

CP10 - COLLECTION AND RECORDING OF INFORMATION POLICY

STATEMENT OF INTENT

As part of Council's Risk Management strategy, to ensure that Council has legally acceptable records to refute allegations of negligence against it.

To ensure Council will have adequate information recorded.

To ensure that information recorded by Council is recoverable in a form that will maintain integrity under legal scrutiny.

To ensure that information is gathered and recorded in accordance with the Statewide Mutual Liability Scheme for Local Government's Best Practice Manual "Gathering Information".

SCOPE

All Councillors, permanent, temporary and casual employees of Wentworth Shire Council, including volunteers, work experience persons and contractors.

All documents and databases that may contain information relevant to the defence of liability claims against the Council. See examples in Annexure C – Gathering Information Document Checklist.

DEFINITIONS

Adequate Information: Means that information recorded will include reference to all factors relevant to the particular matter.

Information Recorded in a Form that will Maintain Integrity under Legal Scrutiny: Means that information from Council Officers would be acceptable to a Court as admissible evidence in a liability case involving Council.

Incident: Is an event that could result (or has resulted) in damage, injury or economic loss, in circumstances where allegations of negligence against Council may be made.

Statewide Mutual Liability Scheme for Local Government: A cooperative of Local Government Authorities within New South Wales. The Statewide Mutual Scheme is managed by Jardine Lloyd Thompson and commends certain risk management (best practices) to the members.

PROVISIONS

Information recorded by Council Officers must include all relevant facts and be signed and dated.

In all instances where information is recorded, minimum requirements must be met to ensure that legal integrity is maintained. See Annexure B – Information Gathering Checklist.

Incident reports must be recorded on Council's Incident Report Form, filed, and reported to the relative department, Council's Office Manager and OHS Officer. See Annexure A – Incident Management Flow Chart.

RESPONSIBILITY/ACCOUNTABILITY

Impacting upon all areas of Council's activities, and in accordance with the Implementation Guidelines for this Policy:

All persons receiving complaints must formally record adequate information, then formally sign off and date the record.

All inspecting persons must formally record detailed results of their inspection, take photographs where possible and appropriate, then formally sign off and date the record and photographs.

All actioning persons must formally record detailed results of the action taken, then formally sign off and date the record.

All persons receiving any telephone or other contact from another person about a matter that may involve a complaint or allegation of negligence against Council, must ensure that full details of that contact and the outcome(s) are recorded, formally signed off and dated.

RELATED DOCUMENTS

This policy should be read in conjunction with:-

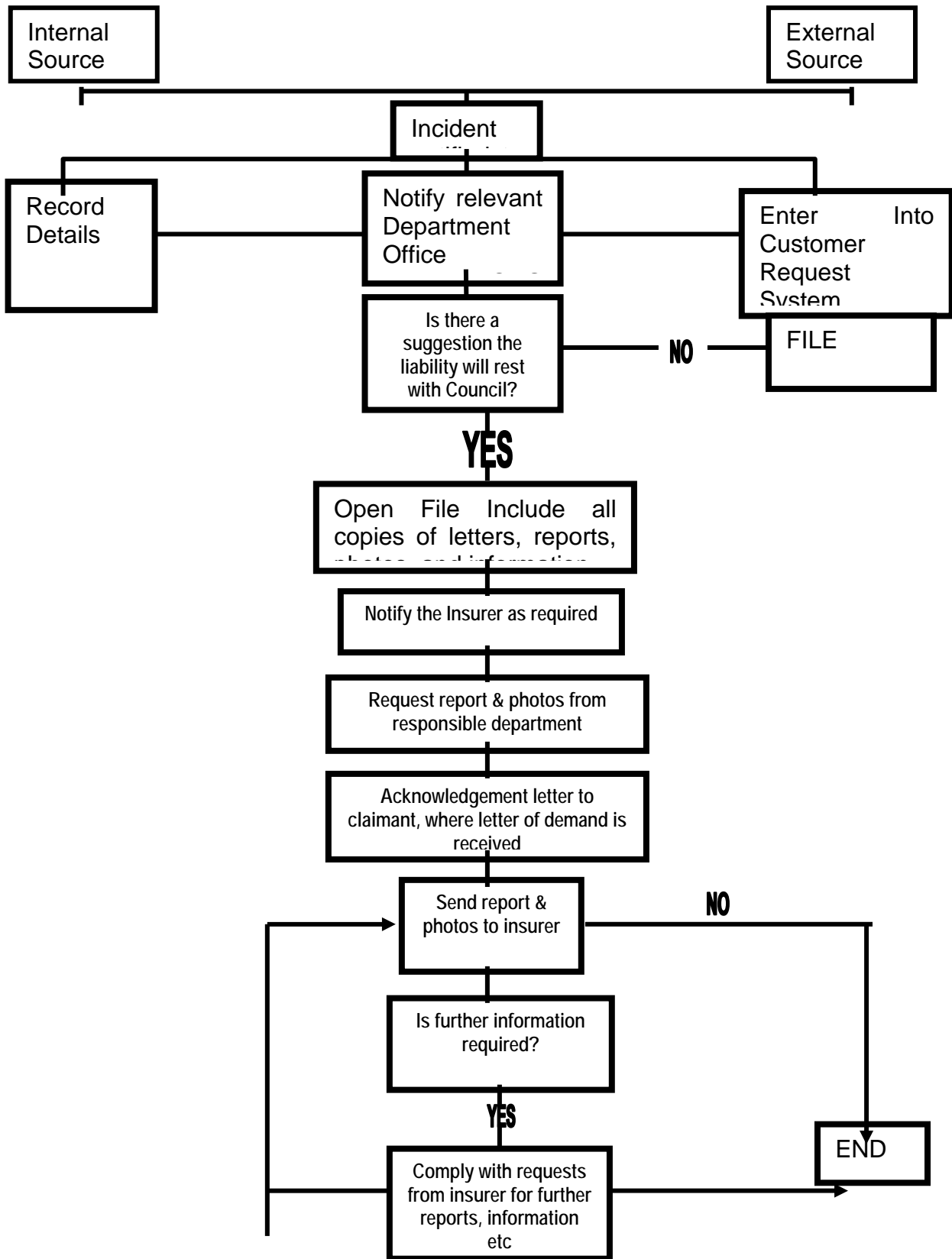
Wentworth Shire Council Records Management Policy.
Wentworth Shire Council Records Management Procedures Manual.
Wentworth Shire Council Customer Request System.
Wentworth Shire Council Complaints Handling Policy
State Records Act 1998
State Records Amendment Act 2005

ANNEXURES

A – INCIDENT FLOW CHART
B – INFORMATION GATHERING CHECKLIST
C – INFORMATION GATHERING DOCUMENT CHECKLIST
D – STANDARDS & GUIDANCE MATERIAL USED BY COUNCIL
E – INCIDENT REPORT FORM

ANNEXURE A

INCIDENT FLOW CHART



ANNEXURE B

INFORMATION GATHERING CHECKLIST

The following checklist is used to ensure that all information has been gathered at the scene of an incident in a form that maintains integrity under legal scrutiny.

Information	Specific Requirements
Photographs – There may only be one chance to gain photographs at the scene of the incident. Remember, there can never be too many photographs.	Total working area from all points of the compass Examples of the environmental conditions including rivers, drains, approaches, verges, vegetation, shadows, etc. Close ups of all the damaged area, property, approaches, road conditions, any other factors etc. Ensure that photographs of close ups have a size reference point e.g. ruler or pen. Warning signs and general signs positioned by Council. The damaged property from all angles
Description of Scene	Record as accurately as possible each photograph that has been taken. Also add a brief description of the scene. This will help to illustrate the overall picture.
Time	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
Weather Conditions	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.
Measurements – 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.
Description of damage	Record as accurately as possible the type, nature and extent of the damage.
Property involved	Itemise all the property that has been damaged. This includes both third party property and Council property.
Registration Numbers	Record the registration numbers of all vehicles involved in the incident whether damaged or not. Also include their exact location.
Description of any Injuries – This is only an indication. Council staff is not medically trained nor are they expected to be involved with the treatment of any injuries.	Record the type of injuries people have received: Minor – walked away from the scene. Moderate – required medical attention Severe – was transported away from the scene by ambulance Unknown
Witness	If possible record name and address of any witnesses
Statements made by third parties	Record any statements by third parties
Council employees	Name of all employees working within the area of the incident.
Type of Work	Record the actual activity being undertaken by Council at the time of the incident.
Police	Record the name and station of any Police in attendance
WorkCover	Record the name and region of any WorkCover Inspectors in attendance
Signs	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.

ANNEXURE C
GATHERING INFORMATION DOCUMENT CHECK LIST

INFORMATION SOURCE	DESCRIPTION	TYPICAL USE	REQUIREMENTS	ADDITIONAL INFORMATION
1.Works Program	A strategic document that prioritises works, linking timeframe and resources for individual capital works, projects and/or maintenance activities.	Used to highlight Council's level of commitment to its infrastructure relative to its financial strength. Could be used to defend a statement claiming inaction by Council.	Financial year and date of preparation Version number and date of preparation Council minute of change (if appropriate)	Responsible Officer: Medium/ Storage Details: Business Storage Plan
2.Work or Service Request	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.	Used to highlight Council's identification of risks programme. Could be used to defend a statement claiming inaction by Council.	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>)	Responsible Officer: Medium/ Storage Details: Customer Request System
3.Inspection Record	A pro-forma document used by Council Officers to report on the general condition of the infrastructure and assets of Council.	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 negligence by Council	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	Responsible Officer: Medium/ Storage Details:
4.Maintenance	MMS is used for the planning,	Work scheduling can be used	Daily running sheet	Responsible Officer:

INFORMATION SOURCE	DESCRIPTION	TYPICAL USE	REQUIREMENTS	ADDITIONAL INFORMATION
Management System	organising, directing and controlling of maintenance work.	to defend a statement claiming inaction 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 inaction or negligence .	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	Medium/ Storage Details:
5.Environmental Due Diligence Programmes	A strategic document, dealing primarily with environmental management issues that prioritises works and sets out a timetable for completion.	Used as a defence in the case of a breach under the EOP Act or a third party action claiming negligence or inaction by Council.	Date Name of originator Signature of originator Endorsed by Council Action plan with timetable for completion	Responsible Officer: Sustainable Development Medium/ Storage Details: Not specified
6.Time and Plant Sheets	System of recording and allocating labour and plant costs, primarily for the purpose of payroll and project costing.	Useful in verifying the location of staff and resources on a particular day. Can assist in defending a statement claiming negligence by Council.	Date All changes crossed out are to be initialled Signature of employee All relevant data to be completed	Responsible Officer: Medium/ Storage Details: Not specified
7.Diary Entries	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, locations etc as well as staff attendances.	Used for evidence of staff attendances and actions taken or not taken. Could be used to defend a statement claiming negligence by Council.	Name Date Department Unique identifier Black Ink (preferable) Photocopy should show book binding Legible writing	Responsible Officer: Medium/ Storage Details: Not specified

INFORMATION SOURCE	DESCRIPTION	TYPICAL USE	REQUIREMENTS	ADDITIONAL INFORMATION
			All entries signed and dated (full date dd/mm/yy) All activities noted	
8.Work Practices/ Procedures	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 negligence by Council.	Recoverable Details of implementation Dates	Responsible Officer: Medium/ Storage Details: Not specified
9.Photographs	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 negligence 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: 35mm film DV-R Digital images
10.Training Records	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 negligence .	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: Authority
11.Australian Standards & Other Guidance Material See Annexure	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 negligence by	Name of standard Citation number of standard Name of issuing standards organisation Date standard	Responsible Officer: Medium/ Storage Details: Not specified

INFORMATION SOURCE	DESCRIPTION	TYPICAL USE	REQUIREMENTS	ADDITIONAL INFORMATION
E – Standards & Guidance Material used by Council		Council.	approved/implemented Full copy of standard	
12.Site Visits	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 negligence and/or inaction 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: Not specified
13.Interviews	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 negligence and/or inaction 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: Not specified
14.Statements	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 negligence and/or inaction 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 Signature (black pen) of person making statement Signature of person taking	Responsible Officer: Medium/ Storage Details: Not specified

INFORMATION SOURCE	DESCRIPTION	TYPICAL USE	REQUIREMENTS	ADDITIONAL INFORMATION
			statement and witness Typed format for statement	
15. Annual Budget	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 inaction by Council.	Date of report Version of report Financial year of report	Responsible Officer: Medium/ Storage Details: Budget as adopted
16. Drawings or plans	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 professional negligence, inaction or design failure.	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: Paper Digital
17. Maps	Defines the exact location of the event.	Visually shows the location of the incident. Could be used to defend a statement claiming responsibility 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: Paper Digital
18. Phone logs	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	Contained in book with binding Date of call Time of call	Responsible Officer: Medium/ Storage Details: Not specified

INFORMATION SOURCE	DESCRIPTION	TYPICAL USE	REQUIREMENTS	ADDITIONAL INFORMATION
		defend a statement claiming negligence and/or inaction by Council.	Name of caller Name of log book user Summary of call Page numbers	
19. Medical reports	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 punitive damages .	Name of examining physician Date of examination Reason for examination Type written format Signed by attending physician	Responsible Officer: Medium/ Storage Details: Not specified
20. Loss Adjuster reports	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 negligence .	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: Not specified
21. Expert reports	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 action or inaction .	Name of expert CV of expert List of publications by expert Reference number Signature of expert Date of investigation	Responsible Officer: Medium/ Storage Details: Not specified
22. Weather reports	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: Bureau of Meteorology (outside source) Medium/ Storage Details: Not specified
23. E-mails	Records of requests or details made or received by Council	Used as a record of proceedings, conversations	Date and Time sent Name of person sent from	Responsible Officer: Medium/ Storage Details: Current

INFORMATION SOURCE	DESCRIPTION	TYPICAL USE	REQUIREMENTS	ADDITIONAL INFORMATION
	Officers.	and advice received by e-mail. Could be used to defend a statement claiming negligence and/or inaction by Council.	Name of person sent to Name of person copy sent to Subject summary/title Details	computer system Used as file notes and to be filed on the relevant case file
24.Facsimiles	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 negligence and/or inaction 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: Paper To be filed on relevant case file

ANNEXURE E

EXAMPLES OF STANDARDS AND GUIDANCE MATERIAL USED BY COUNCIL

Human Resources

Source	Use
Awards (hard copy or electronic access) – Local Government (State) Award 2004 Charitable Aged & Disability Care Services (State) Award Nursing Homes & C. Nurses (State) Award Teachers (Non-Government Pre-Schools) (State) Award	Ensure compliance with employment conditions
Council's HR policies and procedures	Ensure adherence to Council's specific HR policies and procedures
Legislation (available online) Anti-Discrimination Act 1977 Local Government Act 1993 Industrial Relations Act 1996 OHS Act 2000 & OHS Regulations 2001 Racial Discrimination Act 1975 Sex Discrimination Act 1984 Human Rights and Equal Opportunity Commission Act 1986 Disability Discrimination Act 1992 Age Discrimination Act 2004 Aust & NSW Privacy Legislation	Ensure compliance with relevant legislation
Australian Standards – Human Resources: Guidelines on emerging best practice	Guidelines on HR best practice
Professional Journals – HR Monthly Human Capital Benchmarking HR WorkCover News Equal Time Training Australia Magazine	Reference to contemporary HR issues and industrial relations decisions
Other Internet – various websites Textbooks	Research HR policies, procedures and practices

Library

Source	Use
Awards (hard copy or electronic access) – Local Government (State) Award 2004 Teachers (Non-Government Pre-Schools) (State) Award	Ensure compliance with employment conditions
Council's Policies and procedures Wentworth Shire Library Collection Development Policy	Ensure adherence to Council's policies and procedures
Legislation (available online) Anti-Discrimination Act 1977 Local Government Act 1993 Industrial Relations Act 19 OHS Act 2000 & OHS Regulations 2001 Racial Discrimination Act 1975 Sex Discrimination Act 1984 Human Rights and Equal Opportunity Commission Act 1986 Disability Discrimination Act 1992 Age Discrimination Act 2004 Library Amendment Act 1992 Library Act, 1939 Children Services Regulation 2004	Ensure compliance with relevant legislation
Australian Library and Information Association (ALIA) Statements. Alia Statement on free access to information Alia Statement on libraries and literacy Alia Statement on libraries and multiculturalism Alia Statement on library and information services and Aboriginal and Torres Strait Islander peoples Alia Statement on library services for people with disabilities Alia Statement on professional conduct	
Professional Journals – Public Library News Australian Bookseller and Publisher Magpies Australian Library Journal	
Internet – various websites Textbooks Department of Community Services Department of Family and Community Services Various newsletters and user groups Email lists Manual for Family Day Care Service Operators Commonwealth Family Day Care Handbook	Research policies, procedures and clarification for any issues that may arise.

Works and Services

Source	Use
<p>RTA Publications, Standards and Guides RTA Road Train and B-Double Routes RTA Guide Tourist Signposting REROC Guidelines for Rural School Bus Routes and Bus Stops RTA School Zones RTA Guide to Traffic Generation Developments RTA Arrangements with Councils for Road Management RTA Guidelines for Traffic Facilities RTA Guide to Traffic Management and Transport Management for Special Events RTA Road Environment Safety RTA Driver Fatigue RTA Helping Learner Drivers become Safer Drivers RTA Guides How to Prepare a Bike Plan How to Prepare a Pedestrian Access and Mobility Plan Restricted Parking Areas Signposting of Rest Areas, Driver Reviver Sites and Other Rest Stops Regulatory Signs NSW Bicycle Guidelines RTA SIMC NCR's RTA Road Design Guide RTA Maintenance Management System Operations Manual – Volume 1</p>	
<p>Other Roads & Traffic DMR Interim Guide to Signs and Markings Austroads Guide to Traffic Engineering Practice Austroads Pavement Design AAPA Sprayed Sealing Selection and Design 2002 AAPA Sprayed Sealing Field Procedures 2002 Institute of Municipal Engineering Australia Nation Asset Management Manual Towards Traffic Calming – A Practitioner's Manual of Implementation Local Area Traffic Management and Blackspot Devices AUSSPEC Standard Contract Documents</p>	
<p>General Active Australia – Active Australia in Local Councils Resource Kit NSW Department of Sport and Recreation – Working with Children Check and Child Protection Public Education and Mass Media Report – Road User Behaviour Study Gravesafe 2000 – A General Course on Safe Working Practice for Grave Diggers and Cemetery Workers Airport Lighting Maintenance Manual UTS Powers and Duties – Local Government Law</p>	

<p>Flood Plain Management Manual: The Management of Flood Liable Land Rural Fire Service: Service Standards.</p>	
<p>Water Supply & Sewerage Management Guidelines 1999/00 NSW Water Supply & Sewerage Performance Comparisons Wasterwater Treatment Operator Training Course Notes Public Works Water & Sewerage Module User's Guide</p> <p>Water Services Association – Wise Water Management: A Demand Management Manual for Water Utilities Nursery Industry Water Management – Best Practice Guidelines Water Directorate – Blue-Green Algae Management Protocols Policy for Discharge of Liquid Trade Waste to Sewers Land and Water Conservation – Concurrence Guideline for Discharge of Liquid Trade Waste to Sewers Public Works Department Manual of Practice Sewer Design</p>	

Risk Management

Source	Use
Legislation OHS Legislation 2001 (Online facilities) OHS Legislation 2001 (Hard Copy) WorkCover Guides NOHSC guides	Ensure compliance with relevant legislation
Internal Policies and Procedures OHS Manual OHS Procedures OHS Policy Risk Management Policy Risk Management Manual Risk Management Procedures	Ensure adherence to Council's policies and procedures
Best Practice Guidelines BPM Signs as Remote Supervision V2 BPM Roads BPM Gathering Information BPM Footpaths BPM Trees & Tree Root Management Bitumen & Asphalt Resurfacing V1.3 Practice Note 15 Water Safety RLSA Guide	The development of a sound risk management practice
Australian Standards Australian Standards (Online purchase of Standards) AS 4360:2004 Risk Management HB 436:2004 RM Guides companion to AS 4360 HB 141:1999 Risk Financing Guides Australian Standards continued: HB 158:2002 Guide to AS 4360 in Internal Audit Process HB 221:2003 Business Continuity Management HB 246:2002 RM in Sport & Recreation HB 250:2000 Organisational Experiences in RM Practices AS 3931:1998 Risk Analysis Tech Systems application Guides AS 4655:2002 Guides for Fire Safety Audits for Buildings AS 4801:2001 OHS Management Systems Specs for Use AS 4804:2001 Management Systems Guides on Principles HB 53:1994 Management System OHSR in Construction AS 3760:2001 In Service Safety Inspection & Electrical Test Equipment AS 3012:2003 Electrical Installation Construction Sites AS 3001:2001 Electrical Installations Re-locatable Premises AS 2865:2001 Safe Work in Confined Space HB213: 2003 Guides for Safe Work in Confined	Ensure current compliance with Australian Standards

<p>Space CB 029 Audit Skills Handbook HB 402:2004 Business Planning AS 3806:1998 Compliance Programs HB 133:1999 Guide to AS 3806 Compliance Programs AS 4581:1998 Management System Integration Guide HB 203:2000 Environment Risk Management Principles & Process AS 5037: Interim Knowledge Management AS 15489.1:2002 Records Management Part 1 General AS 15489.1:2002 Records Management Part2 Guidelines\</p>	
<p>Professional Journals Workcover News The Global Standard National Safety Safety Solutions</p>	<p>Keep up to-date with safety news and changes</p>

Environment, Planning and Development Services

Source	Use
<p>Legislation <i>Local Government Act 1993</i>, and associated regulations Environmental Planning and Assessment Act 1979, and associated regulations Impounding Act 1993 Companion Animals Act 1998 Protection of the Environment Operations Act 1997 Rural Fires Act 1997 Food Act 2003 Public Health Act 1991 Swimming Pools Act 1992 Building Code of Australia, and referenced standards</p>	<p>Development, approvals</p>
<p>Best Practice Guidelines AMCORD – National Resource Document for Residential Development Planning for Bushfire Protection SEINS Manual Contaminated Sites – Guidelines for Assessing Service Station Sites Skin Penetration Code of Best Practice Guidelines for Safe Pool Operation</p>	