



INCIDENT MANAGEMENT POLICY & PROCEDURES

*Adopted By Council 9 December 2015, (Resolution No 2015/345)
Adopted By Council 14 October 2020, (Resolution No 2020/239)*

Introduction

Narrromine Shire Council will be faced with various types of incidents which may lead to injuries or property damage that may give rise to claims against Council.

It is essential that Council has a systematic process established which guides Council staff in responding to such incidents in a standardised, professional and co-ordinated manner.

Purpose

This policy provides guidance in the management of incidents and the provision of direct and acceptable evidence in the event of litigation.

Scope

This policy applies to all Council employees, Councillors, Contractors and Visitors.

Definition of an Incident

An incident is defined as "subordinate or accessory event; event, occurrence; detached event attracting general attention; something that occurs casually in conjunction with something else" - *Statewide Mutual*

Listed below are some examples of types of incidents or complaints that may result in a claim against Council:-

Types of Incidents

Work Health and Safety

- Work related injury or illness to Council employees, volunteers, contractors

Public Liability

- Traffic incident at council controlled road works
- Traffic incident on council controlled road network
- Injury or illness to member of the public at council controlled facility or infrastructure
- Injury, illness, loss or damage suffered by member of the public as a result of actions or activities of council staff, volunteers or contractors.

Professional Indemnity

- Loss or damage suffered by member of the public as a result of a Development Application determination
- Loss or damage suffered by member of the public as a result of issue of a Certificate
- Loss or damage suffered by member of the public as a result of technical design or advice supplied by council.

Property

- Any occurrence of a workplace emergency
- Any occurrence of implementation of the Business Continuity Plan
- Any failure of plant or equipment
- Any loss or damage to fleet, equipment or property asset from actions of staff, volunteers, contractors, visitors or members of the public.

Legislative Compliance

- Any failure in legislative compliance.

Environmental

- Any decision or action of Council which contributes to an environmental incident.

Financial

- Any occurrence of fraud or misappropriation
- Any occurrence of major cost over-run
- Any occurrence of failure in debtor, creditor and investment control systems.

Governance

- Any occurrence of failure in Code of Conduct
- Any occurrence of fraud or misappropriation
- Any occurrence of significant reputation loss
- Any occurrence of project management failure
- Any occurrence of Privacy Principles failure.

Types of Claims

Workers Compensation Claim – covering work related injury or illness suffered by Council staff.

Public Liability Claim – covering injury, illness, loss or damage suffered by a member of the public resulting from Council negligence, commission or omission.

Professional Indemnity Claim – covering injury, illness, loss or damage suffered by a member of the public resulting from Council negligence, commission or omission in technical advice or professional design or service delivery.

Property Claim – covering damage or loss to Council fleet, equipment or property assets.

