

## CHAPTER 3

# YOUTH PROTECTION COMPLAINT AND EVENT/INCIDENT MANAGEMENT

## INTRODUCTION

3.3.1 Defence is committed to providing a youth safe environment and actively encourages youth who engage with Defence to report both Defence and community/family/domestic related events/incidents, including youth protection complaints.

3.3.2 All personnel have a legal and moral obligation to protect youth and report youth protection events/incidents, including complaints, to their commander or manager. Youth protection events/incidents are a specific category of unacceptable behaviour and are managed within the Youth Protection Safety Domain.

3.3.3 Commanders, managers and supervisors have a legal and moral obligation to ensure compliance with legislative reporting requirements and effectively manage youth protection events/incidents, including complaints.

## POLICY INTENT

3.3.4 The intent of this policy is to ensure that youth protection events/incidents, including complaints are reported, effectively managed and analysed in accordance with legislative requirements. This policy provides direction for the reporting of youth protection events/incidents which necessitates the use of extant WHS and incident reporting and management policies and processes to deliver the required Youth Protection outcome.

3.3.5 Commanders, managers and supervisors are also responsible for ensuring mandatory, external to Defence reporting requirements for Youth Protection incidents are met. This may include reporting directly to state or territory police and child protection or other government authorities. Information on external reporting is provided in Guide 3 to this policy.

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

- a. Principle 3: *Families and communities are informed and involved in promoting child safety and wellbeing*
  - (1) Key Action Area 3.1: *Families participate in decisions affecting their child*
- b. Principle 4: *Equity is upheld and diverse needs respected in policy and practice*
  - (1) Key Action Area 4.2: *Children and young people have access to information, support and complaints processes in ways that are*

*culturally safe, accessible and easy to understand*

- c. Principle 6: *Processes to respond to complaints and concerns are child focussed*
- (1) *Key Action Area 6.1: The organisation has an accessible, child focused complaint handling policy which clearly outlines the roles and responsibilities of leadership, staff and volunteers, approaches to dealing with different types of complaints, breaches of relevant policies or the Code of Conduct and obligations to act and report*
  - (2) *Key Action Area 6.2: Effective complaint handling processes are understood by children and young people, families, staff and volunteers, and are culturally safe*
  - (3) *Key Action Area 6.3: Complaints are taken seriously, and responded to promptly and thoroughly*
  - (4) *Key Action Area 6.4: The organisation has policies and procedures in place that address reporting of complaints and concerns to relevant authorities, whether or not the law requires reporting, and co-operates with law enforcement*
  - (5) *Key Action Area 6.5: Reporting, privacy and employment law obligations are met.*

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

- a. [Complaints and Alternate Resolution Manual \(CARM\)](#)
- b. [Incident Reporting and Management Manual \(IRMMAN\)](#)
- c. [Military Personnel Manual \(MILPERSMAN\) Part 3 Chapter 7 Member Support Coordination](#)
- d. [Defence Safety Manual \(SAFETYMAN\)](#)

## DEFINITIONS

3.3.8 **Defence Environment.** Includes any Defence workplace, premise or facility, or any other location/environment where Defence arranges, undertakes or supervises an activity.

3.3.9 **Youth Protection Event/Incident.** A youth protection event/incident is any event/incident of unacceptable behaviour/misconduct which adversely affected or had the potential to adversely affect the health, protection or wellbeing of a youth(s). These behaviours are defined in annex C to Section 2, Chapter 2.

**3.3.10 Youth Protection Complaint/Allegation.** Any person may submit a youth protection complaint or allegation if they form a reasonable belief that a youth protection event/incident has occurred. A youth protection complaint or allegation can be made in writing or verbally. Mechanisms through which Defence becomes aware of a youth protection complaint or allegation include, but are not limited to:

- a. Commanders, Managers, Supervisors and/or Adult Volunteers
- b. the Joint Military Police Unit
- c. Sexual Misconduct Prevention & Response Office
- d. Other support service hotlines/reporting mechanisms (refer to Guide 3)
- e. Chaplains and training staff
- f. ConCERN process (refer to 3.3.12).

