WARWICK DISTRICT COUNCIL

INTERNAL AUDIT REPORT

FROM: Audit and Risk Manager

TO: Head of Health and Community Protection
Safety Adviser

C.C. Chief Executive
Deputy Chief Executive (AJ)
Head of Finance

SUBJECT: Corporate Health and Safety

DATE: 21 November 2013

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1. **Introduction**

1.1. In accordance with the Audit Plan for 2013/14, an examination of the above subject area has been completed recently and this report is intended to present the findings and conclusions for information and action where appropriate.

1.2. Wherever possible, results obtained have been discussed with the staff involved in the various procedures examined and their views are incorporated, where appropriate, in any recommendations made. My thanks are extended to all concerned for the help and co-operation received during the audit.

2. **Scope and Objectives of Audit**

2.1. The purpose of the audit examination was to report a level of assurance on the adequacy of corporate systems in place to meet the Council's statutory obligations on health and safety as employer and provider of services and facilities to customers and the public.

2.2 The examination comprised an evidential risk-based evaluation against the CIPFA systems audit model covering the following areas:

§ policies and procedures
§ awareness
§ risk identification
§ managing risk
§ training
§ accidents and incidents
§ monitoring and reporting
§ security of data.

2.3 The audit process comprised:

§ ascertain as appropriate the implementation status of the recommendations from the previous audit (November 2009)

§ review and update the internal control questionnaire per the CIPFA model;

§ undertake programme of compliance tests per the corporate controls section of the CIPFA model.

2.4 The findings are based on consultations and discussions with key staff contacts and examination of relevant documentation and records. The principal contact for the audit was Alan Richardson, Safety Adviser.

3 Findings

3.1 Background

3.1.1 The Health and Safety at Work etc Act 1974 is the primary piece of legislation covering occupational health and safety in the United Kingdom.

3.1.2 Under this Act, the Council has statutory duties that include ensuring a safe working environment without undue risks to health and ensuring that staff and Members are given appropriate information and training.

3.1.3 This entails having a coherent and high profile management system in place that establishes clear accountabilities and actively promotes good practice in preventative controls, response to incidents and performance assessment. The Health and Safety Executive (HSE) provides extensive guidance on all aspects of managing health and safety.

3.1.4 While the legislative element is primarily focused on employees, the Council's management system is also governed by policy aims to protect the public from exposure to health and safety risks arising from its activities and those of its employees and Members acting in its behalf.

3.2. Recommendations from Previous Audit

3.2.1 The current position in respect of the recommendations from the audit reported in November 2009:

Recommendation	Management Response	Current Status
Ensure that all links on the Health and Safety intranet site point to current documentation. *(Low risk)*	Document links to be reviewed and updated where necessary.	Re-reviewed – considered under 3.4 below.
Staff should be advised to ensure that they use the latest version of the accident reporting forms to ensure consistency in the level of detail received. *(Medium risk)*	A reminder will be given at the next Safety Reps meeting and a message will be displayed on the intranet.	No issue in evidence. Clear up-to-date Intranet links to correct form. Use of a varied form for leisure centres has been agreed.

Recommendation	Management Response	Current Status
Ensure that accident reports are completed and returned in all relevant instances. *(Low risk)*	A reminder will be given at the next Safety Reps meeting and a message will be displayed on the intranet.	No issues in evidence from recent cases.
Consider publicising the inclusion of the annual report on the WDC website homepage and relocation of the report to a more suitable page within the site. *(Low risk)*	The WDC website is currently undergoing improvements, so relocation is not possible at present. However, this issue will be reviewed once the new website is operational.	On consideration following website improvements, it was decided to continue to publish the report on the Strategies and Policies page.
Ensure that all staff can use the Suggestions link on the health and safety area of the intranet. *(Low risk)*	ICT to be contacted to ensure link is available to all.	Again found not to work – it was advised that this will be replaced by an on-line form to feed into the APP Civica system request for service module which is used to manage workflows on responsive actions.
Service areas should be reminded of the need to send representatives to the meetings. *(Low risk)*	Reminder given in SMT Update.	Attendance was reported as patchy, although disruptive effects of restructures must be considered a factor. Minutes from representatives' meetings are circulated to the Corporate Management Team and Service Area Managers.

