grooming – i.e. that grooming often occurs off-line where parents, carers or those responsible for a child can also be groomed – is the first offence of its kind in the world. Other countries, including previously parts of Australia, have criminalised grooming in much narrower terms by, for example, confining this offence to electronic/on-line forms of grooming or communication with a child only (see e.g. UK, Republic of Ireland, Norway, Sweden, the Netherlands, New Zealand, Singapore, USA) [Source D below].

Further, the Victim's Charter Act 2006 in Victoria, Australia, was also amended in April 2014 to expressly provide that a child and family members as victims of this grooming offence are entitled to provide a victim impact statement to a court [Source C below].

This new offence has been incorporated within the Education and Training on Child Protection for the 2,263 schools and colleges across Victoria, benefitting 1.01million children **[Source B below]**. According to internal figures from the Crimes Statistics Agency in Victoria, a total of 772 counts of the offence were recorded by Victoria police over the approximate six-year period since enactment (April 2014-June 2020) **[Source E below]**. In addition, there have been a number of prosecutions, including a Supreme Court of Victoria decision, where off-line forms of ‘grooming’, traditionally thought of as a pre-abuse behaviour, have been recognised as even more significant than other substantive sexual offences in sentencing decisions **[Source C below]**.

### **Royal Commission into Institutional Responses to Child Sexual Abuse**

A Royal Commission into Institutional Responses to Child Sexual Abuse was established, extending to the whole of Australia (2013-2017). McAlinden’s research and testimony directly informed the work and recommendations of the Royal Commission leading to changes in the law. Her initial involvement is perhaps best summarised by the Chairperson:

*We became aware of her research through our work for the Royal Commission ... On the basis of Professor McAlinden’s international reputation on “grooming and entrapment” the Royal Commission invited her to provide critical feedback in June 2016 on a draft of our research report on “Grooming and Abuse in Institutional Contexts.” Her feedback was very helpful to the Royal Commission in highlighting several key gaps in current knowledge and understanding of grooming **[Source F below]**.*

In providing this critical review for the Royal Commission, McAlinden identified several specific ‘gaps’ in current academic and policy discourses on grooming stemming from her own research – e.g. the need for a clear and comprehensive definition of ‘grooming’; the significance of the notions of ‘peer-grooming’, grooming within institutions (‘institutional grooming’). She also submitted two further publications on grooming to the Commission’s research team **[R1]** and **[R2]**.

The Commission’s Research Report published in February 2017, which supported the hearings and final recommendations of the Commission, cites **[R1]** and **[R2]** extensively (39 times over 29 pages). In particular, the report utilised McAlinden’s definition of grooming, cited her research with respect to the grooming of significant others to facilitate abuse, and included a specific section on ‘institutional grooming’ based on McAlinden’s research and coining of that term **[Source G below]**.

McAlinden was subsequently invited as an international expert in March 2017 by the Royal Commission, giving written and oral evidence on ‘grooming and entrapment.’ She also provided written responses to key questions (9 pp) for use by the Commission lawyers in advance of the testimony. The Commission’s report and recommendations were published in December 2017.

This final report quoted extensively from the transcript of McAlinden’s evidence **[Source H below]** and again cited her published research multiple times to support its findings. Across the 17-volume report **[Source I below]**, her research/testimony is cited 78 times – the 2006 article is cited 8 times, the 2012 book 51 times, and the transcript of oral evidence 18 times with a further reference to a co-authored article **[R5]**.

McAlinden’s research and testimony emerged as being pivotal to the Commission’s understanding, findings and recommendations in relation to grooming and its role in child sexual abuse. The Chairperson of the Royal Commission further commented:

*Professor McAlinden’s evidence and her research was highly influential in shaping our understanding of the scope and complexities of grooming ... the Commission based its definition of grooming on that outlined in her 2012 book .... Her research and evidence directly informed our recommendations 25 and 26 which advocated for the enactment of a broad ‘grooming offence’ ... throughout Australia to capture any communication or conduct with a child (recommendation 25) and the grooming of persons other than the child (recommendation 26) **[Source F below]**.*

The Australian government has since amended Commonwealth (federal) legislation to give effect to these recommendations specifically enacting a new offence of the grooming of third parties in order to engage in sexual activity with a child outside Australia, via section 6 of the Crimes Legislation Amendment (Sexual Crimes Against Children) and Community Protection Measures Act 2020 **[Source J below]**. As of December 2020, five other states or territories have introduced or amended legislation to give effect to the Royal Commission’s recommendations as related to a

new grooming offence (Australian Capital Territory, New South Wales, South Australia, Tasmania and Queensland) and in the remaining two (Western Australia and the Northern Territory) these recommendations have been accepted in principle or are under consideration [**Source J below**].

