

Internal Audit Report

Health and Safety - Outdoor Infrastructure (Place Directorate)

26 October 2023

PL2312

Overall Assessment	Limited Assurance
-------------------------------	--------------------------

Contents

Executive Summary.....	3
Audit Assessment.....	4
Background and scope.....	5
Appendix 1 – Control Assessment and Assurance Definitions	16

This Internal Audit review is conducted for the City of Edinburgh Council under the auspices of the 2022/23 internal audit plan approved by the Governance, Risk and Best Value Committee in March 2022. The review is designed to help the City of Edinburgh Council assess and refine its internal control environment. It is not designed or intended to be suitable for any other purpose and should not be relied upon for any other purpose. The City of Edinburgh Council accepts no responsibility for any such reliance and disclaims all liability in relation thereto.

The internal audit work and reporting has been performed in line with the requirements of the Public Sector Internal Audit Standards (PSIAS) and as a result is not designed or intended to comply with any other auditing standards.

Although there are specific recommendations included in this report to strengthen internal control, it is management's responsibility to design, implement and maintain an effective control framework, and for the prevention and detection of irregularities and fraud. This is an essential part of the efficient management of the City of Edinburgh Council. Communication of the issues and weaknesses arising from this audit does not absolve management of this responsibility. High and Critical risk findings will be raised with senior management and elected members as appropriate.

Executive Summary

Overall
Assessment

Limited
Assurance

Overall opinion and summary of findings

Review of the design and operating effectiveness of key controls established to ensure the health and safety of Council's outdoor infrastructure – specifically public art, cemeteries, and play parks has highlighted that improvements are needed effectively manage the health and safety risks. Action is required to address the following gaps, areas of weakness and non-compliance:

Public arts – audit outcomes indicate there is a lack of clear roles and responsibilities within the Council for health and safety of public art and statues. Internal Audit was unable to establish ownership despite several requests, and no detailed audit work could be performed in this area. Consequently, limited assurance can be provided on the health and safety management system for outdoor public arts and statues.

Cemeteries

- unauthorised scaffolding and associated hazards – improvements including but not limited to training and awareness are needed to ensure that officers recognise potential workplace and site hazards, implement adequate and sufficient controls in a timely manner to keep the site safe for colleagues and visitors, and where required consult with the Corporate Health and Safety team.
- risk assessments – the risk assessment of large memorials should be reviewed to ensure it is complete and includes all relevant control methods or other specific risk assessments required, for example for manual handling, personal protective equipment, work equipment and lone working, as required.

Play Parks










- inspection frequency and resolution of safety issues – inspection frequency is inconsistent across play parks with some play parks inspected monthly, rather than the Council's play park policy of daily checks and the ROSPA recommendation of a minimum weekly check.

regular inspections should ensure health and safety hazards across playparks are identified and dealt in a timely manner. Some of the hazards noted in playparks during this audit include sub-standard perimeter fencing, rotting timber handrails on play equipment and hazards within playparks including telegraph poles with cabling insecurely installed at low height within children's reach and a damaged lamppost within a playground perimeter.
- welding risk assessment – action is required to ensure that engineers wear the respiratory protection provided when repairing playground equipment and that risk assessments are followed to ensure the public are protected from harm where necessary.

Good Practice

- a comprehensive program of inspection of headstones is in place, with good evidence of timely corrective actions being taken to reduce risks
- the Excavation of Graves risk assessment was noted to be comprehensive, with hazards identified including unsafe or insecure memorials, collapsing excavations, equipment failure, manual handling, trips, and falls
- a systematic approach for inspection, maintenance and repair of play park equipment is evident for larger high use play parks and supported by documented records of inspections, risks identified, and corrective actions taken.