3.3   Policies and Procedures

3.3.1   A long document entitled Health and Safety Policy pulls together a core policy statement, codes of practice and procedures. The Policy was last reviewed and re-launched in 2011 (in accordance with a commitment to major review every three years). The core policy statement dates from 2008 when it was approved by Employment Committee and signed off by the Chief Executive.

3.3.2   Tests against the CIPFA criteria indicate that the Policy and related procedures and guidance are clear and comprehensive in demonstration of commitment, scope and appropriate hierarchical structure of roles and responsibilities.

3.3.3   The officers in the role of statutory 'Competent Person' and specialist advisor respectively are unchanged from the previous audit in which compliance with qualification requirements was established.

3.3.4   It is assumed for the purpose of this evaluation that requirements for continuing professional development are addressed under the corporate Performance Appraisal and Competency Scheme processes.

3.4   Awareness

3.4.1   Following the review in 2011, the Service Area Managers were required to sign and submit a form to the Safety Adviser confirming that the changes had been communicated to all staff within their remit. Sample testing confirmed compliance, though with delays of several months in some instances. That this is a far from ideal awareness mechanism has already been recognised by management and steps are being taken to implement a software-driven policy awareness solution to capture a range of corporate policies that will include Health and Safety.

3.4.2   The Council's Intranet is the primary tool for maintaining general health and safety awareness, through a combination of periodic announcements and a fairly prominent link from the home page to a self-contained Health and Safety information site. This houses a copy of the Policy along with a number of supplementary procedural, guidance, generic risk assessment, and training documents. There are also links to HSE resources for further guidance on specific areas.

3.4.3   The site comes across as generally comprehensive and well structured, subject to a few outdated resources and links which have been reported to the Safety Adviser for remedial action. Where there are staff or other interested parties without access to the Intranet, it would be the responsibility of the applicable service managers to ensure that these are made fully aware of the policies and procedures as they affect them.

3.4.4   Similarly, it is the responsibility of the Service Area Managers to ensure that any contractors working in their service area are made aware of the relevant sections of the policy, which includes an induction process for non-WDC staff.

3.4.5   Provisions on contract letting contained in the Policy place the onus on the person managing the letting process in each case to ensure that tenderers are required to demonstrate a safe system of work. Investigation into a recent case of unsafe site practice in Kenilworth indicated that this was an area being neglected (subsequently addressed by a special training initiative).

3.4.6   Some elements of the above provisions were found to be out of step with current procurement methodologies. These did not detract significantly from the key requirements and have been raised with the Safety Adviser for updating in the next review.

3.5   Risk Identification

3.5.1   Under the Policy, Service Area Managers have prime responsibility performing of risk assessments while that of the Safety Adviser and Employee Safety Representatives is to monitor adherence and follow up on their completion. Risk assessment procedures are accessible from the Intranet resource.

3.5.2   Risk assessments are recorded on a web-based system called AssessNet, to which only a core of trained staff have access to input them. The Policy provides that the registers should be reviewed in order to pick up on changes in processes. The AssessNet system automatically triggers alerts when reviews are due based on diarisation of review dates.

3.5.3   The Code of Procurement Practice establishes the requirement of a health and safety policy as standard under the evaluation criteria for tendering, and for contract document to clearly specify the Council's expectations on compliance. Some provisions have also been published on the 'Business Procurement' page of Council's website including a potential requirement to provide risk assessments, method statement, etc.

3.6   Managing Risk

3.6.1   This section of the test programme seeks to establish that adequate policies and procedures covering (as applicable), general/special responsibilities, risk assessment/review, special training needs, working practices, aids and helpful resources are in place in respect of:

§ ensuring safe systems of work;
§ insurance cover
§ fire and bomb threats
§ first aid
§ display screen equipment users
§ driving for work
§ hazardous substances
§ asbestos
§ noise
§ conflict and aggression.

3.6.2   The evidence obtained established that appropriate policies and procedures are in place to ensure safe systems of work and manage risks effectively in all but two of the specific areas above. The issues to emerge related to:

§ driving for work;
§ asbestos.