3.3.11 Upon receipt, all youth protection complaints or allegations must be managed as a youth protection event/incident.

**3.3.12 Dedicated Youth Confidential Complaint Process.** Head Joint Support Services Division (HJSSD) manages an independent Defence Youth Protection Confidential Complaint and Event Report/Notification (Youth Protection ConCERN) process that is:

- a. youth-focussed
- b. understood and available to all youth, the community, Defence youth program volunteers and participants, and Defence personnel.

3.3.13 The ConCERN is not an avenue of redress for resolved complaints.

## POLICY

### YOUTH PROTECTION EVENT/INCIDENT MANAGEMENT

**3.3.14 Purpose.** Youth protection event/incident management is critical to maintaining a strong youth protection culture. Accordingly, youth protection event/incident management policy specifies two distinct but parallel reporting and investigation chains that utilise extant Defence incident management and WHS Management System (WHSMS) processes to support all parties and achieve a Youth Protection outcome:

- a. **WHS event investigation and reporting.** The purpose of this process is to identify contributing factors which led to the event/incident; improve risk controls to prevent recurrence; and ensure consistency in data reporting

- b. **Incident management.** The purpose of this process is to ensure relevant parties are informed and address identified behavioural issues. Incident management should occur in accordance with the relevant Defence and/or Group/Service policies and procedures.

3.3.15 A flowchart for managing a youth protection event/incident is at [annex A](#).

### 3.3.16 Initial response and actions.

- a. **Assess and respond.** Commanders, managers and supervisors must take appropriate immediate action to ensure the health, protection and wellbeing of personnel, in particular youth.
- b. **Confirm circumstances.** Solicit what happened from those involved and/or witnesses as appropriate, but don't conduct interviews.
- c. **Safeguard and record evidence.** Safeguard physical evidence and keep a record of discussions and actions.
- d. **Categorise incident.** All events/incidents require classification and contextualisation in accordance with Guide 2 as well as codification in Sentinel.

3.3.17 **Initial reporting.** Commanders, managers and supervisors must ensure initial reporting requirements are met. This includes reporting through the Youth Protection Management System in accordance with Guide 4, as well as relevant Defence and Service/Group reporting. Acknowledgement of the receipt of a youth protection complaint should be provided to the complainant(s) as soon as practicable. Youth protection events/incidents may also require external to Defence reporting, as detailed in Guide 3.

3.3.18 HJSSD must be immediately notified<sup>1</sup> of a youth protection event/incident if the event/incident is:

- a. immediately notifiable to a Service Chief or Group Head in accordance with Defence or Group/Service policy, and/or to Comcare
- b. a Class A or B event/incident
- c. likely to attract adverse publicity.

3.3.19 **Youth Protection event/incident management.** The key components of the youth protection event/incident management process include:

- a. **Inform and Support.** Keep all involved or affected by the event informed until event closure and provide ongoing support as appropriate.

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<sup>1</sup> Via the Aide de-Camp to HJSSD on +61 447 208 593 during business hours or after hours, or the DYP Contact Officer on +61 408 157 133 during business hours

- b. **Report.** Commanders, managers and supervisors must ensure that youth protection events/incidents are reported and managed on Sentinel in accordance with Guide 4. The completion of the Sentinel report does not limit or replace the need for incident reporting and management in accordance with other Defence Group/Service policies or requirements. A summary of reporting timeframes is at Table 1.