Audit Assessment

Findings	Control Design	Control Operation	Priority Rating
Finding 1: Public Arts - ownership and responsibility for health and safety		N/A*	High Priority
Finding 2: Cemeteries - risk assessments			Medium Priority
Finding 3: Cemeteries - identification and management of hazards associated with unauthorised scaffold installation			High Priority
Finding 4: Play Parks - welding risk assessments			High Priority
Finding 5: Play Parks - inspections and remedial actions			Medium Priority

*N/A control not tested due to missing or inadequately designed controls

[See Appendix 1 for Control Assessment and Assurance Definitions](#)

Background and scope

The City of Edinburgh Council owns assets and infrastructure across the city and is responsible for ensuring that they are suitably maintained to ensure public health and safety, in compliance with relevant legislation and guidance. It is therefore essential that the Council has adequate processes in place including robust inspection and maintenance programmes to appropriately manage the infrastructure.

Health and safety legislation consists of both primary legislation which describe general duties, and secondary legislation that places more specific or substantive duties on employers.

The [Health and Safety at Work etc Act 1974](#) is primary legislation which sets out the duty of every employer to ensure, so far as is reasonably practicable, the health, safety and welfare at work of all his employees.

Secondary health and safety legislation, in the form of regulations, makes clear the specific duties, in relation to the different types of hazards and risks, that an employer must fulfil in order to comply with the law.

The Council's [Health and Safety Policy](#) was approved in December 2020 and defines the Council's commitment to protecting the health, safety and welfare of employees and those persons who may be affected. The policy forms the basis for the health and safety management system and defines the operational goals, sets standards for performance, and identifies key roles and responsibilities.

Scope

The objective of this review was to assess the adequacy of design and operating effectiveness of key controls established to ensure the safety of Council's following three outdoor infrastructures:

- cemeteries
- public art
- play parks

Risks

- Health and safety (including public safety)
- Regulatory and legislative compliance
- Reputational risk

Limitations of Scope

The scope of this review was limited to assessing the design and operating effectiveness of health and safety arrangements in place for the Council owned cemeteries, public art and play parks.

Other Council owned outdoor infrastructure including buildings, bridges, roads, greenspace, and monuments inside the cemeteries were not in scope of this review.

Reporting Date

Testing was undertaken between December 2022 and March 2023.

Our audit work concluded on 31 August 2023, and our findings and opinion are based on the conclusion of our work as at that date.

The Head of Internal Audit raised the issues in this report which related to immediate health and safety risks directly to the Head of Corporate Health and Safety in March 2023. Following this, Corporate Health and Safety carried out immediate inspections to discuss issues with relevant officers.

Findings and Management Action Plan

Finding
Rating

High
priority

Finding 1: Public Art - ownership and responsibility for health and safety

During audit planning, management did not initially confirm the Council team responsible for health and safety of public arts. Following multiple follow up requests and coordination with different teams in Place directorate, Internal Audit was advised to contact Public Safety. The Public Safety team however advised that they have limited involvement with public arts/statues.

The issuing permits for temporary structures on roads is conducted by Transport Officers, primarily based on receiving risk assessments from asset owners (Council internal departments or external third bodies) which are responsible for installation, inspection and maintenance including health and safety risks.

Following discussions with different teams including Public Safety it emerged that there is no clear ownership and responsibility for the health and safety of public art and statues on Council land, with different teams having overlapping areas of responsibility.

In addition, the Council's Corporate Health and Safety team advised of an instance in May 2023, where there were challenges establishing ownership for a damaged piece of public art.

Risks

- **Health and safety (including public safety)/ Regulatory and legislative compliance:** lack of clear responsibility for the health and safety of public art and statues on Council owned land could result in issues not being effectively detected and rectified leading to non-compliance with Council policies and breaches of legislative requirements.

Recommendations and Management Action Plan: Ownership and responsibility for health and safety of public art and statues

Ref.	Recommendation	Agreed Management Action	Action Owner	Contributors	Timeframe
1.1	The Council should establish clear processes to ascertain ownership for public art and statues across the city and in turn set out clearly the health and safety roles and responsibilities it has for any public art/statues, ensuring a suitable programme inspection is in place and monitored.	A register of all art on CEC land, including ownership, will be created. The Public Art Strategy will outline health and safety guidance for art not directly commissioned by the Council. Inspection regime covered under action 1.2	Executive Director of Place	Service Director – Place Operations Operations Manager – Place Head of Heritage, Cultural Venues, Museums and Galleries	30/09/2024
1.2	The Council should establish and maintain an asset register for public art and statues which should include clear ownership for each item and should be	A risk-based inspection programme for public art and statues on CEC land will be put in place.	Executive Director of Place	Service Director – Place Operations	31/10/2024

