

# RICHMOND VALLEY COUNCIL POLICY REGISTER

File No: I.310.00

Policy No: 1.3.5

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<b>POLICY:</b>	<b>GATHERING INFORMATION</b>
<b>FUNCTION:</b>	<b>Corporate Administration</b>
<b>OBJECTIVE:</b>	<b>To document the required standard of Council generated information and data needed to assist in defending a public liability, professional indemnity, workers compensation and other claims and ensure that they constitute admissible evidence and to support procedures for the gathering of information for such purposes.</b>
<b>DIRECTORATE:</b>	<b>CORPORATE SERVICES</b>

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## **BACKGROUND:**

Gathering of information is perhaps one of the most significant requirements of Councils. Councils are constantly being asked to provide information that is to be used to defend a public liability, professional indemnity, workers compensation and other claims.

The information gathered by Council is very valuable as it supports Council's business processes.

Often however, the information supplied cannot be used by Council's lawyers, as there are basic omissions and unwanted additions that may render the information of little value in the defense of a potential claim.

## **POLICY:**

Richmond Valley Council will promote the consistent and systematic collection and treatment of information to provide documentation that can be used to defend public liability, professional indemnity, workers compensation and other claims made against Council. All information collected is valuable and needs to be formatted so that is not rendered inadmissible when defending claims in court.

The following documents are designed to support this policy:

1. Incident Flow Chart (*Appendix A*).  
*Identifies the process to be adopted following notification of an incident.*
2. Incident Procedure Flow Chart for Employees (*Appendix B*).  
*Identifies the procedure to be followed by an employee at an accident/incident site.*

3. Information Gathering Checklist (*Appendix C*).

*Identifies the action that should be taken to ensure that appropriate information has been gathered at the scene of the incident/accident.*

4. Gathering Information Document Checklist (*Appendix D*).

*Identifies the various types of information that can be gathered either from within Council or from external sources.*

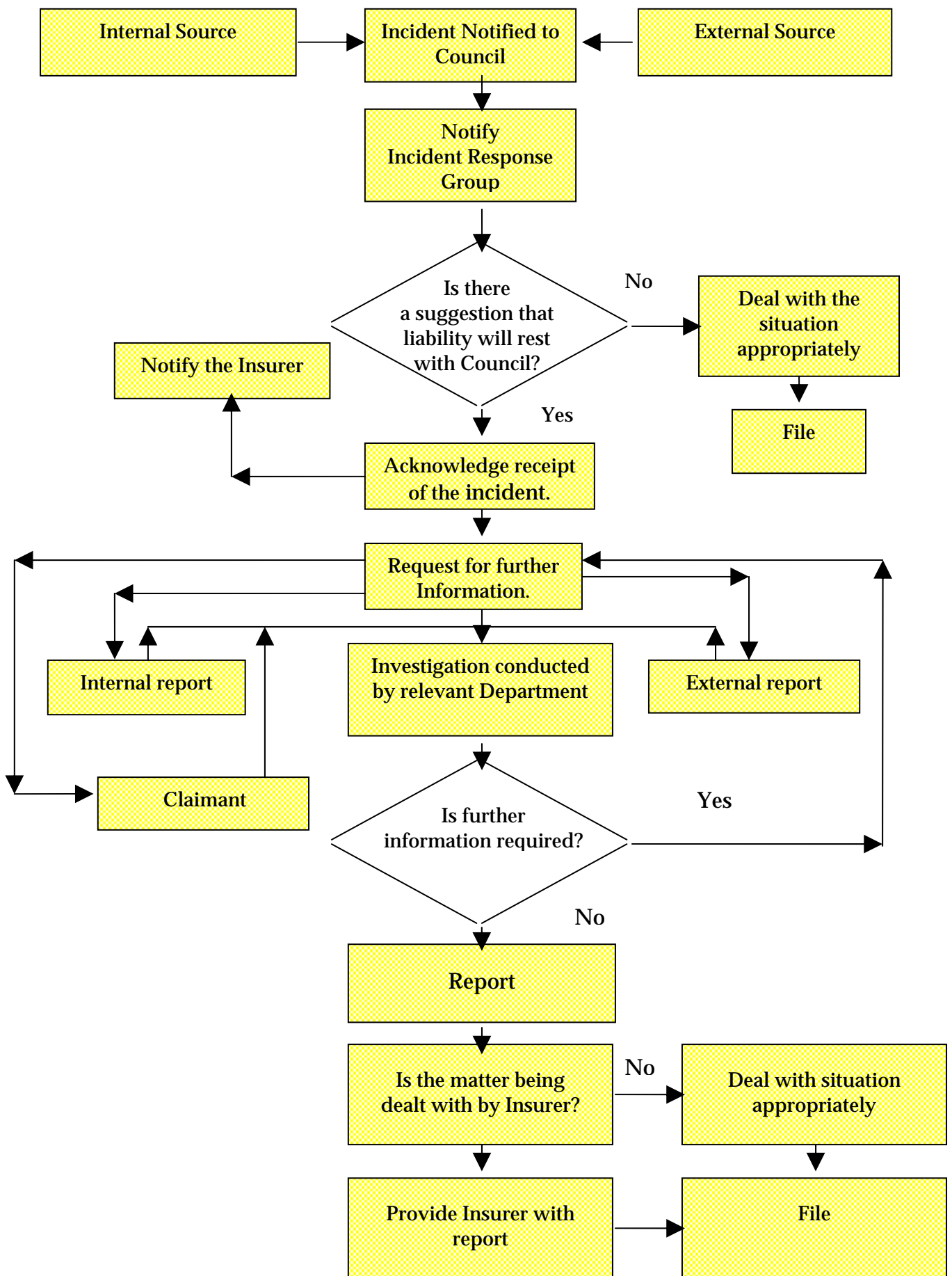
All internal procedures conform to Australian Standard ASISO 15489 - Records Management and Australian Standard AS/NZ 4360 - 2004 Risk Management.

