



## AFP National Guideline on Workplace Incident Investigation

| Metadata                         |   |
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| <b>Caption</b>                   | Workplace Incident Investigation  |
| <b>Document Identifier</b>       | HN00049   |
| <b>Description</b>               | This national guideline deals with investigation of workplace incidents as part of the AFP's OH&S management system |
| <b>Governance Function</b>       | Human Resources   |
| <b>Owned by</b>                  | National Manager Human Resources  |
| <b>Date First Approved</b>       | 1/01/2003 12:00 AM  |
| <b>Contact Person</b>            | Coordinator Health and Safety Services  |
| <b>Date Published</b>            | 18/02/2007 12:00 AM   |
| <b>Date Modified</b>             | 10/5/2011   |
| <b>Date Last Reviewed</b>        | 1/01/2003 12:00 AM  |
| <b>Authorised by</b>             | National Health and Safety Committee  |
| <b>Date of Next Review</b>       | 31/10/2007 12:00 AM   |
| <b>Review Notification</b>       | 'GovernanceHR@afp.gov.au'   |
| <b>Instrument Type</b>           | National Guideline  |
| <b>Replaces</b>                  |   |
| <b>Stakeholders</b>              |   |
| <b>Instrument Classification</b> | UNCLASSIFIED  |

### 1. Disclosure and compliance

This document is classified **UNCLASSIFIED** and is intended for internal AFP use.

Disclosing any content must comply with Commonwealth law and the [AFP National Guideline on disclosure of information](#).

## Compliance

This instrument is part of the AFP's professional standards framework. The [AFP Commissioner's Order on Professional Standards \(CO2\)](#) outlines the expectations for appointees to adhere to the requirements of the framework. Inappropriate departures from the provisions of this instrument may constitute a breach of AFP professional standards and be dealt with under Part V of the [Australian Federal Police Act 1979](#) (Cth).

## 2. Introduction

Investigation of workplace incidents is an integral part of the Australian Federal Police (AFP) occupational health and safety (OH&S) management system. The main purpose is the prevention of similar occurrences. The prompting mechanism for an investigation is the submission of a Workplace Incident Report form (AFP680).

This National Guideline makes it mandatory that a formal documented investigation is conducted for incidents that are notifiable (see AFP Forms, Workplace Incident Report Instructions, Appendix 2) to Comcare Australia under the Occupational Health and Safety (Commonwealth Employment) Act 1991.

Incident investigation should be seen as a preventive exercise rather than a punitive one. The investigation does not seek to allocate blame but searches for, and defines, as clearly and objectively as possible, the factors that have contributed to the incident.

The success of an investigation depends on a systematic approach to determining the causes.

This document designates responsibility for conducting investigations.

It is important to note that lessons learnt from investigating an incident in which no one was injured can be at least as beneficial as those learnt from investigating accidents that have resulted in injury.

This National Guideline is applicable throughout the AFP, within Australia and overseas. On occasions, specific arrangements may need to be made, depending on location and type of activity.

## 3. Consultation

This guideline has been developed in consultation with Senior Management, AFP employees, Professional Standards, the Australian Federal Police Association (AFPA), Area OH&S Coordinators, Health and Safety Representatives and the National OH&S Committee.

## 4. Definitions

These definitions relate to terms used specifically in this document.

### Formal Investigation

A formal investigation requires a written investigation report. Content of the report is outlined in 5.2 of this document.

## Informal investigation

An informal investigation does not require a written investigation report. It does require completion of Question 19 Preventive action proposed or taken to prevent a recurrence' on the Workplace Incident Report Form (AFP 680).

## Incident

An event which results in death, injury or property damage or which could have resulted in death, injury or property damage. An incident can be either an accident or a near miss' more aptly a near hit'.

This National Guideline relates only to incidents that occur within the workplace or arise out of work performed by an employee. To this end, there is no requirement to conduct an investigation of an incident that is considered to be outside the control of the AFP, such as travel to or from work or those that occur during a lunch break, when away from work.

## Injury

The term injury is to be taken as meaning injury or illness.

# 5. Responsibilities

## 5.1 AFP

The AFP as a corporate entity is responsible for the maintenance of its occupational health and safety program consistent with relevant legislative requirements and the provision of adequate resources and training in the context of overall resource priorities.

## 5.2 Director, Professional Standards

Where the Director, Professional Standards receives a report involving:

- any discharge of a weapon;
- any death; or
- any injury or illness requiring admission to hospital

he or she shall determine if the matter is to be investigated by Internal Investigations and notify the Chief Police Officer of the ACT or the relevant General Manager, as the case may be, of his or her decision. Where the decision is made that Internal Investigations will conduct the investigation, procedures outlined in the [Commissioner's Order on the Use of Force](#) will be followed.

