

DEFENCE YOUTH SAFETY INCIDENT MANAGEMENT

INTRODUCTION

1.1 Defence engages with youth in a broad range of activities across Australia and overseas. Defence recognises that an incident may occur either on a Defence owned or leased establishment or community facility and may happen at any time of the day or night.

1.2 Child protection is a broad term used to describe the programs, policies and philosophies used to protect children/young people from abuse. It includes strategies adopted by governments, organisations, communities and individuals. Child protection within the Defence context includes elements such as leadership and management, culture, human resources (for example recruitment and suitability screening), physical environment and infrastructure.

1.3 In the Defence Youth context, the terms child, young person, youth and minor are equivalent and interchangeable. Youth is used as the collective term for all young people under the age of 18.

1.4 Defence Youth Safety also encompasses young adults up to the age of 25. This cohort of 18-25yo has the most influence over their younger peers across the Defence context.

WHAT IS A YOUTH SAFETY INCIDENT

1.5 In the Defence context a Youth Safety Incident¹ is not just about incidents of sexual abuse and / or harm. Youth Safety Incidents refer to any non-routine event or occurrence that may have an effect on Defence's obligations to minors. A non-routine event or occurrence may relate to personnel, security, safety, reputation and a range of different types of abuse and/or harm including physical, sexual and emotional procuring or grooming a child under 16 years of age for unlawful sexual activity.

1.6 The [Youth Policy Manual Glossary](#) contains definitions applicable to this policy.

POLICY INTENT

1.7 This policy and the accompanying incident management guide provides the policy and guidance for the management of specific youth safety incidents and youth protection matters and reporting requirements for individuals participating in Defence Youth programs.

¹ **Youth Safety Incident.** Including but not limited to:

- death or permanent disablement
- child abuse or serious sexual or physical assault
- WHS incident involving youth, a near miss that could have resulted in death or permanent disablement
- serious allegation made against a Defence personnel, volunteer or young person
- serious threats made by or against Defence personnel, volunteer or young person that places other people or property at risk of significant harm
- any sexual relationship between Defence personnel or ADF Cadets members any person under the age of 18
- unacceptable behaviour
- sexual misconduct, harassment
- gender harassment
- child pornography
- grooming
- duty of care breach involving a young person
- any other 'relevant offence' see definition.

- 1.8 This policy and its related procedures demonstrate Defence's commitment to:
- a. protecting the health and safety of young people, Defence personnel and non-Defence personnel² engaged in a Defence Youth Program
 - b. identifying and preventing youth safety incidents
 - c. allocating appropriate resources to build relationships to enable the management of youth safety incidents in compliance with relevant state and territory child protection legislation
 - d. delivering the highest possible standard of health and safety in support of young people in the event of a youth safety incident
 - e. managing its reputation for the benefit of all young people, Defence personnel and non-Defence personnel
 - f. evaluating the effectiveness, adequacy and ongoing suitability of its youth safety incident responses.

PRINCIPLE

- 1.9 The principle that underpins this policy is:
- a. **Principle 1** – Defence requires all personnel, contractors, consultants and non-Defence personnel (volunteers and visitors), to report all youth safety incidents³.

POLICY PRACTICE AND MEASURES

1.10 The safeguarding of young people in accordance with relevant domestic and international child protection laws and standards is paramount.

1.11 All Defence personnel and non-Defence personnel have a duty of care for young people during the management of incidents and a duty of care for colleagues during and following incidents.

STATE AND TERRITORY CHILD PROTECTION LAWS

1.12 All states and territories have relevant legislative requirements on the mandatory reporting of incidents of suspected child abuse. The legal onus on who is deemed to have a mandatory requirement to report such incidents, how and to what body differs by jurisdiction.

1.13 The threshold of what constitutes child abuse, as well as the punitive consequences, under law, of failing to discharge mandatory reporting obligations also differs by state and territory.

1.14 Defence requires all Defence personnel, and non-Defence personnel and other adults involved in Defence Youth Programs, to report in accordance with the legislation of the jurisdiction in which an incident occurs.

² **Non-Defence personnel:** all persons, paid or unpaid, who are not Defence personnel. which include:

- a. locally engaged employees, contractors, consultants and outsourced service providers operating in Defence where compliance is **NOT** specified in the terms of contract –
- c. ADF Cadets adults.