### Contribution to Public Debates on ‘Grooming’

As an acknowledged expert, McAlinden has had significant reach in contributing to public and professional debates on ‘grooming’ nationally and internationally. This has included invited professional publications for a special issue of *Probation Journal* [**R5**], a broad range of keynote addresses and extensive media coverage and interviews. McAlinden gave the keynote addresses on ‘Grooming’ and ‘Peer Abuse’ at the NOTA Conference in September 2015 and 2019, one of the leading academic/practitioner international conferences in the field, attended annually by around 300 delegates from all over the world including Australia, New Zealand, Canada and the USA. She has been interviewed and cited as an authority on grooming and institutional abuse in national and international print and broadcast media: see eg *RTE Six One and Nine O’Clock News* (10/3/17) & *The Irish Examiner* (12/3/17) (Ireland); *Pacific Daily News/USA Today* (11/10/2017) (USA); *The Nation* (New Zealand) (22/09/2017); and *The Sydney Morning Herald* (29/03/2017) & *ABC Radio ‘The World Today’* (Australia) (27/03/2017) both of which published/played excerpts from her Royal Commission testimony [**Source K below**]. She was profiled in *the Times Higher Education* as a ‘world leading academic’ (February, 2018).

### 5. Sources to corroborate the impact

- A. Victorian Inquiry report: Family and Committee Development Committee (2013), *Betrayal of Trust: Inquiry into the Handling of Child Abuse by Religious and Other Organisations*: <https://www.parliament.vic.gov.au/component/content/article/340-inquiry-into-the-handling-of-child-abuse-by-religious-and-other-organisations/1788-report>, see especially Vol 2, Chapter 22.
- B. See Impact Source Document 1 – Details of the response of the Victorian Government to the Betrayal of Trust Inquiry Report including (i) links to the Government response outlining the implementation of new offence of grooming; (ii) links to the Department of Justice’s description of the offence and fact-sheet; and (iii) links to the Department of Education’s guidance for schools/colleges on child sexual exploitation and grooming.
- C. See Impact Source Document 2 – Details of new legislation and case law on grooming in Victoria including (i) legislative provision for the new offence of ‘grooming’; (ii) the expanded definition of ‘victim’; and (iii) examples of case law on grooming.
- D. ICMEC (2017), *Online Grooming of children for Sexual Purposes: Model Legislation and Global Review*, [https://www.icmec.org/wp-content/uploads/2017/09/Online-Grooming-of-Children\\_FINAL\\_9-18-17.pdf](https://www.icmec.org/wp-content/uploads/2017/09/Online-Grooming-of-Children_FINAL_9-18-17.pdf) ) – Review of national legislation in 196 countries, see esp, pp 1-8.
- E. Data request to Crime Statistics Agency Victoria, 26 Nov 2020 (Copy available on request).
- F. Testimonial, 12 Nov 2020, Chairperson, Royal Commission into Institutional Responses to Child Sexual Abuse (Copy available on request).
- G. Research report to the Royal Commission: O’Leary et al (2017), *Grooming and Child Sexual Abuse in Institutional Contexts*: <https://www.childabuseroyalcommission.gov.au/media-releases/research-paper-examining-grooming-released>
- H. Transcript of panel hearing on ‘Grooming and Entrapment’ Case Study 57, Day 268, 29 March 2017 (No longer available on Commission website, but copy available on request).
- I. Royal Commission’s final report: <https://www.childabuseroyalcommission.gov.au/final-report>, See especially Vol 2, ‘Nature and Cause.’
- J. See Impact Source Document 3 – Details and links to (i) new or amended legislation across Australia at federal and state level (Australian Capital Territory, New South Wales, South Australia, Tasmania and Queensland); and (ii) the current policy position in the remaining two states/territories (Western Australia and the Northern Territory).
- K. See Impact Source Document 4 – Key examples and links to McAlinden’s print and broadcast media activity on ‘grooming.’