In addition, the Director, Professional Standards is an authorised person for the issuing of directions to undertake Mandatory Certain Incident Testing, as outlined in Attachment C, [AFP National Guideline on the Use of Prohibited Drugs](#).

Where the Director, Professional Standards declines to conduct an investigation, responsibility for investigations is defined as follows:

## 5.3 General Managers (including CPOACT)

Each General Manager or delegate is responsible for:

- ensuring that this guideline, including relevant training, is implemented within workplaces under their control;
- conducting a formally documented investigation of an incident that has resulted in a **death**;
- ensuring recommended control measures are implemented;
- ensuring investigation reports are forwarded to relevant parties, including the Area Occupational Health and Safety Coordinator; and
- monitoring and reviewing control measures that have been implemented, to ensure the desired result has been achieved.

## 5.4 Directors

Each Director or delegate is responsible for:

- implementing this guideline within workplaces under their control;
- conducting a formally documented investigation when an incident has occurred which resulted in a notifiable **Serious Personal Injury** or notifiable **Dangerous Occurrence** (Workplace Incident Report-Instructions, Appendix 2);
- ensuring recommended control measures are implemented;
- ensuring investigation reports are forwarded to relevant parties, including the Area Occupational Health and Safety Coordinator; and
- monitoring and reviewing control measures that have been implemented, to ensure the desired result has been achieved.

## 5.5 Coordinators/Team Leaders

Each Coordinator/Team Leader is responsible for:

on receipt of advice that there has been a **discharge of a weapon** as outlined in [Commissioner's Order on the Use of Force](#) or a **death, or injury or illness requiring admission to hospital**, ensuring the Director, Professional Standards and relevant others are informed as soon as practicable;

- on becoming aware that an employee is **unable to perform work for 30 or more successive working days/shifts**, conducting a formally documented investigation into the incident that resulted in the notifiable absence from work;
- ensuring recommended control measures are implemented;
- ensuring investigation reports are forwarded to relevant parties, including the Area Occupational Health and Safety Coordinator; and
- monitoring and reviewing control measures that have been implemented, to ensure the desired result has been achieved.

Attention is drawn to the requirement that Coordinators/Team Leaders also need to conduct an informal investigation into injuries that result in **less than 30 days absence from work**, in order to prevent a reoccurrence. Results of an informal investigation are recorded at Question 19 'Preventive action proposed or taken to prevent a recurrence' on the Workplace Incident

Report Form (see AFP forms).

## 5.6 Team Members

Each team member is responsible for:

- advising his/her Coordinator/Team Leader of any incidents he/she has been involved in or becomes aware of; and
- co-operating by providing relevant information and assistance in the process of incident investigation.

## 5.7 Area Occupational Health & Safety Coordinators

**Each Area Occupational Health and Safety Coordinator is responsible for:**

- providing advice and assistance to Senior Management, Directors and Coordinators/ Team Leaders in relation to implementation of this guideline;
- providing or facilitating appropriate training to all relevant parties in relation to the implementation of this guideline;
- if required, on receipt of a Workplace Incident Report Form, ensuring the appropriate person is aware of the requirement to conduct an investigation;
- if requested, providing assistance with investigations;
- assessing control measures, in line with the hierarchy of control, outlined in the [AFP National Guideline on OHS Risk Management System](#), and providing advice as necessary;
- following up the progress of implementation of control measures;
- bringing issues with national implications to the attention of the Manager, Health, Safety and Rehabilitation;
- filing a copy of the Workplace Incident Investigation Report with the relevant Workplace Incident Report form;
- reporting, as required, to the Area OH&S Committee (or equivalent); and
- providing regular progress reports to the Manager, Health, Safety and Rehabilitation on the implementation of this guideline. Reports will include details on:
  - numbers of staff, including level, who have received training, and
  - the number of Incident Investigation Reports received as a percentage of notifiable incidents for the period.

## 5.8 Manager, Health, Safety and Rehabilitation

The Manager, Health, Safety and Rehabilitation is responsible for:

- providing advice to all parties involved in implementation of this guideline;
- if requested, providing assistance with investigations;
- considering issues raised by Area Occupational Health and Safety Coordinators, and taking action, as appropriate;
- providing reports to the National Occupational Health and Safety Committee and relevant others on the implementation of this guideline; and
- reviewing this guideline, in consultation with all relevant parties.

## 5.9 Health and Safety Representatives

Each Health and Safety Representative may assist AFP management with investigations in their respective designated work group.

## 6. Workplace incident investigation

### 6.1 Investigation process

The prompting mechanism for an investigation is the AFP Workplace Incident Report Form (AFP 680). In addition, area management or the Director, Health and Safety Services may request an investigation be undertaken.

The consequence of the incident will determine which level of management will be responsible for the formally documented incident investigation. (See Section 4.) On some occasions, it may be necessary to enlist the services of other persons with expertise in a particular area.

