

INTERNAL AUDIT FOLLOW UP FORM

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| AUDIT | Corporate Manslaughter | PREPARED BY | Karl Read | DATE | 13 July 2010 |
| REPORT DATED | 14/05/2010 | REVIEWED BY | | PAGE | 1 OF 9 |

| NO | RECOMMENDATIONS | RESPONSIBLE OFFICER | DATE TO BE ACTIONED BY | CURRENT STATUS | MANAGEMENT RESPONSE | CURRENT COMMENTS |
|----------|---|---------------------|------------------------|----------------|--|--|
| 1 | Corporate culpability for Health and Safety resulting in a Corporate Manslaughter Act prosecution | | | | | |
| 1.1 | <p>The Health and Safety Strategy and project implementation plan must be reviewed and updated at least annually to ensure it is relevant and accurate. This document should be updated on the Council's intranet site. The strategy should ensure that mitigating actions are monitored and escalated when not implemented to reduce any health and safety risks that could affect delivery of the corporate objectives.</p> <p>Actions to limit the impact of a Corporate Manslaughter case should also be included and these should be prioritised and linked to future action plans for the Health, Safety and Wellbeing Team. Operations Board should independently review the updated Strategy prior to it being passed to Corporate Board for formal approval as part of the wider Human Resources and Change Strategy.</p> <p>Priority: High</p> | Head of HR | June 2010 | 2 | <p>Accepted. Strategy document development underway and will form part of the HR and Change strategy which will be endorsed by Corporate Board.</p> <p>Operations Board HSW review session scheduled for July 2010. This is the quarterly update to Ops Board.</p> <p>Chief Executive's Staff Officer has scheduled a slot to present the Roles and Responsibilities document in early June as this is the first available slot. The agenda is already full for May.</p> | SBC Health, Safety and Wellbeing Action Plan based on HSE management standards has been agreed by Operations Board and will be subject to scheduled review. This details the organisational approach to managing health and safety including allocated roles and responsibilities, actions required and arrangements for monitoring and review |

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| 1 | Corporate culpability for Health and Safety resulting in a Corporate Manslaughter Act prosecution | | | | | |
| 1.2 | <p>The Annual Corporate Health and Safety Plan should be implemented for 2010/11 as detailed in the Corporate Health and Safety Strategy. This would provide a service-planning framework that would help to ensure continual improvement by embedding protocols around policy, planning, implementation and operation.</p> <p>The plan should include what checking / monitoring will be undertaken. Also, where corrective action is required, the plan should detail how this will be implemented, monitored and escalated where necessary.</p> <p>Priority: High</p> | Head of HR | June 2010 | 1 | <p>Annual Health and Safety workplan will be finalised following Corporate Board steer in April 2010 and subject to formal review</p> <p>The annual HSW plan will detail the organisational approach to managing HSW risks, rather than being a specific workplan for the HSW team.</p> | See above. Health, Safety and Wellbeing plan developed and endorsed by Operations Board. |

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| 1 | Corporate culpability for Health and Safety resulting in a Corporate Manslaughter Act prosecution | | | | | |
| 1.3 | <p>The Corporate Health, Safety and Wellbeing Policy must be reviewed at least annually or earlier if necessary and amended to include the following:</p> <ul style="list-style-type: none"> Details of the possible consequences should the organisation be found to be failing it's employees in terms of Health and Safety. The Sentencing Guidelines Council has produced a definitive guide on the consequences of a Corporate Manslaughter prosecution included in Appendix B for information. Responsibilities at the various staff and management levels of the organisation should be linked to the communication / escalation structure. <p>Compliance with this Policy will ensure that in the event of a Corporate Manslaughter investigation, a management trail can be provided to show that reasonable steps have been taken to address Health and Safety issues.</p> <p>Priority: High</p> | <p>Head of HR</p> <p>Chief Executive and Group Directors,</p> | July 2010 | 2 | <p>Accepted. Benchmarking relating to this has commenced. Target date for completion of this review which will need to include consultation with key stakeholders and trade unions, including endorsement by Operations Board will be July 2010.</p> <p>The document will be signed by the Chief Executive, Group Directors and key partners.</p> | The revised HSW policy has been developed and endorsed by Operations Board. Trade Unions have been consulted and we now await formal cabinet approval. |