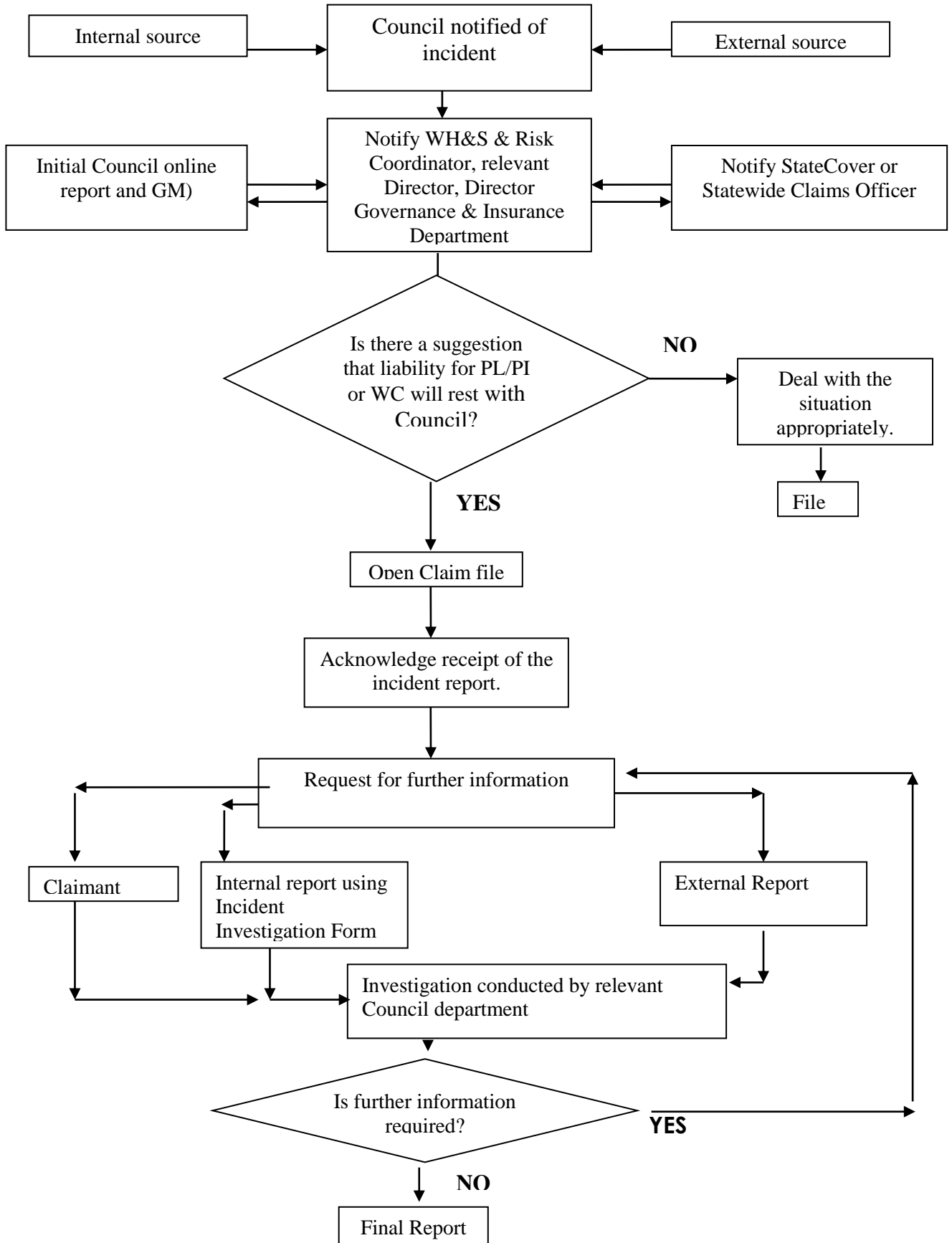
Incident Reporting and Investigations

All incidents (including near misses and identified potential hazards) must be reported within 24 hours using the online reporting forms.

Whether further investigation of an incident is required, will be determined by the WH&S and Risk Coordinator in consultation with the relevant Council Manager, using a process summarised in the following flow chart:

Note - the flow chart is not intended to define the total process in dealing with a report of an incident or complaint, irrespective of type, but rather it deals with the process of claims administration.

Incident Recording Flow Chart



Flow Chart Explanatory Notes

1. Incident Notification

Council can be notified about an incident or complaint by a variety of sources, both external and internal. The imperative is to record the incident or complaint into a system where the future processing and treatment actions can be traced.

2. Appropriate Officer

The WH&S & Risk Co-ordinator and Director Governance must be notified if the incident or complaint has the potential to result in a Public Liability or Professional Indemnity Claim. If the incident is related to staff Work Health and Safety, then the WHS and Risk Coordinator must be advised. If work related injury or illness has occurred the Executive Manager Human Resources will also become involved.

3. Claim or Liability

NO – Even if there appears to be no potential for a claim to arise in the future, all associated facts, records and documents should be collated and placed on file and stored indefinitely. If the incident involved a motor vehicle on a council controlled road within the LGA, the details stipulated in Statewide Mutual's Guidance Note Investigation of Road Incidents must be followed (see attached procedure for summary of information).

YES – Council must advise their relevant Claims Officer and Account Manager. All associated facts, statements, records and documents are to be collated and placed on a Claim File. If the incident involved a motor vehicle on a council controlled road within the LGA, the details stipulated in Statewide Mutual's Guidance Note Investigation of Road Incidents must be followed (see attached procedure for summary of information).

4. Investigations

Any investigations, Factual or Discovery Order compilation must be undertaken as required. Council may choose to inform their Legal Advisor, certain records of council may be subject to Legal Privilege. If legal privilege is exercised then strict record confidentiality must be maintained to preserve that privilege (refer to Statewide Mutual's Guidance Note - GIPA and Legal Professional Privilege for further information).

5. Reporting

Any reports compiled, either internally or externally are to be treated as confidential information and placed on the appropriate file and stored indefinitely.

It will be an advantage to Council if all related records are captured and stored electronically.

Incident Reporting and Investigations (Cont)

Where further information about an incident is required, the investigation will be conducted and reported using the standard "Incident Investigation" pro forma (see **Attachment 1**).

Any incidents involving a motor vehicle on a Council controlled road within the LGA must be reported on as per the attached procedures and in accordance with Statewide Mutual's Guidance Note - Investigation of Road Incidents.

Related Council Policies and Procedures

Document and Data Control Procedure

Legislative Requirements

Local Government Act 1993, section 739A

Requires Councils to retain, preserve and destroy its records in accordance with any approved standards.

