

POLICY No:	43
POLICY TITLE:	GATHERING INFORMATION POLICY
SECTION RESPONSIBLE:	ALL DEPARTMENTS
MINUTE NO:	992
REVIEW DATE:	30 JUNE 2009

PURPOSE

To formulate a systematic approach for collection and retrieval of accurate, relevant information, necessary to protect Greater Hume Shire Council in the defence of public liability and professional indemnity claims.

To give Council an effective system, implementing a clear audit trail for investigators to follow as they attempt to reconstruct Council's response to a particular event or activity.

To assist Council with an effective tool to discourage potential claimants from seeking redress in the courts.

To benefit ongoing Strategic Planning in all areas of Council's operation and management, determining how effectively and efficiently our organisation is operating by implemented quality management systems.

OBJECTIVE:

To document the required standards of Council generated information and data needed to assist in defending a public liability or professional indemnity claim and ensure that Council constitute admissible evidence.

To support and implement procedures for gathering of information for such purposes.

SCOPE OF POLICY:

This policy applies to all employees of Greater Hume Shire Council.

GATHERING INFORMATION POLICY

PRINCIPLES:

- 1 To meet operational business needs, accountability requirements and community expectations.
- 2 To protect Council's financial position through risk management
- 3 To facilitate the minimum data requirements for information required when defending possible public and professional liability claims.

POLICY STATEMENT

Greater Hume Shire Council aims to provide sustainability to the community, by providing services and making decisions that enhance our quality of life and our economic and natural environments. Council is committed to documenting and assisting groups within Council to develop and adopt procedures for gathering information and developing information systems.

This policy provides the minimum data standards for the gathering of information. It is aimed at reducing the information supplied by Council to its lawyers that is currently inadmissible, together with either information or data that is not detailed or unwanted additions that may render the information of little value in the defence of a potential claim. The checklist should be used to ensure that all the appropriate data is gathered and contains the appropriate information.

Listed Information Source documentation for the checklist, must be appropriately recorded and archived in accordance with Council's Records Management and in accordance with the State Records Act 1998.

Council will, within its budgetary constraints and using existing information systems available, endeavour to ensure accurate and systematic information is gathered.

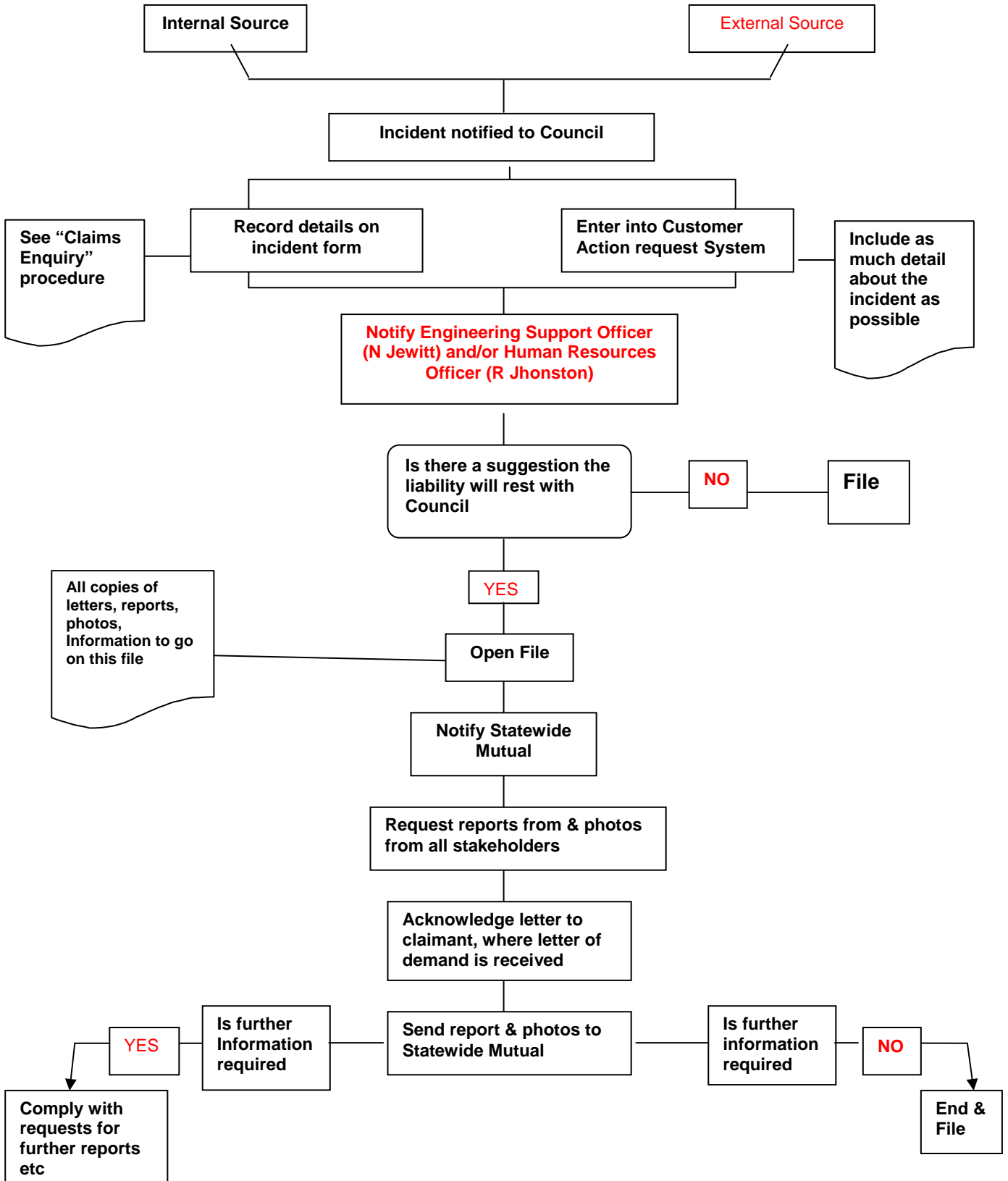
RELATED DOCUMENTATION:

Attached as follows

- 1 Appendix A: Incident Procedure Flowchart
- 2 Appendix B: Gathering Information Document Reference Checklists. Internal And External Information (Minimum Data that should be recorded on various types of information required.)
- 3 Appendix C: Information Gathering Checklist

Appendix A

INCIDENT FLOW CHART



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Appendix B

GATHERING INFORMATION DOCUMENT REFERENCE CHECKLIST

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 <i>Engineering Dpt</i> Medium/Storage Details: Access data base
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 program. Could be used to defend a statement claiming inaction by Council.	Date Name of originator Specific location Unique identifier Referred to Priority Action taken Date action taken Name and signature of person completing action	Responsible <i>Administration Dpt Environment & Planning Dpt</i> Medium/Storage Details: Practical Customer Request System

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INFORMATION SOURCE	DESCRIPTION	TYPICAL USE	REQUIREMENTS	ADDITIONAL INFORMATION
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 or risks program. 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 & dept Specific location Unique identifier <i>(currently based on date of repair)</i> Recoverable List of recommendations	Responsible <i>Engineering Dpt Environment & Planning Dpt</i> Medium/Storage Details: Hard Copy (paper) Computer (IT)
4 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 <i>Engineering Dpt Environment & Planning Dpt</i> 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 All entries signed and dated (full date dd/mm/yy) All activities noted	Responsible <i>All Staff</i> Medium/Storage Details: Not specified

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INFORMATION SOURCE	DESCRIPTION	TYPICAL USE	REQUIREMENTS	ADDITIONAL INFORMATION
8 Work Practices/ Procedures	Written procedures produced by Council used to standardize 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 All Departments Medium/Storage Details: Hard Copy (paper) Computer (IT)
9 Photographs	Photos 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 or Digital Camera	Responsible Office All Departments Medium/Storage Details: Digital Camera photos Computer (IT) Hard Copy (paper)
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 Office <i>Human Resources</i> Medium/Storage Details: Not specified

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INFORMATION SOURCE	DESCRIPTION	TYPICAL USE	REQUIREMENTS	ADDITIONAL INFORMATION
11 Standards	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 Council.	Name of standard Citation number of standard Name of issuing standards organization Date standard approved/implemented Full copy of standard	Responsible General Manager Medium/Storage Details: Not specified.
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 Relevant 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 <i>All Departments</i> Medium/Storage Details: Not specified

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INFORMATION SOURCE	DESCRIPTION	TYPICAL USE	REQUIREMENTS	ADDITIONAL INFORMATION
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 statement and witness Typed format for statement	Responsible <i>All Departments</i> Medium/Storage Details: Not specified
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 report.	Responsible <i>All Departments</i> Medium /Storage Details: Budget as adopted by Council

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INFORMATION SOURCE	DESCRIPTION	TYPICAL USE	REQUIREMENTS	ADDITIONAL INFORMATION
16 Drawing of Plans	A graphical representation of the work area, work method of location	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 drawings Direction of north recorded on drawing Drawing scale.	Responsible <i>All Departments</i> Medium/Storage Details: Hard Copy (Paper) Computer (I.T.)
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 All Departments Des. Eng General Medium/Storage Details: Hard Copy (Paper) Computer (I.T.)
18 Phone logs	Chronological record of calls made or received by Council	Used as a record of proceedings, conversations and advice given over the phone. Could be used to defend a statement claiming negligence and/or inaction 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 <i>Administration</i> Medium/Storage Details: Not specified

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INFORMATION SOURCE	DESCRIPTION	TYPICAL USE	REQUIREMENTS	ADDITIONAL INFORMATION
19 Medical Reports	Is a written summary from an attending physician summarizing the patient's condition	Used to establish the degree of injury and disability and thus challenge punitive damages.	Name of the examining physician Date of examination Type written format Signed by attending physician	Responsible Officer: <i>Medical Practitioner (Outside Source)</i> 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 adjustment firm Name of loss adjuster Claim of reference number Date of inspections Names and dates of all interviews Numbered pages report Clear annotations to document, photographs, etc	Responsible Officer: <i>Loss Adjustor State Wide Mutual (Outside Source)</i> 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 if investigation	Responsible Officer: Specific Expert (Outside Source) & Relevant 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 injury Name of weather service Symbol of authority (letterhead, stamp) Contact telephone number of issuing authority.	Responsible Officer: <i>Bureau of Meteorology (Outside Source) or Employer / Employee Member reporting the incident</i> Medium Storage Details: Not specified

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INFORMATION SOURCE	DESCRIPTION	TYPICAL USE	REQUIREMENTS	ADDITIONAL INFORMATION
23 E-mails	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 negligence and/or inaction 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: <i>all staff</i> Medium Storage Details: Current computer system Used as file notes and to be filed on the relevant case file
24 Facsimiles	Record 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: <i>All staff</i> Medium Storage Details: Paper To be filed on relevant case file.

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APPENDIX C

INFORMATION GATHERING CHECKLIST

INFORMATION	SPECIFIC REQUIREMENTS
<p><i>Photographs</i> – There may only be one chance to gain photographs at the scene of the incident. Remember, there can never be too many photographs</p>	<p>Total working area from all points of the compass. Examples of the environmental conditions including rivers, drains, approaches, verges, vegetation, shadows, etc</p> <p>Close ups of all damage area, property, approaches, road conditions</p> <p>Ensure that photographs of close ups have a size reference point egg ruler or pen</p> <p>Warning signs and general signs positioned by Council.</p> <p>The damaged property from all angles.</p>
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 paint the overall picture
Time	Day, Month, Year, and Time in 24 hour clock, eg. 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	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 injuries This is only an indication. Council staff are 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>Minor- walked away from the scene.</p> <p>Moderate- required medical attention</p> <p>Severe- was transported away from the scene by ambulance</p> <p>Unknown</p>

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INFORMATION	SPECIFIC REQUIREMENTS
Witness	If possible record name and address of any witnesses.
<i>Statements made by third parties</i>	Record any statements uttered by third parties.
Council employees	Name of all employees working within the area of the incident
<i>Type of work</i>	Record the actual activity being undertaken by Council at the time of the incident.
<i>Police</i>	Record the name and station of any Police in attendance
<i>Work Cover</i>	Record the name and region of any Work Cover Inspectors in attendance
<i>Signs</i>	Record the place of erection, the day of erection, the day of last inspection, etc of all general and warning signs displayed by Council. Record any other signs in the area that may have been erected by other authorities