**VARIATION:**

Council reserves the right to review, vary or revoke this policy.

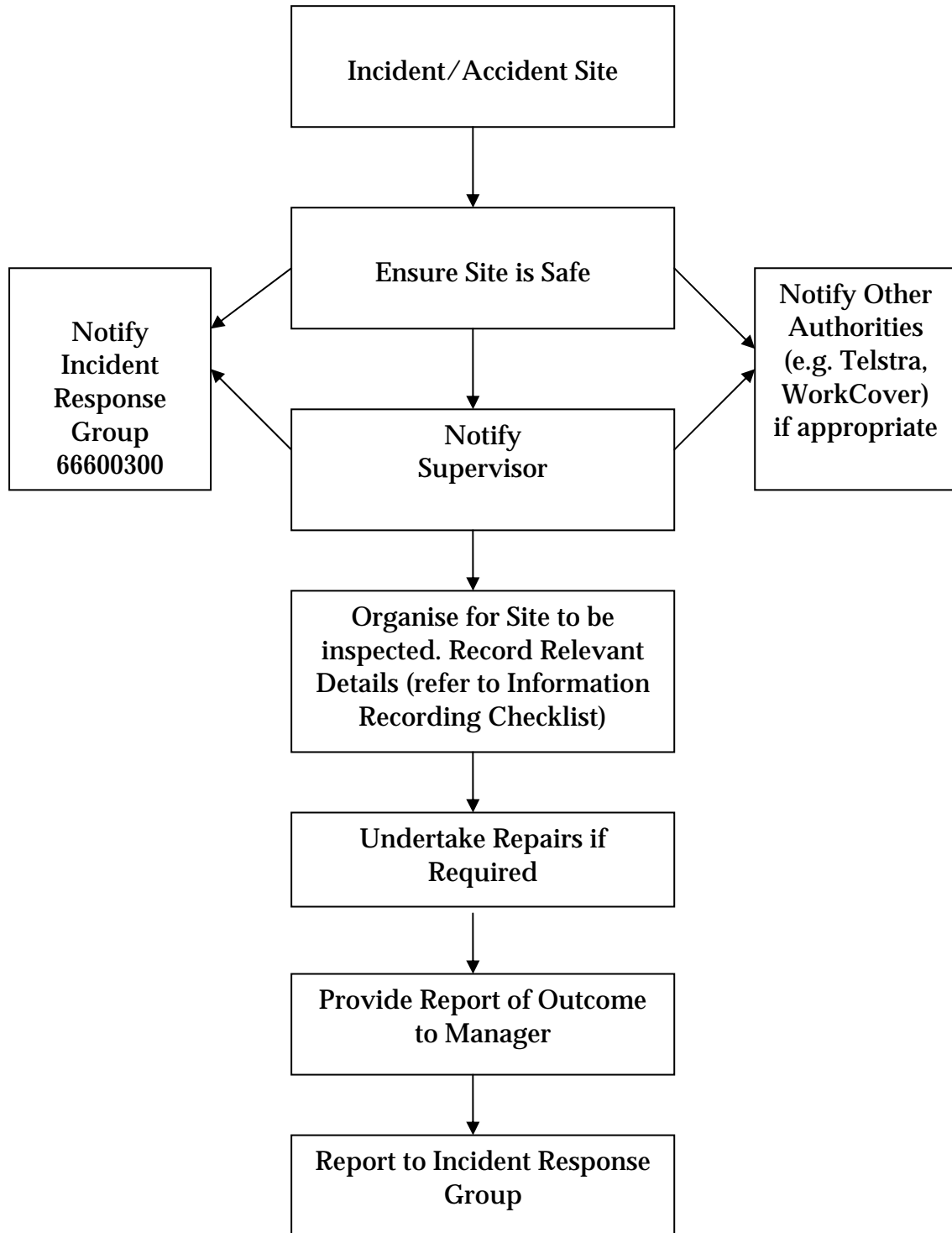
**Incident Flow Chart**

**Appendix A**



**Incident Procedure Flow Chart for Employees**

Identifies the procedure to be followed by an employee at an accident/incident site.



**Information Gathering Checklist**

The following checklist is used to ensure that all the appropriate information has been gathered at the scene of an incident.

INFORMATION	SPECIFIC REQUIREMENTS
<b>Photographs</b> – There may only be one chance to gain photographs at the scene of the incident. Remember, there can never be too many photographs.	<p>(a) Total working area from all points of the compass</p> <p>(b) Examples of the environmental conditions including rivers, drains, approaches, verges, vegetation, shadows, etc.</p> <p>(c) Close ups of all the damaged area, property, approaches, road conditions, any other factors etc.</p> <p>(d) Ensure that photographs of close ups have a size reference point e.g. ruler or pen.</p> <p>(e) Warning signs and general signs positioned by Council.</p> <p>(f) The damaged property from all angles</p>
<b>Description of Scene</b>	Record as accurately as possible each photograph that has been taken. Also add a brief description of the scene. This will help to paint the overall picture.
<b>Time</b>	Day, Month, Year and Time in 24 hour clock, e.g. 6.00am is 0600 hours while 6.00pm is 1800 hours, ie. no confusion
<b>Weather Conditions</b>	Record as accurately as possible the weather conditions. Include wind direction, wet or dry, light or dark, fog or no fog, ice or snow, etc.
