



Internal Audit Report

Chief Executive's Department

Review of Health & Safety

March 2009

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1 INTRODUCTION

1. BACKGROUND

- 1.1 This report has been prepared as a result of the Internal Audit review of Health & Safety as part of the 2008/09 Internal Audit programme.
- 1.2 Both the Health & Safety at Work Act 1974 and the Management of Health & Safety at Work Regulations 1999 (as amended) place duties on Argyll & Bute Council to ensure as far as it is reasonably practicable, the health and safety of their employees at work.
- 1.3 The Health & Safety (Offences) Act 2008 received Royal Assent on 16 October 2008 bringing in tougher penalties for breaching health and safety regulations.
- 1.4 The Health & Safety Commission ('HSC') merged with the Health & Safety Executive ('HSE') on 1 April 2008 to form a single national regulatory body responsible for promoting the cause of better health and safety at work. All the fundamental content of the Health & Safety at Work Act 1974 remain under the control of the new HSE.

2 AUDIT SCOPE AND OBJECTIVES

- 2.1 The broad objectives of the review were to confirm compliance with Health & Safety legislation and test check that the Corporate Health & Safety Policy is being adequately addressed.
- 2.2 The following approach was used to satisfy the objectives of the audit:
 - Ascertain the Council's framework for implementing and communicating the Corporate Health & Safety policy
 - Ascertain corporate Health & Safety risk management procedures, including procedures for dealing with legislative change
 - Review procedures for the preparation of the Corporate Health & Safety Plan 2008/2011, including approval and monitoring arrangements
 - Review approval of Departmental Health & Safety Action Plans in accordance with overall Corporate objectives, and test check their implementation
 - Review the Health & Safety section audit procedures and test check the implementation of recommendations within their Action Plans

- Test check the implementation of specific Health & Safety policies, to include a review of Audiometric testing, Fire Risk Assessments and Asbestos Assessments in Council premises and properties.

3 RISK ASSESSMENT

As part of the audit process and in conjunction with our Risk Based Auditing approach, the risk register was reviewed to identify any areas that needed to be included within the audit.

Development Services have identified the risk of 'Failure to comply with H&S Legislation, resulting in possible prosecutions, injury, loss of life, loss of staff resources and damage to reputation.' This risk is initially assessed as high but reduced to medium on the strength of the controls in place.

At the time of our audit this risk was not included in the corporate risk register as a strategic risk, or within the other departmental risk registers. We understand that an exercise is currently in progress to review and update the strategic and operational risk registers and our comments may be overtaken by this review. The points are discussed further in the detailed report.

4 CORPORATE GOVERNANCE

The Council has a well defined Corporate Policy on Health & Safety and this is supported by underlying policies on specific legislative requirements. These policies are regularly reviewed and have all been recently reviewed and updated.

The corporate governance issues identified relate to being able to readily access H&S policy documents, and the failure to fully comply with the specific legislative requirements for fire risk assessments.

5 MAIN FINDINGS

- 5.1 The statutory framework enforcing Health & Safety requirements is not clearly addressed within the Corporate Risk Register .
- 5.2 Accessibility to Health & Safety policies could be improved.
- 5.3 Failure to fully comply with Health & Safety regulations in respect of Fire Risk Assessments could result in further closure of premises by the fire service, a possible fine from the HSE, loss of insurance cover, increased insurance premiums and damage to the Corporate image of the Council.

- 5.4 There is a potential risk of claims arising from asbestos over an extended period, although from the Council's experience to date the risk is relatively low.

6 RECOMMENDATIONS

Ten recommendations were identified as a result of the audit, two high, four medium and four low. The recommendations are shown in the action plan below.

7 AUDIT OPINION

Based on the findings we can conclude that the Council has a well defined structure for addressing Health & Safety issues (see Appendix 2), which ensures that appropriate policies are developed in respect of all new legislation. However, the statutory requirements of the Health & Safety legislation are not fully reflected within the Council's corporate risk register and the legal requirements for property Fire Risk Assessments have not been fully addressed.