State Records Act 1998

Privacy and Personal Information Protection Act 1988

Work Health and Safety Act 2011

Civil Liability Act 2002

Roads Act 1993

Prepared by:	Corporate and Community Services Department
Date Adopted:	First Adopted 16 March 2010, Second revision adopted 9 December 2015
Version No:	2.0
Review Date:	November 2019

PROCEDURES

Investigation of Road Incidents - Non-Roadwork Site

Definition

A road incident is defined as

"Any incident that occurs on a Council managed road or roadwork site that involves or potentially involves public person, or property" - *Statewide Mutual*

Scope

For any Council officers involved in road maintenance and construction activities, and staff involved in investigating road related incidents and collating records that may potentially be used as evidence in defence of a claim against Council.

Procedural Approach

1. Take photographs of the area and with each photograph note:
 - (a) date taken
 - (b) time taken
 - (c) by whom taken (not just a signature but name and position within Council at that time)
 - (d) a description of the location of the photograph (i.e. 100 m west of accident location etc)
 - (e) if the photograph is of something small, use something familiar alongside that object to gauge size by.

The photographs should start from a reasonable distance from the accident along the path which the vehicle travelled prior to the accident. Also, there should be some point of reference in each photograph e.g. a tree, a guidepost, traffic sign etc.

Photographs should attempt to show the environmental conditions present at the time of the incident, e.g. shadows, restrictions to visibility from trees, embankments etc, or if clear visibility to show this as best as possible.

Printed photographs should have written on the back:

- date they were taken
- description of the scene shown in it
- signed by the photographer, with printed name and position within Council.

All digital photographs or videos should be downloaded to a CD attached to this statements.

On (date) I attended (location) and took the photographs on the CD attached to this statement.

The photographer should set out his/her name, position and name of Council and sign the document.

Generally, the more photographs the better is the rule, especially if someone has been critically injured or killed.

2. Details of the road status (i.e. Council/RMS) and date of construction (if known) or date of transfer to Council (if relevant).
3. A statement confirming that Council is the maintenance authority (i.e. by itself or pursuant to some agreement by the RMS etc).
4. A recording of the prevailing weather details of the date of accident, and 24 hours preceding date of accident.
5. A detailed record of the traffic levels, including heavy vehicle movements and pedestrian movements (if known).
6. A note indicating the speed limit applicable at the location of the accident. This could be supported by a photograph of the nearest speed sign, including note on distance and direction of the sign(s) to the accident site.
7. Details of all inspection reports of the subject area for the 5 years prior to the date of the accident.
8. A listing of all records of complaints, minutes of any meetings discussing the road and its conditions etc for 5 years prior to the date of the accident.
9. A map marked with all traffic signals warning signs etc. in the vicinity of the incident and photographs of those if possible.
10. Plan of the accident area marked with skid marks, accident debris etc.
11. Police should be requested to provide copies of any statements or other information they have obtained. This is a legitimate request for the road authority to make given their stake hold in wanting to know how the accident occurred. Often these sort of requests are best made by Council's representative on the Traffic Advisory Committee to the police representative.
12. Statements should be taken from all relevant Council witnesses.
13. Details of any witnesses to the accident or names and addresses of the people who were on site immediately after the accident.
14. Photographs of the damaged vehicle (for any accident reconstruction required later).
15. Registration details of the vehicle or vehicles involved in the accident.
16. All information gathered needs to be created and securely stored in electronic format and managed for use as evidence.

PROCEDURES

Investigation of Road Incidents - Roadwork Site

Definition

A road incident is defined as

"Any incident that occurs on a Council managed road or roadwork site that involves or potentially involves public person, or property" - *Statewide Mutual*

Scope

For any Council officers involved in road maintenance and construction activities, and staff involved in investigating road related incidents and collating records that may potentially be used as evidence in defence of a claim against Council.

Procedural Approach

1. Take photographs of the area and with each photograph note:
 - (a) date taken
 - (b) time taken
 - (c) by whom taken (not just a signature but name and position within Council at that time)
 - (d) a description of the location of the photograph (i.e. 100 m west of accident location etc)
 - (e) if the photograph is of something small, use something familiar alongside that object to gauge size by.

The photographs should start from a reasonable distance from the accident along the path which the vehicle travelled prior to the accident. Also, there should be some point of reference in each photograph e.g. a tree, a guidepost, traffic sign etc.

Photographs should attempt to show the environmental conditions present at the time of the incident, e.g. shadows, restrictions to visibility from trees, embankments etc, or if clear visibility to show this as best as possible.

Printed photographs should have written on the back:

- date they were taken
- description of the scene shown in it
- signed by the photographer, with printed name and position within Council.

All digital photographs or videos should be downloaded to a CD attached to this statements.

On (date) I attended (location) and took the photographs on the CD attached to this statement.