<b>Measurements</b> – These can be useful to determine the actual facts of the situation e.g. “the one that got away.”	Record all measurements as accurately as possible. These may include heights, lengths or widths of objects, obstructions, holes, etc.
<b>Description of damage</b>	Record as accurately as possible the type, nature and extent of the damage.
<b>Property involved</b>	Itemise all the property that has been damaged. This includes both third party property and Council property.
<b>Registration Numbers</b>	Record the registration numbers of all vehicles involved in the incident whether damaged or not. Also include their exact location.
<b>Description of any Injuries</b> – This is only an indication. Council staff is not medically trained nor are they expected to be involved with the treatment of any injuries.	<p>Record the type of injuries people have received:</p> <p>(a) Minor – walked away from the scene.</p> <p>(b) Moderate – required medical attention</p> <p>(c) Sever – was transported away from the scene by ambulance</p> <p>(d) Unknown</p>
<b>Witness</b>	If possible record name and address of any witnesses
<b>Statements made by third parties</b>	Record any statements uttered by third parties
<b>Council employees</b>	Name of all employees working within the area of the incident.
<b>Type of Work</b>	Record the actual activity being undertaken by Council at the time of the incident.
<b>Police</b>	Record the name and station of any Police in attendance
<b>WorkCover</b>	Record the name and region of any WorkCover Inspectors in attendance
<b>Signs</b>	Record the place of erection, the day of erection, the day of last inspection, etc. of all general and warning signs displayed by Council. Recorded any other signs in the area that may have erected by other authorities.