	supported by implementation of a risk-based inspection programme.	The ownership of items will be addressed under action 1.1.		Operations Manager – Place Head of Heritage, Cultural Venues, Museums and Galleries	
1.3	The Council should establish and communicate a clear process to ensure anyone seeking to commission a piece of public artwork or statue on land maintained by the Council must seek approval for this and provide technical information to support the Council in its ongoing responsibilities.	The Public Art Strategy will set out the process to ensure that any public art is commissioned in line with best practice, and that any public art on CEC land – including that not directly commissioned by the Council - is designed, installed and maintained to the appropriate standards.	Executive Director of Place	Service Director – Place Operations Operations Manager – Place Head of Heritage, Cultural Venues, Museums and Galleries	30/09/2024

Finding 2: Cemeteries - risk assessments

Finding Rating	Medium priority
----------------	-----------------

The Large Memorials and Excavation of Graves (Mechanical and Manual) risk assessments were first documented in 2017/18 and have been reviewed annually, most recently in 2022. The risk assessment of the large memorials identifies relevant hazards such as crushing injuries from collapsing masonry and the risk of harm to the public and employees.

Risk assessments should be 'suitable and sufficient' to be considered valid in line with the [Management of Health and Safety at Work Regulations 1999 Regulation 3\(1\)](#). This risk assessment cannot be considered as suitable or sufficient due to the absence of following required details:

- sections to record further action required (such as manual handling, PPE, lone working risks) and by whom and completion date were blank and no other control methods were documented
- risk assessment asks the assessor to record any other specific risk assessments required, for example for manual handling, personal protective equipment, work equipment and lone working; none of these are noted as required which is not appropriate
- risk of crush injuries to members of the public is identified, however, the risk assessment does not detail the controls required to manage these risks such as creating a safe zone by putting hazard tape or signs around an area where masonry might fall, or monuments may fall over

- the risk assessment does not distinguish between the risks that may arise at different graveyards; as an example, Greyfriars cemetery attracts thousands of visitors, so any potential risk to the public is greater and therefore it would be expected that the risk assessment identifies additional actions to be implemented such as more frequent inspections to ensure structures remain secure.

Management has advised that, in practice and as part of the visual inspection prior to testing, the area around memorials is assessed for trips, falls and traps if the memorial suddenly fails. Audit was also informed that when a memorial is found to be unsafe, it is laid flat the same day.

Risks

- **Regulatory and legislative compliance:** unsuitable or insufficient risk assessments does not comply with the relevant legal requirements
- **Health and safety (including public safety):** appropriate safety measures and processes are not followed when performing inspections or work within the cemeteries
- **Reputational risk:** the Council is exposed to an increased risk of litigation and claims for negligence, in the event of an accident.

Recommendations and Management Action Plan: Cemeteries - risk assessments

Ref.	Recommendation	Agreed Management Action	Action Owner	Contributors	Timeframe
2.1	Management should review the risk assessments in place for cemeteries to ensure they are complete, fit for purpose and aligned to health and safety guidance and regulations.	Risk Assessments have now been updated to incorporate gaps picked up in the audit.	Executive Director of Place	Service Director – Sustainable Development Operations Manager – Place Head of Regulatory Services Bereavement Services Operational Manager	31/01/2024 – already complete time allowed for gathering and review of evidence.

2.2	Management should ensure the risk assessments for cemeteries are aligned to the corporate risk assessment process.	A procedure for reviewing and monitoring safety management documents (including risk assessments) has been produced. Corporate Health and Safety are inputting into this process and an updated version will be produced taking into account their advice.	Executive Director of Place	Service Director – Sustainable Development Operations Manager – Place Head of Regulatory Services Bereavement Services Operational Manager	29/02/2024
-----	--	--	-----------------------------	---	------------

Finding 3: Cemeteries - identification and management of hazards associated with unauthorised scaffold installation

Finding
Rating

High priority

During the inspection of Greyfriars cemetery, the auditor observed a three-storey unauthorised scaffolding erected within the cemetery public space by independent contractors without Council knowledge and the required permit.