³ **Youth Safety Incident Report.** Means to report information about the details of a youth safety incident to a Government Authority e.g. Relevant State or Territory law enforcement agency, State or Territory Child and Youth Protection Authority, State or Territory Ombudsman, Office of State and Territory Children and Young People Commissioners/Guardians, State or Territory Work Safe Authorities and Defence.

1.15 Managing cases of abuse and neglect is the responsibility of the relevant state and territory government child and youth protection authority. The state or territory authority, to which the incident is reported, assesses and investigates reports where a young person is at risk or may be at risk of significant harm or neglect and determines how best to respond.

1.16 In instances where an individual suspects / believes on [reasonable grounds](#) that a young person has been harmed or is at risk of harm, it is the Department's policy that the individual:

- a. report the incident to the police and/or relevant state or territory child and youth protection authority. Refer to:
 1. this policy, the Defence Incident Reporting and Management Manual; and
 2. the Youth Safety Incident Management Guide.

1.17 Failure to report abuse may constitute a criminal offence and may result in legal sanctions, administrative and/or disciplinary action.

1.18 State/Territory Incident Management Contact Information is located on the Defence Youth Website - YouthHQ.

ACTIONS ON RESPONDING AND REPORTING A YOUTH SAFETY INCIDENT

1.19 Nothing in this policy is intended to prevent Defence personnel, non-Defence personnel or young people participating in a Defence youth program from reporting suspected criminal offences directly to state and territory police services.

1.20 Where an incident is reported to police, in accordance with the Defence Incident Reporting and Management Manual Defence personnel, non-Defence personnel are to report the incident to their manager / or commander, and / or a Defence investigative authority.

1.21 Certain classes of incidents, however, have separate reporting/recording functionality within Defence.

- a. Security incidents are independently reported in accordance with the Defence Security Manual and the ADF Cadets Enterprise Security policy.
- b. Information disclosed by Defence personnel to their supervisors under the *Public Interest Disclosure Act 2013*, will be recorded independently in accordance with Defence policy.
- c. Work, Health and Safety incidents are reported and recorded in accordance with the Defence Work, Health and Safety Manual and the reporting system 'SENTINEL'.
- d. Policy for Defence personnel on reporting unacceptable behaviour, breaches of codes of conduct is contained within the Defence Complaints and Alternative Resolution Manual
- e. Policy for ADF Cadets members on reporting unacceptable behaviour, breaches of codes of conduct is contained within the YOUTHPOLMAN.

ACTIONS

1.22 When a youth safety incident comes to light, the initial action to be taken is to ensure the young person's safety and to reassure them that what has happened is not their fault. The young person's right to be safe and protected is always the most important consideration.

1.23 The youth safety incident response actions will be determined by the circumstances of the type of incident and its severity and the likelihood of harm, for example a security incident, WHS incident or a disclosure of abuse will be reported and managed differently. The Notifiable Incident Referral Action Guide provides guidance for determining the most appropriate authority or support agency to which the incident should be reported.

1.24 The common actions for responding to a young person involved in a youth safety incident is:

- a. ensure the young person is safe. The needs and welfare of the young person must take priority over any perceived threat to the reputation of the organisation or associated individuals.
- b. youth safety incidents must be reported to the relevant state/territory authority immediately and to the relevant Defence investigative authority within 24 hours in accordance with the Defence Incident Reporting and Management Manual to ensure applicable reporting obligations are complied with. It is important that the records reflect this action. If there is any uncertainty or confusion about whether an incident is serious, it must be treated as serious and reported immediately.
- c. follow all direction provided to you by the relevant authority.
- d. report to Defence and/or Defence youth program line management/chain of command in accordance with the Defence Incident Reporting and Management Manual, this policy and the individual youth program procedures.
- e. keep information confidential, only those people who must know should know.
- f. Defence youth program managers and commanders are to ensure all incidents reported to them are recorded in accordance with the Defence Incident Reporting and Management Manual, this policy and/or the individual program procedures.

1.25 In incidents of alleged child abuse individuals as first responders **must not**:

- a. investigate or attempt to investigate the alleged incident.
- b. contact the alleged perpetrator, regardless of whom that person is – This must be left to the child and youth protection authority and the police.
- c. contact the parents/family unless contrary guidance has been received from the police, child and youth protection authority or Defence.