Recommendations arising from the audit work should be implemented by the nominated responsible officer within the agreed timescale. Recommendations not implemented will require explanation to the Audit Committee. This could lead to findings being reported in the Internal Control Statement produced by the Council in support of the Annual Accounts.

8 ACKNOWLEDGEMENTS

Thanks are due to the Health & Safety Manager and his staff for their co-operation and assistance during the Audit and the preparation of the report and action plan.

Argyll & Bute Council's Internal Audit section has prepared this report. Our work was limited to the objectives in section 2. We cannot be held responsible or liable if information material to our task was withheld or concealed from us, or misrepresented to us.

This report is private and confidential for the Council's information only and is solely for use in the provision of an internal audit service to the Council. The report is not to be copied, quoted or referred to, in whole or in part, without prior written consent.

APPENDIX 2 ACTION PLAN

No.	FINDINGS	PRIORITY	RECOMMENDATION	RESPONSIBLE OFFICER	IMPLEMENTATION DATE
1	The statutory framework enforcing Health & Safety requirements is not clearly addressed within the Corporate Risk Register	<i>High</i>	Appropriate assessment of the corporate/departmental risk of non compliance with Health & Safety legislation should be agreed with the Risk Management Group	Governance & Risk Manager	February 2009
2	The Council has a well defined Corporate Policy on Health & Safety, supported by underlying policies on specific legislative requirements. The documents are available both on public folders and on the Argyll & Bute Council website but locating the documents is problematic unless you know in advance where to look.	<i>Medium</i>	Consideration should be given to improving the accessibility of the Health & Safety policies. In particular, the policies should be accessible on the internet from the Health and Safety page, which can be accessed from the alphabetic index.	Head of Strategic HR	February 2009