Officers at the cemetery were not aware of the unauthorised installation until highlighted by the auditor, who observed a large number of safety issues in relation to the scaffolding including:

- no warning signage around the scaffolding
- there were no boards to prevent falling objects and gaps where materials could fall through
- the contractors did not wear appropriate PPE and were working in an unsafe manner
- lack of perimeter fencing, allowing unrestricted access around and under the scaffolding and no restrictions to prevent others from climbing onto the scaffold
- the contractors had not displayed an inspection tag confirming the scaffold was safe to use.

Once alerted to the presence of the scaffolding and hazard by the auditor, Council officers were unable to identify the contractor and attached a laminated sign advising that the scaffolding should not be used and to contact the Council. The scaffold remained in place for the remainder of the week and was removed without the knowledge of the Council.

The auditor noted, when the scaffolding contractor could not be identified, no action was taken by officers to prevent access under or around the scaffolding in the public place, and no risk assessment was completed.

It is recognised that health and safety risks should have been managed by the external contractor (not appointed by the Council), however once aware of any unauthorised installation, the Council also has the responsibility to perform a suitable risk assessment and as a result take adequate measures to ensure its land is safe from any potential health and safety risks for visiting children, adults, and vulnerable people. These measures include but are not limited to installing perimeter fencing/boundary, putting a warning sign for visitors, restricting ready access for children to climb onto scaffolding, removing/covering access ladders.

The Council also has the option of reporting the incident to the [Health and Safety Executive \(HSE\)](#) which has the powers to investigate and prosecute breaches of health and safety legislation including the power to make safe any unsafe situations and remove the scaffold themselves.

Risks

- **Regulatory and legislative compliance:** the Council fails to meet minimum health and safety legislation standards and requirements including risk assessments and good practice controls
- **Health and safety (including public safety)/ Reputational Risk:** employees and citizens are exposed to an unnecessary level of risk for longer than necessary, with the potential for fatalities and significant damage to the Council's reputation.

Recommendations and Management Action Plan: Control of unauthorised scaffolding

Ref.	Recommendation	Agreed Management Action	Action Owner	Contributors	Timeframe
3.1	Management should develop a process to define the	A process for dealing with contractors in cemeteries which	Executive Director of Place	Service Director – Sustainable Development	31/01/2024 – already

	actions to be taken when there is an unauthorised scaffolding or other installations on Council public property that is dangerous with potential hazards to public safety.	includes detail on unauthorised scaffolding and other installations has been produced and circulated to staff.		Operations Manager – Place Head of Regulatory Services Bereavement Services Operational Manager	complete time allowed for gathering and review of evidence.
3.2	The inspection team should consult with their line managers and where necessary the Corporate Health and Safety team where hazards are found to ensure appropriate action is taken	See action 3.1 – this is covered by the action above.			

Finding 4: Play Parks – welding risk assessments

Finding
Rating

High priority

Welding fume is classified as a human carcinogen with no safe limit and the HSE issued a [safety alert and change in enforcement expectations](#) in 2019 which strengthened requirements for all welding fume, as general ventilation does not achieve the necessary control, including welding outdoors.

Discussions with engineers on site who conduct welding operations to repair play parks highlighted that:

- whilst airstream helmets have been provided to protect engineers for wearing whilst welding outside, discussion and observation with engineers on site found these are not worn and they instead rely on general ventilation to avoid breathing in welding fumes.
- engineers conducting welding operations outside had not implemented the controls specified in the risk assessment to protect members of the public from arc eye injuries (a painful corneal burn caused by exposure to the UV light emitted from welding which can be caused up to 10 meters away from the source of the light). The engineer advised they keep children and members of the public away from the welding operations.

The Service risk assessment, at the time of the audit, for welding, both in the workshop and on site, was inadequate as it relied on conducting welding in a 'well-ventilated area' and only required 'portable exhaust ventilation to be used' where general ventilation was not available.

In addition, the risk assessment did not make explicit the need to wear respiratory protection when welding on site resulting in employees potentially being exposed to unsafe working conditions.