COMMAND/MANAGEMENT RESPONSE

1.26 Managers / COs have specific responsibilities which include:

- a. **Reporting** the incident to the police and / or the relevant state and territory child and youth protection authority
- b. **Reporting** the incident to their line management / chain of command and Defence Investigative Authority in accordance with the Defence Incident Reporting and Management Manual as soon as practicable but within 24 hours of commencement of duty.
- c. **Recording** details of the report in accordance with Defence Incident Reporting and Management Manual.
- d. **Seeking** information and referral from SeMPRO.
- e. **Taking** all reasonable steps to protect the integrity and confidentiality of an investigation/inquiry whether it is external or internal to Defence.

THE DEFENCE INVESTIGATIVE AUTHORITY AND YOUTH SAFETY INCIDENT INVESTIGATIONS

1.27 The Defence Incident Reporting and Management Manual (IRMMAN) details policy and process to all Defence personnel on what constitutes an incident and how those incidents within Defence and externally are reported, recorded and managed. IRMMAN includes all complaints made by Defence personnel, contractors, people involved in ADF Cadets, and members of the public, where the complaint is about Defence (including complaints about Defence personnel).

1.28 The role of those individuals as first responders in a youth safety incident explicitly **excludes** any form of investigation, it is not necessary for individuals to prove that the young person has been harmed. The police and/or the child and youth protection authority and/or a Defence investigative authority are responsible for investigating the incident.

1.29 If the external police or child and youth protection authority investigation does not result in formal action in accordance with the requirements of the IRMMAN, Defence investigative authorities will conduct independent investigations into suspected notifiable incidents, or other matters as directed by the head Defence investigative authority. Defence incident management investigations are separate to any criminal investigation conducted by the external police/child and youth protection authority.

1.30 A Defence investigative authority investigation will be conducted by an independent person with appropriate expertise and training and may, depending on the circumstances, amount to:

- a. a breach of the criminal law
- b. Defence policy;
- c. an applicable code of conduct.

1.31 Defence incident management investigations actions will have specified timeframes for achievement and the principles of procedural fairness will be adhered to throughout the Defence investigation/fact finding/inquiry and decision making process and the parties involved will be notified in writing of the outcome.

1.32 Matters referred to external agencies/authorities need to be clearly recorded and any known outcome documented prior to closing the incident record. Reports cannot be finalised until all actions are completed.

PROVIDING SUPPORT

1.33 When a youth safety incident occurs, support is to be provided to all parties involved but **not** by the same individual. The types of support may include:

- a. **Employee Assistance Program (EAP)** services comprising confidential and professional counselling for all eligible Defence APS employees, their immediate family members and their supervisors/managers, ADF Reserves and their immediate family members, Officers and Instructors of ADF Cadets and Cadets and their immediate families.
- b. **SeMPRO** provides:
 - (1) advice on the management of incidents of sexual misconduct, including sexual offences.
 - (2) assistance with appropriate referrals for support for all people involved in, or witness to an incident.
 - (3) support to, and the debriefing of, Commanders, Managers and Supervisors including ADF Cadets.

SUPPORTING A DISCLOSURE OF ABUSE

1.34 If a young person discloses abuse that is occurring, or has occurred, outside the organisation, support the child or young person by believing him or her and reassuring them that telling was the right thing to do. Additional actions include:

- a. being a supportive listener, it is not your role to counsel the young person or investigate his or her claims.
- b. reporting the incident to the relevant state and territory child and youth protection authority, the police and the relevant line management / chain of command and Defence Investigative Authority.
- c. recording details of the report is to be in accordance with IRMAN.
- d. Seek information and referral from SeMPRO.

1.35 Further information about responding is contained in the Youth Safety Incident Management Guide.

RESPONSE MANAGEMENT ASSESSMENT

1.36 All incidents must be assessed to enable understanding of how the incident occurred and the actions required to reduce the risk of it occurring again, and/or to reduce the impact if it were to occur again. To establish a cause (if any), it is usually necessary to conduct an evaluation review or inquiry.

1.37 Defence undertakes regular reviews of all incidents regardless of how minor or serious an incident is there should be one or more corrective actions identified and completed. Actions must be recorded and must not be closed off until completed.