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| 1 | Corporate culpability for Health and Safety resulting in a Corporate Manslaughter Act prosecution | | | | | |
| 1.4 | <p>In accordance with strategy, representation at Health, Safety and Wellbeing Board meetings should be required or a deputy nominated to attend. Where meetings do not take place, this should be escalated to the next tier on the escalation/communication structure for action where necessary.</p> <p>The terms of reference for Health, Safety and Wellbeing groups should be reviewed. This is to ensure that there is an effective escalation and communication structure and governance arrangements across the Council and significant partners. This should include reporting, escalation, scrutiny and challenge to demonstrate effective arrangements and performance.</p> <p>Action points from meetings should be clearly identified in the minutes so that where escalation has been required; this can be followed in the minutes of the group at the next level of the escalation structure.</p> <p>Priority: High</p> | <p>Director of HR and Change</p> <p>Operations Board and Corporate Board quarterly via QBAR</p> | July 2010 | 1 | <p>Partially accepted. The Health, Safety and Wellbeing Board will be replaced by quarterly HSW reporting to Operations Board and Corporate Joint Safety Committee. This would allow for reporting, escalation, scrutiny and challenge within integrated and embedded SBC structures.</p> <p>QBAR review of Health, Safety and Wellbeing risk will continue (next scheduled review May 2010) as part of Corporate Risk Register review.</p> | <p>Corporate Joint Safety Committee continues to meet quarterly to review health and safety arrangements and involves senior managers, members and trade unions. Service areas are required to present information on how they manage health and safety risks on a rolling quarterly basis</p> <p>Review of HSW now has a formal quarterly slot at Operations Board with issues discussed in May and September 2010. An update on Health, Safety and Wellbeing issues was presented to Corporate Board in April 2010.</p> <p>Health and Safety remains on the Corporate Risk Register which will be refreshed in early autumn to fully reflect current circumstances</p> |

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| 1 | Corporate culpability for Health and Safety resulting in a Corporate Manslaughter Act prosecution | | | | | |
| 1.5 | <p>The focus on Health, Safety and Wellbeing performance should be widened to include further proactive and forward-looking measures. Examples include:</p> <ul style="list-style-type: none"> Measuring the health and safety culture of the organisation using e.g. Health and Safety climate survey or Managing Pressure (currently included in the Wellbeing work plan for 2010/11) recommended by the HSE. Requesting feedback on health and safety issues from staff / managers on a proactive basis. Close monitoring for implementation of mitigating actions identified through the Health and Safety risk assessments completed by managers. <p>Priority: Medium</p> | Director of HR and Change | Oct 2010 | 2 | <p>Partially accepted – plans in place for rollout of proactive 'Managing Pressure' survey and workshops to whole organisation within 2010/11.</p> <p>Feedback forms relating to HSW training delivery continue to be collated by SLS and periodically reviewed by HSW Team Leader.</p> <p>HSW audits will continue to focus on compliance against statutory H&S standards with performance ratings and scores will be reported quarterly to Joint Safety Committee and Operations Board.</p> <p>NB Current H&S training and auditing programmes will be reviewed to enable the high level governance workload priorities within this audit response to be addressed.</p> | <p>Employee Wellbeing survey launched with 29% response. Analysis report in progress.</p> <p>HSW courses have 96.6% delegate satisfaction rate for 2009/10.</p> <p>H&S monitoring programme involving audits of site/teams continues which reviews the implementation of risk assessments and other safety arrangements. Performance data is reviewed at Joint Safety Committees.</p> |

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| 2 | Risk identification and escalation is not in place leading to a fatality occurring | | | | | |
| 2.1 | <p>Review the corporate process and framework for reporting and treatment of risks for Health, Safety and Wellbeing. There should be formal acceptance and agreement of this revised process and incorporated as part of the strategy review.</p> <p>The review should ensure a consistent and standard approach to the identification, treatment, reporting and monitoring of associated risks across the Council and strategic partners. Health and Safety risks identified on risk registers should be reviewed to include:</p> <ul style="list-style-type: none"> timescales for implementation of mitigating actions progress on implementation of action plans and their effectiveness in mitigating risks identified. <p>Priority: High</p> | <p>Director of HR and Change in liaison with the Head of Performance and Risk</p> <p>Group Directors and Directors</p> | May 2010 | 2 | <p>Accepted.</p> <p>Corporate Board have agreed (7 April 2010) to undertake Health and Safety risk registers for each Service Area which will be owned and championed by Group Directors and Directors. HSW team will give input to this process and utilise outcomes to inform their annual workplan.</p> <p>Health, Safety and Wellbeing risks will be reviewed quarterly at Operations Board and Corporate Board via QBAR from May 2010.</p> <p>Aim that Service Area HSW risk registers will be in place for August review at QBAR.</p> | <p>A review of risk management will occur at Corporate Board in September with subsequent report to Audit Committee in November.</p> <p>Health and Safety remains on the Corporate Risk Register. HSW team have inputted into discussions in all Service Areas relating to H&S risk registers.</p> |