The risk assessment had been reviewed annually, however, did not reflect the current standards required by the HSE, at the time of the audit, following the change in their enforcement expectations in 2019.

Risks

- Health and safety (including public safety)/ Regulatory and legislative compliance:** lack of appropriate respiratory protection and arc eye controls may expose the employees and the public, respectively, to significant health risks and potential criminal and or litigation and claims for negligence.

Recommendations and Management Action Plan: Welding risk assessments

Ref.	Recommendation	Agreed Management Action	Action Owner	Contributors	Timeframe
4.1	a) Management should complete an immediate review of the welding risk assessment and safe system of work to ensure the controls in practice reflect current HSE guidance, this should include clear instructions to engineers to wear the appropriate equipment.	Management has updated the welding risk assessment to reflect HSE guidance including clear instructions to engineers to wear appropriate respiratory equipment.	Executive Director of Place	Service Director – Place Operations Operations Manager – Place Fleet & Workshops Manager Operations Managers – Place Operations	31/03/2024

	b) Regular reviews and workplace inspections to ensure compliance with requirements should also be undertaken.	Phased implementation - Workplace inspections programme to be designed by the new Workshops Team leader once recruitment has concluded.	Executive Director of Place	Service Director – Place Operations Operations Manager – Place Fleet & Workshops Manager Operations Managers – Place Operations	To be determined following recruitment
4.2	Management should review and communicate the risk assessment to include revised welding guidance, supported by training (such as toolbox talks) to raise awareness of hazards amongst operatives.	Revised risk assessments have been circulated. Toolbox talks to be scheduled for early 2024.	Executive Director of Place	Service Director – Place Operations Operations Manager – Place Fleet & Workshops Manager Operations Managers – Place Operations	31/03/2024

Finding 5: Play Parks – inspections and remedial actions

Finding
Rating

Medium
Priority

The Council’s Health and Safety policy states that ‘Council will adopt best practice, when identified and maintain any place of work (or premises under Council control) in a condition that is safe and without risks to health.’ The following instances of unsafe practices at playparks were noted:

- Rotting timber handrails on play equipment was recorded in a November 2021 inspection but not resolved until the audit fieldwork completion with the equipment was still in use during this time. Management has also advised that an external RoSPA inspection of this playpark in late 2022 assessed the state of timber as 10 out of 25 with 13 requiring urgent action. The inspection recommended to replace rotten timbers.
- Hazards within playpark areas were observed – Glendevon play park perimeter fencing does not meet the required standard for play park fencing. In addition, a telegraph pole with cabling attached with cable ties and at a height in reach of children and was not fenced off until rectified.
- Auditor inspection of Morningside play park also noted damage to a lamppost following collision with a vehicle resulting in exposure of sharp edges and potentially un-isolated electrical cables, with no tape, barrier, or notification to warn of potential dangers. It is recognised that maintenance of lampposts within the playparks is the responsibility of Council’s Roads and Infrastructure team however, once a hazard is identified, action should be taken to minimise exposure to potential dangers to members of the public.

The Council’s policy on play park inspections includes a daily visual check with the option to close the play park if unsafe conditions are found. However, we noted at the time of our review that daily inspections are not being carried out on all playgrounds. This inconsistent inspection practice does not comply with the current Council policy and is therefore not a consistent and effective control for managing play parks health and safety risk.

The Royal Society for the Prevention of Accidents (RoSPA) recommends that play parks should be inspected weekly as a minimum requirement. It was noted that monthly inspections are currently carried out with well documented records to highlight identification of risks and addressing them through inspection, maintenance, and repair, however risks identified more than a year ago had still not been addressed. Management has advised that outstanding actions are low risk rated and risk actions are implemented as per a prioritisation approach.

Officers prioritise dealing with issues in the play parks that are perceived to be at higher risk, due to higher use. As a result, issues recorded in some play parks, perceived as lower risk, have persisted for a long duration.

Risks





- **Health and safety (including public safety)/ legislative compliance/ Reputational risk:** failure to meet minimum requirements to inspect playgrounds can lead to accidents or injury resulting in the Council being found negligent in the event of an accident or injury and exposed to a risk of litigation and reputational damage.