3.6.3   The risks arising from employees not holding car insurance that covers business use has been raised several times in the past. Previous recommendations to consider checks on insurance certificates and driving licenses were not adopted, although it had been agreed that Human Resources would check insurance documentation for relevant new starters.

3.6.4   On further enquiry it was established that only new starters classed as essential users were covered and this became irrelevant following a decision not to place any further new starters on essential car user allowance on commencement (these would have to apply for essential car user allowance after such time that they could demonstrate that their annual was above the prescribed threshold).

3.6.5   Notices on payslips were used periodically to remind employees of the requirement for insurance that covers business use, although these were barely visible footnotes and there has been no reminder notice since May 2012. It is noted that highly prominent promotional material now appears regularly on the reverse of payslips and this approach could be deployed for prominent employee reminders.

3.6.6   The Code of Practice 'Driving for Work' sets out respective responsibilities of employees and their line managers. Interestingly, this section provides that the Council "will conduct annual sample checks on relevant documents and staff are required to co-operate" (the relevant documents are defined as Driving Licence, MOT Certificate and insurance policy showing business use cover). Although it has not been confirmed directly with Service Areas, the indications from discussions and evidence seen are that this has not been implementation of this has been patchy at best.

3.6.7   Management is asked to consider a risk-based approach to enforcing employee compliance on safe driving while on Council business to include reintroducing periodic reminders on payslips (this time with prominent articles inserted) and physical checks on the above 'relevant documents'. These could be targeted towards those claiming mileage allowances above pre-defined thresholds who can be identified from information available to Human Resources.

__Risk__
__The Council may be held liable for death or injury to third parties from failure to demonstrate adequate enforcement of its policy provisions in the event of traffic accidents involving members of staff driving on Council business.__

__Recommendations__

(1)   Periodic payslip reminders to employees on the requirement to hold car insurance with business travel cover should be reintroduced and made suitably prominent.

(2)   In accordance with the Health and Safety Policy Section 5.10 Paragraph 4.5, individual checks on employees' driving licence, MOT and insurance documentation should be instituted with particular emphasis on those claiming high mileage amounts.

3.6.8   Concerns were voiced during the audit over the Council's current capacity to deal with asbestos hazards. This report can only note the observation on an advisory basis as the circumstances around the appointment of the former Asbestos Manager and working practices during the appointee's tenure are subject to separate investigation at the time of this report.

3.7   <u>Training</u>

3.7.1   The CIPFA test programme assumes that health and safety features specifically at corporate level in job descriptions and the appraisal process, which is clearly not the case at Warwick District Council. It is recognised that the extent of health and safety related skills needs will vary widely from employee to employee according various factors including working environment, management level, specialist responsibilities and extent of public contact to name but a few.

3.7.2   It is assumed for the purpose of this evaluation that ongoing health and safety training needs are addressed on an individual bases as applicable under the corporate Performance Appraisal and Competency Scheme processes.

3.7.3   Health and safety has long been a key area covered in mandatory induction training for new employees. Ongoing discretionary training is available on general health and safety matters and more specific areas (e.g. lone working) under the corporate Learning and Development Programme.

3.7.4   There is no evidence of arrangements in place for health and safety training targeted at councillors appointed to the Employment Committee which is the effective decision-making body on occupational health and safety policy. The previous audit review have noted general health and safety provisions were incorporated into induction training for new Members following District elections and a safety information pack compiled by the Safety Adviser had been circulated.

3.7.5   It was advised, however, that arrangements for Members' induction sessions in the wake of the 2011 elections were abandoned and it is not clear whether the safety information pack was issued this time. It is noted also that Members' training has been identified as an issue in the Annual Governance Statement, to be addressed by skills gap analysis and tailoring of training to identified needs. The latest position statement points to preparation commencing in 2014 to implement following the 2015 elections.

Risks
(1) Members may be put themselves and others at undue personal risk through lack of awareness of the Council's health and safety provisions.

(2) Members of the Employment Committee may have insufficient understanding of health and safety matters to make duly informed decisions on policy.

Recommendation
Consultations should be instituted with a view to factoring health and safety matters into general Member training and to identify and address any specialist needs for Employment Committee as part of the programme to be implemented for the new Council in 2015.