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| 3 | Health and Safety risks not managed to demonstrate that senior managers take Health and Safety responsibilities seriously | | | | | |
| 3.1 | <p>The Health, Safety and Wellbeing Team should be provided/request copies of Directorate and Service area risk registers to identify the key risks that could be mitigated through the implementation of a comprehensive training programme. This can then pick up any need for training identified by managers through the 1:1 process.</p> <p>This process will enable training resources to be targeted at high-risk areas and ensure the limited training resources available are used to the greatest advantage. Decisions should also be informed using information on the number and type of accidents reported previously and information on claims from the Council's insurance manager.</p> <p>The process will also provide a clear management trail to demonstrate that the Council has been proactively taking action to address areas of concern.</p> <p>Priority: Medium</p> | Director of HR and Change | Sept 2010 | 2 | <p>Accepted. Copies of service area risk registers will be reviewed by the HSW team and inform the annual training programme with a mid term review in Sept 2010</p> <p>HSW updates including training statistics will be published quarterly and discussed at Joint Safety Committees.</p> | <p>Feedback from Service Areas and Insurance Manager has been requested and will inform review of HSW training and audit and workload priorities for HSW team.</p> <p>Information relating to H&S training and accidents continues to be reviewed at Joint Safety Committee where it is subject to member and trade union scrutiny.</p> |

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| 3 | Health and Safety risks not managed to demonstrate that senior managers take Health and Safety responsibilities seriously | | | | | |
| 3.2 | <p>Training should be targeted at the high risk areas identified through the risk registers as discussed in Action Plan point 3.1 to maximise the use of the available resources.</p> <p>The number and cause of insurance claims as well as the accidents reported to the Joint Safety Committee should also inform the training programme.</p> <p>Where training has been provided to targeted areas, this should be recorded in appropriate meeting minutes to demonstrate actions taken to mitigate risks of Health and Safety breaches.</p> <p>Following this process, should resources be insufficient to allow training for all the major risks identified, this should be escalated through the communication structure to Corporate Board to determine what further action/resources are required.</p> <p>Priority: Medium</p> | Director of HR and Change | End Sept 2010 | 2 | <p>Comments as in 3.1.</p> <p>H&S training courses will remain essential as they are required by law (e.g. induction training). In 2009/10 Swindon Learning Solutions recorded that 110 HSW courses were run which constitutes a large workload for the team.</p> <p>We are exploring e-learning opportunities for some modules. We will also explore delivering H&S training in different ways. The organisation currently demands a high level of bespoke HSW training, especially in schools.</p> <p>The review date for this item correlates with the mid point of our current HSW training plan.</p> | <p>On target. Claims information requested and reviewed.</p> <p>Mid year H&S training review takes place this month.</p> <p>Trial of DSE e-learning took place in July with plans to roll out revised version in Oct 2010</p> |

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| 3 | Health and Safety risks not managed to demonstrate that senior managers take Health and Safety responsibilities seriously | | | | | |
| 3.3 | <p>A review should be undertaken to determine those Members, Directors and Senior Managers that have not received any training or guidance on the responsibilities and consequences arising from the introduction of the Corporate Manslaughter Act.</p> <p>Training should be provided to all those identified through this review, with appropriate records maintained to evidence that the training was provided.</p> <p>Priority: Medium</p> | <p>Director of HR and Change</p> <p>Group Directors, Director</p> | Sept 2010 | 2 | Training for all Group Directors, Directors and Elected members is planned for September 2010 subject to their availability. | Corporate Board and Directors training session will take place on 22 September 2010. |

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