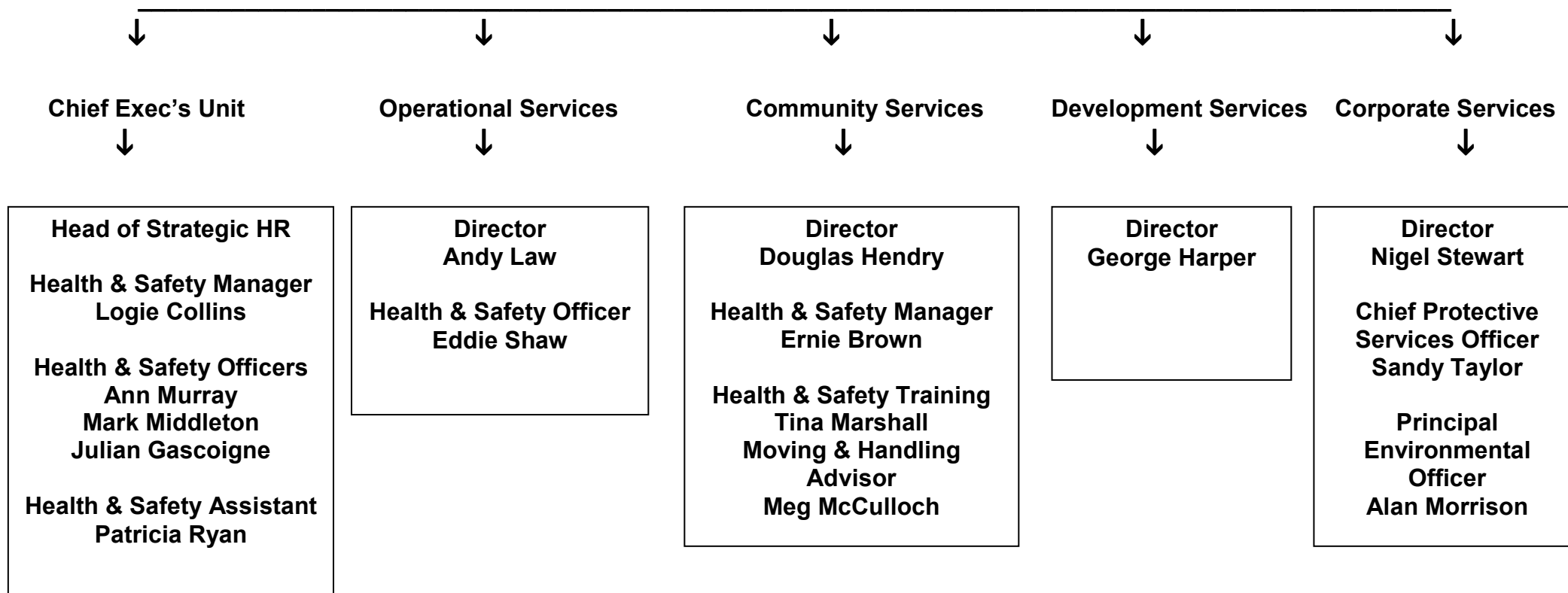
No.	FINDINGS	PRIORITY	RECOMMENDATION	RESPONSIBLE OFFICER	IMPLEMENTATION DATE
3	<p>The Personnel Services – Health & Safety Report 2007/08 noted that ‘previous advice that the Fire Risk Assessments are a requirement has not been fully addressed by the Council.’ It further identifies that, ‘in many of the premises visited over the past four years, many of the items identified for action in the initial assessments are found to be unaddressed when revisited.’ The SMT considered this report in November 2007 and recognised that no process was in place that ensured that Property Services and Community Services, who have asset management responsibilities for Council buildings, were provided with the outcomes of the Fire Risk Assessments and relevant action points which would require to be addressed through property capital or maintenance works.</p>	<p><i>High</i></p>	<p>We are concerned that this failure to comply with H&S regulations could result in further closure of premises by the fire service, a possible fine from the HSE, loss of insurance cover for certain premises, increased insurance premiums and damage to the corporate image of the Council.</p> <p>The lack of progress in dealing with the necessary work identified by the existing Fire Risk Assessments should be reported to the SMT with the recommendation that the Head of Facility Services be given the lead to undertake a review of Fire Risk Assessments. The review will identify, prioritise and cost any outstanding capital & revenue property requirements. The review will be undertaken by Property Services and Health & Safety staff with support from Community Services as required.</p>	<p>Director of Operational Services</p>	<p>31 March 2009</p>

No.	FINDINGS	PRIORITY	RECOMMENDATION	RESPONSIBLE OFFICER	IMPLEMENTATION DATE
4.	For new staff it is a requirement of the policy that a baseline be established with an audiometric test within a month of commencement.	<i>Medium</i>	Departmental management to check that Health & Safety are notified of all relevant new staff and thereafter monitor to ensure that all new staff are tested within a month of commencement.	Training and Health & Safety Manager (Comm. Services) Head of Roads and Amenity Services and Facility Services	With effect from 01/01/09
6	We understand that a few claims may have been made against the Council arising from hearing loss, but the outcomes of these claims are not known by H&S Section.	<i>Medium</i>	Legal Services should establish a procedure to notify the outcome of any claims arising	Head of Legal & Protective Services	With effect from 31/03/09
7	The timescale for asbestos claims coming to light may be up to twenty years.	<i>Medium</i>	Documentation relating to contracted work on asbestos should be retained for the lifetime of the premises by amending the Asbestos Procedure to state document retention for 20 year period following completion of any form of asbestos treatment.	Head of Facility Services	01/01/09

APPENDIX 2

**ARGYLL & BUTE COUNCIL
CORPORATE HEALTH & SAFETY**

**CHIEF EXECUTIVE
Sally Reid**



In addition, the Departments are supported by 54 employees who hold the National Examination Board on Occupational Safety & Health General Certificate.