INFORMATION SOURCE	DESCRIPTION	TYPICAL USE	REQUIREMENTS	ADDITIONAL INFORMATION
<p><b>1.Works Program</b></p>	<p>A strategic document that prioritises works, linking timeframe and resources for individual capital works, projects and/or maintenance activities.</p>	<p>Used to highlight Council’s level of commitment to its infrastructure relative to its financial strength. Could be used to defend a statement claiming <b>inaction</b> by Council.</p>	<p>Financial year and date of preparation Version number and date of preparation Council minute of change (if appropriate)</p>	<p>Responsible Officer:  Medium/ Storage Details:</p>
<p><b>2.Work or Service Request</b></p>	<p>A document requesting work to be completed by Council as a result of a potential risk found by an employee or a member of the public.</p>	<p>Used to highlight Council’s identification of risks programme. Could be used to defend a statement claiming <b>inaction</b> by Council.</p>	<p>Date Name of originator Specific location Unique identifier Referred to Priority (<i>currently being developed</i>) Action taken Date action taken Name and signature of person completing action (<i>currently only when physical works carried out</i>)</p>	<p>Responsible Officer:  Medium/ Storage Details:</p>
<p><b>3.Inspection Record</b></p>	<p>A pro-forma document used by Council Officers to report on the general condition of the infrastructure and assets of Council.</p>	<p>Used to highlight Council’s identification of risks programme. Could be used to show that Council was there, has inspected and made recommendations including repair, thus able to defend a statement claiming <b>negligence</b> by Council</p>	<p>Date Name of inspecting officer Signature of inspecting officer Inspecting officer’s position and department Specific location Unique identifier (<i>currently based on date of repair</i>) Recoverable List of recommendations</p>	<p>Responsible Officer:  Medium/ Storage Details:</p>

INFORMATION SOURCE	DESCRIPTION	TYPICAL USE	REQUIREMENTS	ADDITIONAL INFORMATION
<p><b>4.Maintenance Management System</b></p>	<p>MMS is used for the planning, organising, directing and controlling of maintenance work.</p>	<p>Work scheduling can be used to defend a statement claiming <b>inaction</b> by Council. The system can also record the type of maintenance activity performed at any given time and location. This data could be used to defend a statement claiming <b>inaction</b> or <b>negligence</b>.</p>	<p>Daily running sheet recoverable Date Name and signature of originator (<i>this will not appear on this document, it will be linked to the request or inspection record</i>) List of employees in gang Activity Number of employees Work achieved Location Audit trail</p>	<p>Responsible Officer:  Medium/ Storage Details:</p>
<p><b>5.Environmental Due Diligence Programmes</b></p>	<p>A strategic document, dealing primarily with environmental management issues that prioritises works and sets out a timetable for completion.</p>	<p>Used as a defence in the case of a breach under the EOP Act or a third party action claiming <b>negligence</b> or <b>inaction</b> by Council.</p>	<p>Date Name of originator Signature of originator Endorsed by Council Action plan with timetable for completion</p>	<p>Responsible Officer:  Medium/ Storage Details:</p>
<p><b>6.Time and Plant Sheets</b></p>	<p>System of recording and allocating labour and plant costs, primarily for the purpose of payroll and project costing.</p>	<p>Useful in verifying the location of staff and resources on a particular day. Can assist in defending a statement claiming <b>negligence</b> by Council.</p>	<p>Date All changes crossed out are to be initialled Signature of employee All relevant data to be completed</p>	<p>Responsible Officer:  Medium/ Storage Details:</p>
<p><b>7.Diary Entries</b></p>	<p>Diary entries are often used to record details of the scene of an incident and are regularly the basis of the "Initial Council Report". They can be a source for information such as weather, times,</p>	<p>Used for evidence of staff attendances and actions taken or not taken. Could be used to defend a statement claiming <b>negligence</b> by Council.</p>	<p>Name Date Department Unique identifier Black Ink (preferable)</p>	<p>Responsible Officer:  Medium/ Storage Details:</p>