1.38 The associated responses to identify any policy or practice gap or deficiency that may require enhancement or change to youth safety guidance, training or resources.

1.39 Table 1 describes the consistent incident identification, response management assessment approach across all Defence Youth Contexts.

Table 1- Response Management Assessment

Focus	Response
Young person	<ul style="list-style-type: none"> • Reporting to relevant authorities, including state or territory child and youth protection authorities and police. • Liaison with relevant authorities, including state or territory child and youth protection authorities and police. • Youth protection response support including referrals to support services. • Ongoing monitoring and support. (if the young person continues to participate in a DYP ie ADF Cadets)
Person of Interest	<ul style="list-style-type: none"> • Action taken to prevent recurrence of alleged abuse, e.g. removing the person alleged to have caused harm from the program. • Immediate removal from the current location and vicinity of the young person. • Reporting to state and territory child and youth protection authorities and other relevant authorities, including the police. • The Department will wait for further guidance from the state and territory child and youth protection authorities' in instances where they have the jurisdiction to investigate the matter. • May involve a criminal justice response for the perpetrator including court action and/or criminal charges.
Systemic focus	<ul style="list-style-type: none"> • Internal inquiry into alleged incident/misconduct. • Did all parties enact their accountabilities? • Is there a system, communication, process or intelligence failure? • Monitor and improve processes and strategies. • Consider how to improve processes in future, including training and communication.

	<ul style="list-style-type: none">• Were correct referrals to counselling services and community support services undertaken?• Resolve incident status and close incident when complete.
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PRIVACY AND THE DISCLOSURE OF CERTAIN PERSONAL INFORMATION OF YOUNG PEOPLE IN RELATION TO YOUTH SAFETY INCIDENTS

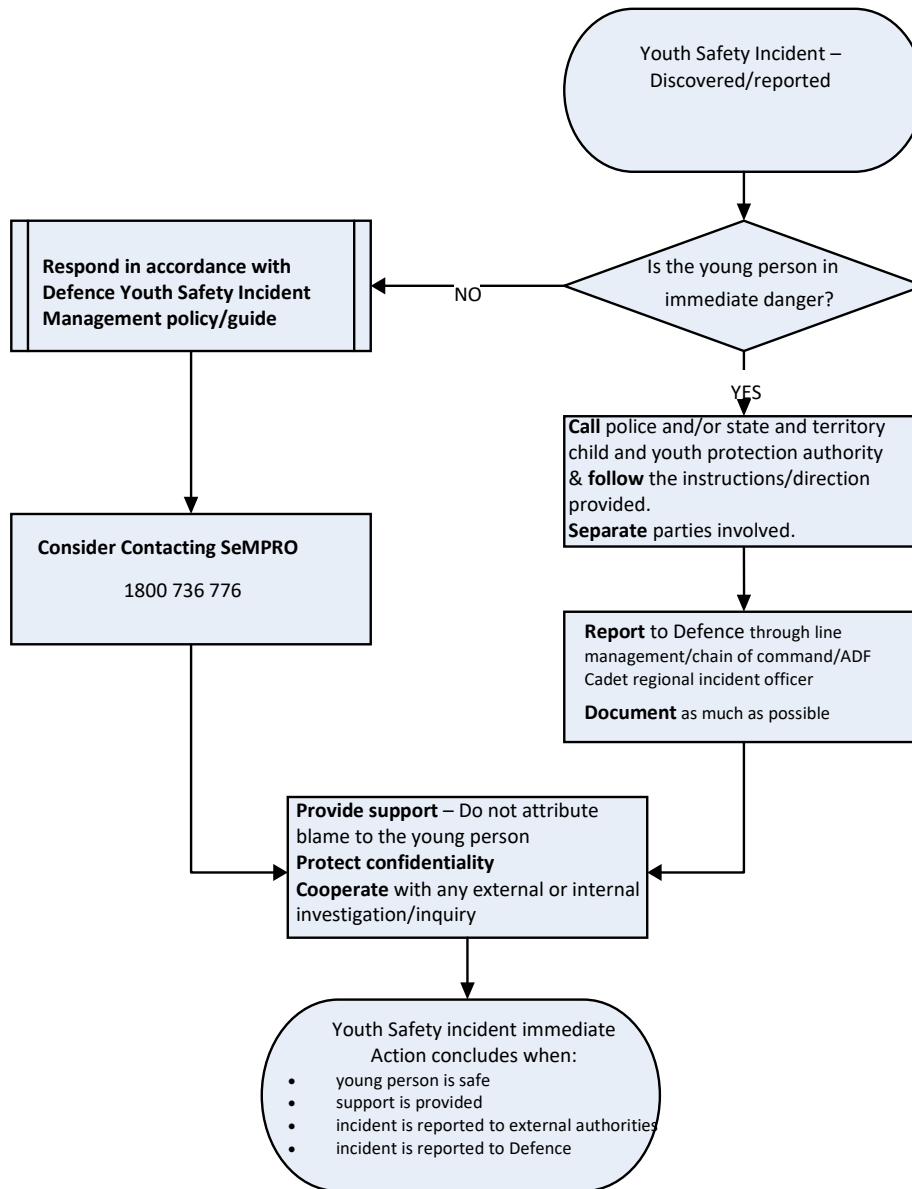
1.40 While conducting its activities and programs, including youth programs, Defence gathers and retains personal information about its members and program participants. This personal information is regulated by a number of laws, with personal information held by the Commonwealth generally regulated by the *Privacy Act 1988*.