#### **Investigating effectively**

The investigation must start as soon as possible after the event so that vital evidence is not lost or destroyed. A witness statement taken at this time is generally of more benefit, as events are still fresh in the witness's mind.

Where an investigation is delayed, reasons for the delay must be communicated to all relevant parties immediately. Reasons for the delay must be included in the report when it is completed.

A person or persons conducting an investigation must have:

- a knowledge of, and familiarity with, these procedures;
- sufficient technical knowledge of the work processes or access to such knowledge;
- objectivity;
- an analytical approach to the problem; and
- an ability to communicate.

If possible, the investigation should not be conducted by persons directly involved in the event, or in the series of events, immediately preceding the incident.

#### **Determining the facts**

If all facts are to be determined, the investigator must:

- visit the scene as soon as possible;
- identify all persons involved and interview them as soon as possible. It is important to note that a key 'witness' may not have seen the incident but may provide valuable information on circumstances leading to the incident; and
- make sketches or take photographs, if appropriate. If it is considered necessary to take samples from the site, these should be clearly labelled with details including:
  - when they were taken and by whom;
  - what the samples contain;
  - where they were found; and
  - why the samples were taken.

**It may be necessary at times to use expert individuals or teams in the taking of**

**photographs or obtaining of samples.**

**If, during an incident investigation, information is uncovered which has implications in relation to integrity/criminal issues, the matter must be referred to Professional Standards.**

### **Considering contributory factors**

These may include, but should not be limited to, an examination of:

- whether there was a formal risk assessment conducted prior to starting the job;
- whether there was appropriate awareness of safety issues in planning the job;
- whether there were safety procedures in place;
- what level of training/instruction had been provided;
- the level of supervision;
- tools and equipment - whether these contributed or should have been used;
- environmental conditions whether these contributed;
- the positions and actions of other personnel both at the workplace or involved in the sequence of events; and
- personal protective equipment - was it required, was it available, was it correctly used.

### **Findings**

The primary purpose of an investigation is the identification of deficiencies in the OHS management system in place at the time of the incident, in order to prevent a recurrence.

In the final analysis it is important that the investigator separates:

- facts from opinions;
- eye-witness accounts from hearsay evidence (eg Joe Bloggs told me he saw John Smith down at the pub at lunch time is hearsay evidence. Joe Bloggs would be the eye-witness); and
- direct evidence from circumstantial evidence.

Circumstantial evidence may be of value and should not be discounted.

Conclusions should only be drawn from known facts, consistent with the investigator's knowledge. In some cases, expert assistance may be required.

### **Feedback**

It is important to ensure people in the workplace where an incident occurred are aware that an investigation is to be conducted. When it is completed, they need to know what the findings are and what follow-up action is intended. As each action is completed, it should be reported back to the work area.

### **External Investigations**

In some cases, due to the serious nature of an incident or dangerous occurrence, Comcare Australia may decide, in its role as administrator of the OH&S (Commonwealth Employment) Act 1991, to conduct an investigation. The AFP is required to assist Comcare Australia with such investigations. Such an investigation does not preclude the AFP from conducting its own investigation.

At times, State and Territory police may also need to conduct their own investigations.

When an incident occurs which is outside the jurisdiction of AFP Community Policing, arrangements are to be made for the appointment of an appropriately experienced AFP employee or special member to assist the relevant State or Territory police with any investigation.

## 6.2 Investigation Reports

### Content of a Workplace Incident Investigation Report

As a minimum, a report must include:

- Date of incident;
- Time of incident;
- Location of incident;
- Area;
- Section;
- State;
- If applicable, name of any injured person(s);
- If applicable, details of injury/illness;
  
- The role the person was undertaking at the time;
- If applicable, details of property damage;
- Name and contact details of any witness(es) statements to be attached;
- Description of how the incident occurred;
- Underlying conditions or actions which could have caused the incident;
- Basic causes which led to the incident;
- Recommended action (control measures taken or proposed to prevent similar incidents in the future). This should be consistent with control measures outlined in the [AFP National Guideline on OHS Risk Management System](#);
- Name of the investigator;
- Signature of investigator;
- Date of investigation;
- Location where investigation was performed;
- Details of recipients of the report. As a general rule, the original should be sent to the relevant General Manager, with copies distributed within each operational area as required. In addition, a copy must be forwarded to the Area Occupational Health and Safety Coordinator for filing with the Workplace Incident Report form.

**The report may be structured to include subheadings of background, circumstances, findings and recommendations, if preferred.**

The original of a formal Workplace Incident Investigation report is to be filed with the Workplace Incident Report form and maintained for a period of thirty years.

## 7. Review of this guideline

This guideline and its implementation will be the subject of ongoing biennial review. The appropriate mechanism for review is the National OH&S Committee.