INFORMATION SOURCE	DESCRIPTION	TYPICAL USE	REQUIREMENTS	ADDITIONAL INFORMATION
	locations etc as well as staff attendances.		Photocopy should show book binding Legible writing All entries signed and dated (full date dd/mm/yy) All activities noted	
<b>8.Work Practices/ Procedures</b>	Written procedures produced by Council used to standardise Council's response to a particular task.	Used in verifying that the work undertaken by Council is routine and is performed to a prescribed level of quality. Could be used to defend a statement claiming <b>negligence</b> by Council.	Recoverable Details of implementation Dates	Responsible Officer:  Medium/ Storage Details:
<b>9.Photographs</b>	Pictures of specific locations or job.	Used to provide evidence of the physical appearance of a defect or work at a particular point in time. Could be used to defend a statement claiming <b>negligence</b> by Council.	Date taken recorded preferably on the photograph Photographer and signature Claim Number Location and direction facing at location Colour 35 mm	Responsible Officer:  Medium/ Storage Details:
<b>10.Training Records</b>	A detailed record of the training activities of all members of staff.	Used to verify Council's commitment to ensuring that staff are well trained. Could be used to defend a claim of <b>negligence</b> .	Name of employee Name of trainer Employer of trainer Date of training Title of course(s) Brief course outline Duration of course Indication of successful completion Any results , certificates, licenses etc	Responsible Officer:  Medium/ Storage Details:



INFORMATION SOURCE	DESCRIPTION	TYPICAL USE	REQUIREMENTS	ADDITIONAL INFORMATION
<b>11.Standards</b>	A predetermined “benchmark” by which results or performance is measured. The “benchmark” can be set either by the particular industry or Council.	Used to highlight Council’s commitment to best practice within its resources. Could be used to defend a statement claiming <b>negligence</b> by Council.	Name of standard Citation number of standard Name of issuing standards organisation Date standard approved/implemented Full copy of standard	Responsible Officer:  Medium/ Storage Details:
<b>12.Site Visits</b>	Routine site inspection documented by the inspecting officer, noting conditions found at the site.	Used to produce a detailed description of the condition of the site at a given point in time. Could be used to defend a statement claiming <b>negligence</b> and/or <b>inaction</b> by Council	Date of visit Location, address of site Name of inspector Names of any additional inspectors, escorts etc Field notes, photographs, diagrams all to be dated, signed	Responsible Officer:  Medium/ Storage Details:
<b>13.Interviews</b>	As a result of a claim a recorded discussion between the relevant Council employees and the interviewing officer.	This is used to extract fact which dictates the course of the investigation. Could be used to defend a statement claiming <b>negligence</b> and/or <b>inaction</b> by Council.	Name of interviewer Name of individual being interviewed Job title of staff being interviewed Date of interview Time of interview Location interview taken Witness to interview Typed format for interview notes	Responsible Officer:  Medium/ Storage Details:
<b>14.Statements</b>	Is a first party testimony of fact.	It can be used as a record of an individual’s account of the event. Could be used to defend a statement claiming <b>negligence</b> and/or <b>inaction</b> by Council.	Name of individual making statement Job title of staff making statement Date of statement Time of statement Location statement taken Witness to statement	Responsible Officer:  Medium/ Storage Details:

INFORMATION SOURCE	DESCRIPTION	TYPICAL USE	REQUIREMENTS	ADDITIONAL INFORMATION
			Signature (black pen) of person making statement Signature of person taking statement and witness Typed format for statement	
<b>15. Annual Budget</b>	A financial statement that details the projected income and expenditure for a financial year. It indicates the amount of financial resources able to be allocated to each function/project of Council.	Used to highlight Council's level of commitment to its infrastructure relative to its financial strength. Could be used to defend a statement claiming <b>inaction</b> by Council.	Date of report Version of report Financial year of report	Responsible Officer:  Medium/ Storage Details:
<b>16. Drawings or plans</b>	A graphical representation of the work area, work method or location of the incident.	Visually shows evidence of the work planned. Shows standards to which the work is to be performed. Could be used to defend a statement claiming <b>professional negligence, inaction</b> or <b>design failure</b> .	Legible format (size) A legend indicating name of draftsman, architect, company etc Reference to related drawings Total number of drawings in set Index number of drawing Direction of north recorded on drawing Drawing scale	Responsible Officer:  Medium/ Storage Details:
<b>17. Maps</b>	Defines the exact location of the event.	Visually shows the location of the incident. Could be used to defend a statement claiming <b>responsibility</b> for an event where Council may not even be liable	Date map was made Person/organisation drafting map (source) Direction of north recorded on map Scale of map Area depicted by map Legible format	Responsible Officer:  Medium/ Storage Details:

# Gathering Information Document Check List

# Appendix D

INFORMATION SOURCE	DESCRIPTION	TYPICAL USE	REQUIREMENTS	ADDITIONAL INFORMATION
<b>18.Phone logs</b>	Chronological record of calls made or received by Council officers.	Used as a record of proceedings, conversations and advice given over the phone. Could be used to defend a statement claiming <b>negligence</b> and/or <b>inaction</b> by Council.	Contained in book with binding Date of call Time of call Name of caller Name of log book user Summary of call Page numbers	Responsible Officer:  Medium/ Storage Details:
<b>19.Medical reports</b>	Is a written summary from an attending physician summarising the patient's condition.	Used to establish the degree of injury and disability and thus challenge <b>punitive damages</b> .	Name of examining physician Date of examination Reason for examination Type written format Signed by attending physician	Responsible Officer:  Medium/ Storage Details:
<b>20.Loss Adjuster reports</b>	A written formal independent summary of the facts of the claim.	Used to verify the facts. Could be used in the determination of liability and <b>negligence</b> .	Name of loss adjusting firm Name of loss adjuster Claim reference number Date of all inspections Names and dates of all interviews Numbered pages in report Clear annotations to document, photographs, etc	Responsible Officer:  Medium/ Storage Details:
<b>21.Expert reports</b>	A written formal summary of certain circumstances of the claim, prepared by a specialist in the field of the incident.	Used to verify the specific facts of the incident by an expert with the relevant experience. Could be used to justify <b>action</b> or <b>inaction</b> .	Name of expert CV of expert List of publications by expert Reference number Signature of expert	Responsible Officer:  Medium/ Storage Details:

INFORMATION SOURCE	DESCRIPTION	TYPICAL USE	REQUIREMENTS	ADDITIONAL INFORMATION
			Date of investigation	
<b>22.Weather reports</b>	A record of the weather conditions that prevailed at a given time and location.	Used to verify the conditions at the time of the incident.	Date of event Date of inquiry Name of weather service Symbol of authority (letterhead, stamp) Contact telephone number of issuing authority	Responsible Officer:  Medium/ Storage Details:
<b>23.E-mails</b>	Records of requests or details made or received by Council Officers.	Used as a record of proceedings, conversations and advice received by e-mail. Could be used to defend a statement claiming <b>negligence</b> and/or <b>inaction</b> by Council.	Date and Time sent Name of person sent from Name of person sent to Name of person copy sent to Subject summary/title Details	Responsible Officer:  Medium/ Storage Details:
<b>24.Facsimiles</b>	Records of requests or details made or received by Council Officers.	Used as a record of proceedings, conversations and advice received by facsimile. Could be used to defend a statement claiming <b>negligence</b> and/or <b>inaction</b> by Council.	Name of person sent to Name of company (if applicable) Facsimile number sent to Total number of pages sent Name of person sent from Date sent: Facsimile number sent from Contact Council telephone number Subject summary/title Details	Responsible Officer:  Medium/ Storage Details: