



Policy

80 GATHERING INFORMATION FOR INCIDENT MANAGEMENT POLICY

File Reference No: 27.121.2

Strategic Outcome: Good government

Date of Adoption: 17/06/2015

Date for Review: 01/10/2016

Responsible Officer: Enterprise Risk Manager

1. POLICY STATEMENT

Berrigan Shire Council is committed to establishing a comprehensive document control and records management system to ensure that the operations and governance of Council are appropriately recorded, with those records readily available for retrieval as required.

The collection and retrieval of accurate information is vital in the defence of claims against Council, particularly in relation to public liability and professional indemnity claims.

2. PURPOSE

The purpose of this policy is to provide direction to Council staff on reporting and investigating incidents, gathering information surrounding the incident, and ensuring any information gathered is in a format that constitutes admissible evidence when defending claims in court.

3. SCOPE

This policy applies to all Council staff, including contractors and volunteers of Council.

4. OBJECTIVE

This policy is developed to assist the Council with:

Delivery Plan Objective 2.2.1:

Meet legislative requirements for Council elections, local government and integrated planning and reporting,

and Delivery Plan Objective 2.2.2:

Council operations support ethical, transparent and accountable corporate governance



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5. DEFINITIONS

Incident, as defined by Statewide Mutual, is “subordinate or accessory event; event occurrence; detached event attracting general attention; something that occurs casually in conjunction with something else”.

Council will be faced with various types of incidents, including complaints that may result in a claim against Council. These incidents are defined as follows:

Environmental Incident: Any incident involving an environmental spill at Council controlled facility or workplace;

Financial Incident: Any occurrence in fraud, misappropriation, major cost over-run, or failure in debtor, creditor and investment control systems;

Governance Incident: Any occurrence of failure in Code of Conduct; Fraud or misappropriation; Significant reputation loss; Project management failure; or Privacy Principles failure.

Incident Investigation: Formal internal investigation involving gathering or information and completion of investigation report.

Incident Review: This is an informal discussion with relevant parties about the incident which may or may not lead to a formal internal investigation.

Legislative Compliance Incidents: Any failure in legislative compliance;

Professional Indemnity Incidents: Loss or damaged suffered by a member of the public as a result of a determination, certificate issue, design or advice supplied by Council;

Property Incidents: Any loss or damage to fleet, equipment or property asset from actions of staff, volunteers, contractors, visitors or members of the public;

Public Liability Incidents:

- Injury, illness, loss or damage suffered by a member of the public as a result of actions or activities of Council staff, volunteers or contractors;
- Injury or illness to a member of the public at Council controlled facilities or infrastructure;

Work Health and Safety Incidents: Work-related injury or illness to Council employees, volunteers or contractors;



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6. POLICY IMPLEMENTATION

6.1 Document Control

Council will ensure that forms generated within Council, which require completion or data entry by Council staff are controlled and registered in accordance with document control procedures.

This is to ensure that the minimum requirements for court admissible documentation are met.

6.2 Records Management

Council shall keep all records required to demonstrate that obligations for responsible financial, human resource, health and safety, environmental and operational management have been met in accordance with the State Records Act 1998.

In accordance with documented procedures, Council shall ensure that all records are appropriately identified, stored, indexed, retained, protected and easily retrieved when required and are disposed of in a suitable manner when no longer required.

6.3 Data Storage

Council staff must ensure that data is stored in the appropriate place. Regular data backup occurs in line with Council procedures.

6.4 Email Management

With email the preferred method of communication, it is imperative that any internal or external email, created or received in the course of business at the Berrigan Shire Council is treated as a public record and is managed in accordance with the State Records Act 1998 and Council procedures.

6.5 Incident Notification

Incidents may be reported to Council using a variety of mechanisms. These may be through Council's Customer Complaint System, verbally received, or formally reported through correspondence, or in the case of workplace incidents, through Workplace Incident Notification.

6.6 Incident Investigation

Not all incidents will be investigated. All incidents however are reviewed and where assessed as necessary, are investigated.

Where a claim is deemed possible, all associated documentation is to be retrieved and included with the investigation report.

Workers Compensation claims will be co-ordinated by the Human Resource Officer in consultation with the StateCover Claims Manager.



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In relation to other third party claims, Council's insurer will be notified upon receipt or suggestion that a claim is to be made.

6.7 Records Retrieval

Depending upon the incident and the results of the investigation, external records such as weather reports, as well as internal records will be retrieved and reviewed, in accordance with Council procedures, to ensure they meet the minimum requirements for court admissibility.

6.8 Final Report

The Final Report will include the Investigation Report, all supporting information gathered and recommendations on rectification or improvements. The Final Report will be included as part of the claim file.

7. RELATED LEGISLATION, POLICIES AND STRATEGIES

1.1 Legislation

- *Civil Liability Act 2002*
- *Local Government Act 1993*
- *Local Government (General) Regulation 2005*
- *State Records Act 1998*
- *Government Information (Public Access) Act 2005*
- *Work Health and Safety Act 2011*
- *Privacy and Personal Information Protection Act 1998*

1.2 Council policies

- Berrigan Shire Council Risk Management Policy and Framework
- Communication Devices and the Internet Policy
- Privacy Management Plan
- Fraud Control Policy
- Work Health and Safety Policy
- Liability Management Policy