1.41 It is important to note that although under 18, a young person’s personal information relates to them in their own right. Whatever their family situation, this information is separate from other information relating to, or held by, the young person’s parents or family unit.

1.42 The [YOUTHPOLMAN policy](#) on *The Disclosure of Certain Personal Information in Relation to Youth Safety Incidents* provides guidance in relation to certain circumstances whereby Defence personnel may disclose or authorise disclosure of personal information.

1.43 The authority to disclose personal information is the Defence Instruction – Administrative policy. Its provisions under Annex C - *Disclosure of certain personal information in relation to youth safety incidents* applies only to Defence personnel. No volunteer ADF Cadets Officer of Cadets, Instructor of Cadets or Defence Approved Helper, is routinely permitted to disclose the personal information of young people (or of any other person).

Figure 12-1 YOUTH SAFETY INCIDENT REPORTING & IMMEDIATE ACTION



NOTIFIABLE INCIDENT REFERRAL GUIDE FOR DEPARTMENTAL ACTION

In dealing with youth safety incidents, managers and commanders should refer to the following guidance to determine the most appropriate authority or support agency to which the incident should be reported.

Incident types	Incident description	Reported to	Relevant legislation and policy
1	Incidents that raise a reasonable suspicion that a civilian criminal offence has been committed where the incident involves Defence personnel, a young person participating in a Defence youth program activity, property or premises or if you believe a child is in immediate danger or in a life-threatening situation.	Commonwealth/state/territory civilian police organisations Phone: 000 State or territory child and youth protection authority. The National Children's Commissioner - Australian Human Rights Commission www.humanrights.gov.au/our-work/childrens-rights Office of the Children's e-Safety Commissioner www.esafety.gov.au Line management/chain of command	Work, Health and Safety Act 2011 Defence Security manual Performance Governance and Public Accountability Scheme 2013 Public Interest Disclosure Act 2013
2	Allegations of corrupt practices and behaviour, collusive tendering, lack of probity or conflict of interest issues involving Commonwealth resources, including personnel, property or premises	Line management/chain of command	Commonwealth Fraud Control Framework 2014 Australian Defence Force Investigative Service (if Defence Force Discipline Act 1982 offence suspected) Australian Public Service Act 1999(if offence suspected)
3	Suspected security incidents	Line management/chain of command	Defence security manual
4	Death/serious injury, including self-harm, or disappearance of Defence personnel, or death/serious injury involving any young person participating in a Defence youth	Commonwealth/state/territory civilian police organisations Contact: Phone: 000 Line management/chain of command	Work, Health and Safety Act 2011 Sentinel Report Defence aviation safety manual Defence security manual Australian Defence Force Investigative

	program activity, property or on Defence premises		Service (if Defence Force Discipline Act 1982 offence suspected)
5	An incident deemed by commanders or managers to be serious, sensitive or urgent, not covered by the definitions above. That is, one that may bring Defence into disrepute; attract adverse media attention.	Line management/chain of command	Sentinel Report

Accountable Officer: Chief of Joint Capability

Policy Officer: Head Reserve and Youth Division