3.8   Accidents and Incidents

3.8.1   All accidents or 'near misses' that take place on Council premises should be promptly recorded in a local accident book and reported, using the standard accident reporting form, to the Safety Adviser with the Insurance Officer copied in.

3.8.2   The Intranet resource provides clear links to the requisite form, as well as the on-line form for informing the HSE where required under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR).

3.8.3   Instructions on the accident form require managers to report on the incident and to highlight any of each incidents are created in the APP Civica Request system thereby creating a workflow for follow-up by the Safety Adviser. The form and all other related documentation are scanned and linked to the APP Civica record and the trail of actions recorded up to closure.

3.8.4   While detailed compliance testing was not performed on the process, the indications from a profile log of occurrences and review of a small number of recent cases are that the procedures are effective and adhered to. It is noted that incidents involving staff are few in number (around five each year) and major absences arising highly exceptional. Incidents involving contractors appear to be rarer still. Incoming reports to the Insurance Officer are dominated (not unexpectedly) by incidents involving users of the Council's sports and leisure facilities.

3.9   Monitoring and Reporting

3.9.1   The responsibility for monitoring the Council's compliance with health and safety legislation, standards, etc. is vested in the Safety Adviser. Contact details for the Safety Adviser and Safety Representatives are accessible via the Intranet resource through which health and safety issues can be reported confidentially if required.

3.9.2   Incidents are reviewed at meetings of the Safety Representatives and reported to meetings of the Joint Communication Forum and Members/ Trades Unions Joint Consultation and Safety Panel.

3.9.3   An annual Health and Safety Report is submitted to the Members/ Trades Unions Joint Consultation and Safety Panel, Senior Management Team and ultimately to Employment Committee seeking approval for general release. The report is then published on the Intranet resource and the website (Strategies and Policies page).

3.9.4   Release of the report tends to be five to six months after the end of the period to which it relates. This in itself is probably not an issue given that any serious occurrences during the period will already have been reported separately.

3.9.5   There is some question as to suitability of the report structure which comes over as somewhat disjointed. The issue seems to lie in:

§ a lack of clarity in the actual purpose of the report;

§ structuring with headings taken directly from a flow diagram representation of the building blocks of an effective management system defined by the HSE in their guidance 'Successful health and safety management' (HSG65);

§ some content slotted in under 'building block' headings with which they bear little relation when compared with HSG65 definitions;

§ goals from which to measure performance not defined.

3.9.6   It is noted that that HSG65 is undergoing change by the HSE. In the auditor's view, the primary purpose of the annual report should be to relay the outcomes of a self-assessment of the effectiveness of the health and safety management system and the HSG65 'building blocks' list does not make for a suitable structure for a report produced for such a purpose.

3.9.7   An 'effectiveness' report is primarily concerned with performance based on outcomes against pre-defined goals.

3.9.8   ***Risk***
Annual reporting is not informing management judgements on the effectiveness of the health and safety management system.

Recommendation
The format of the annual report should be reviewed with consideration given to emphasising the effectiveness of the management system based on performance against clear goals.

3.10   Security of Data

3.10.1   Three key databases support the health and safety management system:

§ APP Civica Requests for Service
§ AssessNet (risk assessments)
§ Staff Alert List

3.10.2   APP Civica is subject to audit separate review as major Council business application. AssessNet is a cloud system with the database externally hosted while the Staff Alert list is internally hosted.

3.10.3   From brief examination, it was established that the AssessNet system and Staff Alert List have appropriate access restrictions in compliance with legislation and corporate policies. Both databases are subject to an ongoing update and review process to ensure that no personal data is held longer than needed.

4   CONCLUSIONS

4.1   Examination against the CIPFA model has demonstrated a robust corporate framework in place for managing health and safety and the findings are seen as giving SUBSTANTIAL overall assurance that the applicable risks are managed effectively.

4.2   The above conclusion takes due account of issues that have arisen. These are summarised below:

§   question over whether enough is being done to enforce provisions of the Driving for Work protocol in relation to driver qualification, vehicle condition and insurance cover;

§   Member training (including Employment Committee);

§   form of annual reporting.

5   MANAGEMENT ACTION

5.1   Recommendations to address the above issues are reproduced in the appended Action Plan for management response.

Richard Barr
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