

## CHAPTER 4

# YOUTH PROTECTION EVENT/INCIDENT WORK HEALTH AND SAFETY INVESTIGATION

## INTRODUCTION

3.4.1 Thorough event/incident investigation and subsequent review and monitoring assist in improving safety, enabling improvements to eliminate or minimise the recurrence of the event. Youth protection event/incident work health and safety (WHS) investigations are to be conducted in accordance with the relevant Defence and/or Group/Service WHS event investigation policy, and must include the specific youth protection requirements outlined in this policy.

3.4.2 The primary purpose of the WHS investigation is to review controls, procedures and processes to determine the most probable sequence of events, identify contributing factors to the unacceptable behaviour/misconduct, and make recommendations to implement improved controls to ensure a safe work place.

## POLICY INTENT

3.4.3 The intent of this policy is to ensure that youth protection events/incidents that occur within the Defence environment are effectively investigated to:

- a. identify contributing factors
- b. implement effective controls and track to completion

3.4.4 Defence youth protection event/incident WHS investigation policy is consistent with the following [National Principles for Child Safe Organisations](#):

- a. Principle 9: *Implementation of the national child safe principles is regularly reviewed and improved*
  - (1) Key Action Area 9.1: *The organisation regularly reviews, evaluates and improves child safe practices*
  - (2) Key Action Areas 9.2: *Complaints, concerns and safety incidents are analysed to identify causes and systemic failures so as to inform continuous improvement*

3.4.5 Other Defence publications which may be relevant to this policy include, but are not limited to:

- a. [Defence Work Health and Safety \(WHS\) Event Investigation](#) policy.
- b. Section 3 Chapter 3 Youth Protection Complaint and Event/Incident Management policy.

## POLICY

## YOUTH PROTECTION EVENT WHS INVESTIGATION PLANNING

3.4.6 **Appointing Authority.** The appointing authority (AA) for a WHS investigation should be determined in accordance with table 1. Joint Support Services Division (JSSD) is available to provide advice.

3.4.7 **WHS Investigator qualifications.** The AA should appoint a WHS investigator with qualifications and experience appropriate to the class of event/incident, as defined in table 1<sup>1</sup>. The WHS investigator should engage appropriate subject matter expert support where required.

3.4.8 **Terms of Reference.** The terms of reference (ToR) for all classes of event/incident WHS investigation should align with the ToR defined by the relevant Group/Service WHSMS for an equivalent WHS event investigation, as defined in table 1. The AA should tailor and issue ToR for WHS investigations as appropriate. The WHS investigator should consult and keep the AA informed throughout the investigation. WHS investigators must not apportion blame or make recommendations for criminal, disciplinary and/or administrative action.

## YOUTH PROTECTION EVENT WHS INVESTIGATION CONDUCT

3.4.9 **Investigation primacy.** Any criminal/disciplinary investigation or administrative inquiry being undertaken takes primacy. An independent WHS investigation should be conducted as soon as possible, and may occur concurrently with other investigations/inquiries.

3.4.10 **Police investigation primacy.** Any civil police and/or Joint Military Police Unit investigation into alleged criminal/unacceptable behaviour must take primacy. WHS investigators must ensure that they do not compromise the outcome of these police investigations. WHS investigators must not interview the victim(s), alleged respondent(s), or other involved persons/witnesses that the civil police and/or Joint Military Police Unit may rely on for evidence.

3.4.11 **Interviews**<sup>2</sup>. WHS investigators of Class A and Class B events/incidents must not interview involved or affected youth without obtaining approval from the AA. The AA should not give approval before ensuring that the appropriate agencies have been consulted. This includes, but is not limited to, the Sexual Misconduct Prevention and Response Office ([SeMPRO](#)), civil police and/or Joint Military Police Unit. The AA should also consult the parents/guardians of involved youth as appropriate<sup>3</sup> to obtain their permission to interview youth. A parent/guardian or other support person acceptable to the youth should be present when interviewing youth.

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<sup>1</sup> Investigation levels are described in para 6 of [Defence WHS Event Investigation Policy](#)

<sup>2</sup> There is strict guidance on the conduct of youth interviews. Refer to [Good Decision Making in Defence](#).

<sup>3</sup> In the case of ADF personnel under 18, their permission should be sought prior to contacting a parent or guardian.

**3.4.12 WHS investigation report.** The WHS investigator should submit a WHS investigation report to the AA within the timeframe defined in table 1. For Class A and Class B events/incidents, the WHS investigation report may be a standalone written report that is subsequently attached to the WHS event record in Sentinel. The outcome of all classes of WHS investigations, including recommendations/actions, must be entered/reported in Sentinel.

#### YOUTH PROTECTION EVENT WHS INVESTIGATION CLOSURE

**3.4.13 Preventing recurrence.** The AA must, as soon as practicable, consider the WHS investigation report and accept, modify, reject and/or add any actions/recommendations as appropriate. The AA must ensure that all actions/recommendations are implemented/tracked to completion, and any lessons learned are communicated and reviewed (refer Section 5 Chapter 2).

**3.4.14** In considering holistic youth protection outcomes, the AA should consider any evidence or recommendations, when available, from other criminal/disciplinary investigations or administrative inquiries that may require action.

Event /Incident Classification	Appointing Authority	Investigator Type	WHS Investigator Qualifications and ToR templates	Investigation Report
<b>Class A</b>	2* Equivalent Commander/ Manager <sup>4</sup>	External/ Independent to Unit	As per Group/Service WHSMS policy for Level 2 or 3 Investigation as appropriate	Within 90 days of appointment
<b>Class B</b>	1* Equivalent Commander/ Manager <sup>5</sup>	External/ Independent to Unit	As per Group/Service WHSMS policy for Level 2 Investigation	Within 60 days of appointment
<b>Class C</b>	Local Commander/ Manager	Local Commander/ Manager discretion	As per Group/Service WHSMS policy for Level 1 Investigation	Within 30 days of appointment
<b>Class D</b>	Local Commander/ Manager	Local Commander/ Manager discretion	As per Group/Service WHSMS policy for Level 1 Investigation	Within 15 <sup>6</sup> days of appointment

**Table 1: Youth Protection Event/Incident WHS Investigation Requirements**

<sup>4</sup> The applicable 2\* commander/manager may delegate AA responsibility to a subordinate independent commander/manager depending on the circumstances of the event/incident.

<sup>5</sup> The applicable 1\* commander/manager may delegate AA responsibility to a subordinate independent commander/manager depending on the circumstances of the event/incident.

<sup>6</sup> 30 days for ADF Cadet Organisations

PRIVACY

3.4.15 All information collected and used in relation to youth protection event/incident WHS investigation must be managed in accordance with the privacy requirements defined in Section 1 Chapter 2.

**Accountable Officer:** Chief of Joint Capabilities (CJC)

**Policy Owner:** Head Joint Support Services Division (HJSSD)