The photographer should set out his/her name, position and name of Council and sign the document.

Generally, the more photographs the better is the rule, especially if someone has been critically injured or killed.

2. Copies of the traffic control plan, including details of the precise locations of any signs and other traffic control measures in relation to the incident site. Any alterations that had been made to the positioning of these traffic control measures over the course of the project should be recorded. Evidence of inspection of these traffic control measures is required.
3. Any photographs taken during the course of the road works.
4. All diaries and diary entries kept during the course of the road works.
5. Complete copies of the road works file.
6. Details of all contracts for the road works plus certificates of currency re insurance details.
7. Statements of all relevant Council Road Engineers, Director of Technical Services (or equivalent) and any other people who supervised the works, including the nature of their involvement in the day to day activities, etc.
8. Identify all Council employees on site at the time of the incident, or the staff working on the last shift prior to the incident, if incident is outside work hours.
9. Define/describe the nature of the work being carried out at the time of the incident.
10. Plan of the accident area marked with skid marks, accident debris etc.
11. Police should be requested to provide copies of any statements or other information they have obtained. This is a legitimate request for the road authority to make given their stake hold in wanting to know how the accident occurred. Often these sort of requests are best made by Council's representative on the Traffic Advisory Committee to the police representative.
12. Statements should be taken from all relevant Council witnesses.
13. Details of any witnesses to the accident or names and addresses of the people who were on site immediately after the accident.
14. Photographs of the damaged vehicle (for any accident reconstruction required later).
15. Registration details of the vehicle or vehicles involved in the accident.
16. All information gathered needs to be created and securely stored in electronic format and managed for use as evidence.

NARROMINE SHIRE COUNCIL INCIDENT INVESTIGATION FORM

To be used for any incident which may result in a third party public liability claim

Investigation Details

Investigating Officer Position in Council

Date of investigation Time of Investigation (24 hr)

Details of Injured/Involved Person

Full Name..... Address

Contact Number DOB

Gender Female Male

Incident/Accident Details

Date of Incident Time of Incident (24 hr)

Location where incident occurred

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Description of incident (attach photographs where possible)

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Diagram of incident (if possible) - include skid marks, accident debris etc

Description of scene (attach photographs where possible)

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Environmental conditions at time of incident (wind direction, wet/dry, light/dark, fog/clear, shadows, approaches, drains, verges, restrictions to visibility etc)

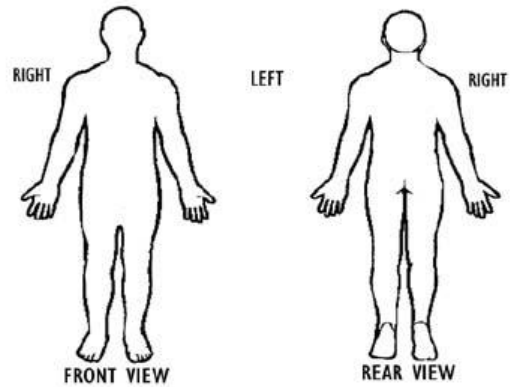
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Details of injury sustained (if applicable)

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Description of treatment given at scene of incident (if applicable)

First Aid Medical Treatment Hospitalisation

Police Report/Ambulance/Hospital Details (if applicable)

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Details of Council Property Involved (*attach photographs where possible*)

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Details of all vehicles involved (whether damaged or not) - include registration nos. *Attach photographs of damaged vehicles where possible*

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Witnesses (full names, addresses and contact nos)

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People on site immediately after incident (full names, addresses and contact nos)

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Council employees (working in the area at the time of the incident)

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(working on the last shift prior to the incident if the incident was outside work hours)

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Type of work undertaken by Council employees (at time of incident). *Attach photographs where possible. Attach copies of traffic control plans, including details of precise locations of any signs and other traffic control measures in relation to the incident site.*

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Signs Schedule (include any signs erected by other authorities). *Attach copy of Traffic Control Plan if relevant.*

Date of erection of signs

Date of last inspection

Attendance of appropriate authority (Name, region)

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Photographs

Photographs must note the date, time taken and by whom taken (include name and position within Council), description of location (e.g. 100m west of incident). If the photograph is of something small, use something familiar alongside that object to gauge size by. Photographs should start from a reasonable distance from the incident along the path which the vehicle travelled prior to the incident (if relevant). Include a reference point in each photograph e.g. a tree, a guidepost, traffic sign etc. Photographs should attempt to show the environmental conditions present i.e. shadows, restrictions to visibility from trees, embankments, drains, verges etc. See procedures for further information.

Photograph Schedule

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.
- 9.
- 10.

Measurements

Record all measurements as accurately as possible. These may include heights, lengths or widths of objects, obstructions, holes etc).

Causal Factors - events and conditions that contributed to the accident