Recommendations and Management Action Plan: Play Park inspections and remedial actions

Ref.	Recommendation	Agreed Management Action	Action Owner	Contributors	Timeframe
5.1	Management should assess the level of resource available to complete the playground inspection schedule in line with	An Organisational Review is due to start in 2024 and this will consider	Executive Director of Place	Service Director – Place Operations	31/12/2024

	the agreed policy and recommendations from RoSPA. This should be completed in line with the ongoing organisational review.	the required level of resource required as recommended.		Operations Manager – Place Head of Neighbourhood Environmental Services Technical Manager	
5.2	Management should consider developing arrangements to enable them to safeguard members of the public from identified hazards, including those the Council cannot resolve, such as temporarily fencing off dangerous areas ahead of any repair. The Service will need to consider what is reasonably practicable.	This is currently covered by the pre-existing play inspection procedures; however, the service will review the procedure and public safeguarding elements with Corporate Health and Safety under action 5.3	Executive Director of Place	Service Director – Place Operations Operations Manager – Place Head of Neighbourhood Environmental Services Technical Manager	30/04/2024
5.3	The playpark inspection policy should be reviewed and updated in consultation with Corporate Health and Safety to ensure it is appropriate and reflects the programme of inspections that should be completed.	Play inspection procedures document will be reviewed and updated in consultation with Corporate Health and Safety to ensure it is appropriate and reflects the programme of inspections that should be completed.	Executive Director of Place	Service Director – Place Operations Operations Manager – Place Head of Neighbourhood Environmental Services Technical Manager	30/04/2024
5.4	Management should ensure there is continuous monitoring of critical and high-risk findings raised from the playground inspections and remedial action is taken in an appropriate timeframe.	There is currently continuous monitoring of critical and high-risks raised in playground inspections. An update on critical and high-risk findings will be presented regularly to the relevant management team meeting going forward.	Executive Director of Place	Service Director – Place Operations Operations Manager – Place Head of Neighbourhood Environmental Services Technical Manager Operations Manager - Performance & Systems Strategy	30/04/2024

Appendix 1 – Control Assessment and Assurance Definitions

Control Assessment Rating		Control Design Adequacy	Control Operation Effectiveness
Well managed		Well-structured design efficiently achieves fit-for purpose control objectives	Controls consistently applied and operating at optimum level of effectiveness.
Generally Satisfactory		Sound design achieves control objectives	Controls consistently applied
Some Improvement Opportunity		Design is generally sound, with some opportunity to introduce control improvements	Conformance generally sound, with some opportunity to enhance level of conformance
Major Improvement Opportunity		Design is not optimum and may put control objectives at risk	Non-conformance may put control objectives at risk
Control Not Tested	N/A	Not applicable for control design assessments	Control not tested, either due to ineffective design or due to design only audit

Overall Assurance Ratings	
Substantial Assurance	A sound system of governance, risk management and control exists, with internal controls operating effectively and being consistently applied to support the achievement of objectives in the area audited.
Reasonable Assurance	There is a generally sound system of governance, risk management and control in place. Some issues, non-compliance or scope for improvement were identified which may put at risk the achievement of objectives in the area audited.
Limited Assurance	Significant gaps, weaknesses or non-compliance were identified. Improvement is required to the system of governance, risk management and control to effectively manage risks to the achievement of objectives in the area audited.
No Assurance	Immediate action is required to address fundamental gaps, weaknesses or non-compliance identified. The system of governance, risk management and control is inadequate to effectively manage risks to the achievement of objectives in the area audited.

Finding Priority Ratings	
Advisory	A finding that does not have a risk impact but has been raised to highlight areas of inefficiencies or good practice.
Low Priority	An issue that results in a small impact to the achievement of objectives in the area audited.
Medium Priority	An issue that results in a moderate impact to the achievement of objectives in the area audited.
High Priority	An issue that results in a severe impact to the achievement of objectives in the area audited.
Critical Priority	An issue that results in a critical impact to the achievement of objectives in the area audited. The issue needs to be resolved as a matter of urgency.