

## **Internal Audit reports identifying significant risk or 'of concern':**

### **CORPORATE MANSLAUGHTER**

#### **AUDIT COMMITTEE**

Date: 21<sup>st</sup> September 2010

**Author: Head of Internal Audit**

**Wards Affected: None**

#### **Purpose**

Members requested that at least one individual audit report be presented to each meeting of the Committee. This report should be one that has been classified as being of 'significant risk' or 'of concern', if one had been issued since the previous meeting of the Committee. If not, then a report would be selected in liaison with the Chair of the Audit Committee.

The Chair of the Audit Committee requested that the Internal Audit report on Corporate Manslaughter be presented to the committee.

#### **Recommendation**

- It is recommended that the contents of the report be noted.

## **1 Reasons**

- 1.1 The Council's Audit Committee has a strategic role to ensure that the Council's assurance framework is operating effectively. To this end it should seek assurance that key areas that contribute to this framework are operating properly.
- 1.2 Internal Audit's terms of reference require that at least one individual audit report be submitted to each meeting of the Committee.
- 1.3 The Chair of the Audit Committee requested that the Internal Audit report on Corporate Manslaughter be presented to the June meeting of the Audit Committee. However, due to staffing issues this was postponed to the September meeting.

## **2 Detail**

- 2.1 A copy of the report following the internal audit review of the mitigating controls in place to prevent a case of Corporate Manslaughter is attached as Appendix 1. The report was finalised on 14<sup>th</sup> May 2010 and an overall risk assessment of 'Of Concern' was given. The initial management response is also included in this report.
- 2.2 Key recommendations made in the report to achieve the improvements required include:

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- Operations Board, Corporate Board and the Chief Executive must ensure that urgent action is taken to ensure that there is an effective framework and escalation process to improve the operation and consistency of health and safety management controls within the organisation. This is to ensure sharing of Health and Safety best practice and uniformity of implementation.
- Governance arrangements for groups within the reporting structure with Health and Safety roles and responsibilities must be reviewed to ensure effective communication and escalation processes.
- The Corporate Health and Safety Strategy and Policy must be updated and include the key controls identified in the Corporate Manslaughter Act. This should also reflect organisation changes in the Council and involvement of significant partners. An agreed project plan with RAG indicators should be put in place to underpin delivery of the strategy with regular progress reports to Operations Board and Corporate Board for action where necessary.
- A Health and Safety risk, relating to Corporate Manslaughter is recorded on the Corporate Risk Register, but monitoring of the supporting departmental and service related action plans is not considered effective for mitigation.
- The 2003 Health and Safety Strategy require all service areas and departments to include health and safety risks on their risk registers. This information should be forwarded to the Health, Safety and Wellbeing Team on a regular basis for prioritisation and work planning. This will enable the Health and Safety risks faced by the Council to be quantified and will inform both the compliance work, training and actions required in the Health and Safety Strategy project plan.
- Health and Safety risks identified through risk registers should be co-ordinated to form a matrix of health and safety risks around which planning for mitigating actions can take place and responsibilities for actions can be allocated. Using the RAG (Red, Amber, Green) status to highlight the risks will enable officers and members at the different levels of the revised communication / escalation structure to monitor progress and ensure action is taken where required.

- 2.3 The Head of Health, Safety and Wellbeing has also provided a summary (see Appendix 2) of progress since the issue of the Internal Audit report. A point-by-point update of progress in implementing each of the recommendations is also provided (see Appendix 3) as well as a Health, Safety and Wellbeing action plan (see Appendix 4) that details the main objectives and associated risks.

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- 2.4 The audit report, management responses and updates on progress are submitted for Members consideration.
- 2.5 The Head of Health, Safety and Wellbeing and the Head of Human Resources and Talent will be attending the meeting to answer any questions.

#### **Alternative Options**

Not Applicable

#### **Risk Management**

##### *Financial and Procurement Implications*

There are no direct financial implications arising from this report however the detailed audit report addresses the suitability of internal controls within the systems examined.

##### *Legal/Human Rights Implications*

Internal Audit is a statutory requirement of the Accounts and Audit Regulations 2006. The Internal Audit service also provides assurance to the Director of Finance regarding the requirements of Section 151 of the Local Government Act 1972.

##### *Links to Corporate Plans and Policies (in particular to Swindon 2010 Promises)*

Effective systems of internal control within the Council will help to ensure that the objectives set out in the Corporate Plan and Swindon 2010 are achieved.

#### **Consultees**

The Director of Finance (Section 151 Officer) and the Director of Law and Democratic Services (Monitoring Officer) are consulted on all reports.

Various other officers – as listed in the attached audit report (see Appendix 1)

#### **Appendices / Background papers**

Appendix 1 – Internal Audit Report: Corporate Manslaughter

Appendix 2 – Summary of Progress since the issue of the Internal Audit report

Appendix 3 – Update on individual Internal Audit recommendations

Appendix 4 – Swindon Borough Council Health, Safety and Wellbeing Action Plan

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**Key Decision/Decision in Forward Plan**

Not Applicable