<b>YPE Classification</b>	<b>Immediate Mandatory Reporting</b>	<b>DIR or AIMS Report</b>	<b>WHS Event Report<sup>2</sup></b>
<b>Class A</b>	As Soon as Practicable	Within 24 Hours	Within 24 Hours
<b>Class B</b>	As Soon as Practicable	Within 24 Hours	Within 24 Hours
<b>Class C</b>	As per Service/Group requirements	As per Service/Group requirements	Within 3 Days
<b>Class D</b>	As per Service/Group requirements	As per Service/Group requirements	Within 3 Days

**Table 1 – Event/Incident Reporting Requirements**

- c. **Investigate.** A WHS investigation must be conducted for youth protection events/incidents occurring within the Defence environment.<sup>3</sup> A WHS investigation **is not required** for community/family/domestic context youth protection events/incidents. For detailed guidance on the conduct of youth protection WHS investigations, refer to Section 3 Chapter 4. Where appropriate, other administrative inquiries may be conducted in accordance with Defence Group/Service policies or requirements.
- d. **Track actions and close event.** The implementation of investigation(s) actions and recommendations must be tracked to completion prior to closure of the event/incident. A youth protection event/incident is not considered fully closed until all actions arising from the youth protection safety investigation and administrative inquiries are completed.

<sup>2</sup> Reporting timeframes align with Defence WHSMS reporting requirements.

<sup>3</sup> Pending Sentinel access for the Cadet Organisations, this requirement is only mandatory for cadet related Class A and Class B youth protection events/incidents.

## PERSONNEL PROTECTION AND SUPPORT

**3.3.20 Protection and wellbeing of youth.** The health, protection and wellbeing of youth involved in or affected by a youth protection event/incident must be given primary consideration. Involved or affected youth, as well as their parents/guardians if appropriate (refer paragraph 3.3.21), must be consulted, supported and kept informed throughout the event/incident management process.

3.3.21 It may not be appropriate to contact parents/guardians if a parent, guardian or family member is the respondent to the event/incident. Commanders, managers and supervisors must follow the advice of the civil police, relevant state/territory child protection or other government authorities, and/or the Joint Military Police Unit.

**3.3.22 Personnel support.** Appropriate support and information, subject to privacy requirements (refer Section 1 Chapter 2), must be provided to all involved or affected parties, including the complainant(s)/victim(s), alleged respondent(s), family(s), witnesses and/or other affected parties<sup>4</sup> as appropriate. Appropriate support may include but not be limited to:

- a. professional support from health practitioners, the [Sexual Misconduct Prevention and Response Office \(SeMPRO\)](#), and the [Employee Assistance Program \(EAP\)](#)
- b. local support from commanders, managers and supervisors, Chaplains, [Workplace Behaviour Advisers](#), [Member Support Coordinators](#)<sup>5</sup> and other local support officers.

3.3.23 Commanders, managers and supervisors must ensure that all youth protection complaints are taken seriously<sup>6</sup> and effectively managed in accordance with the *Complaint Handling Principles*, as defined in the [CARM](#).

3.3.24 All support arrangements should be documented in accordance with Defence and relevant Group/Service requirements.

**3.3.25 Support or advice for commanders, managers and supervisors.** For information on the range of support and advice services relating to youth protection event/incident management refer to Guide 3.

## PRIVACY

3.3.26 All information collected in relation to youth protection events/incidents must be managed in accordance with the privacy requirements defined in Section 1 Chapter 2.

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<sup>4</sup> Other affected parties may include members of the community and staff who received a disclosure or provide counselling/support to the victim(s).

<sup>5</sup> Workplace Behaviour Advisors and Member Support Coordinator services are not available to ADF Cadet organisations.

<sup>6</sup> This includes listening to the youth who makes a complaint or discloses abuse/unacceptable behaviour in any context, responding appropriately/sensitively to the needs of the youth, and acting on the information.

**Annexes**

- A. Flowchart for managing a Youth Protection Event/Incident
- B. Guide 1 - Initial Responses for Managing a Youth Protection Event/Incident
- C. Guide 2 - Classifying and Codifying a Youth Protection Event/Incident
- D. Guide 3 - External-to-Defence Reporting Contact Information
- E. Guide 4 - Guide to Reporting Youth Protection Events/Incidents in Sentinel

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

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