



Part 1

Date: 26 June 2017

# Subject Call in of Head of Service following Unfavourable Internal Audit Opinions.

#### **Purpose**

To allow Members of the Audit Committee to discuss, with the Head of Streetscene & City Services, their concerns raised in the Internal Audit reviews of:

- Highways Overtime & On Call Payments 2016/17 (Unsatisfactory)
- Agency / Overtime Refuse Service (incl. Follow-up) 2016/17 (Unsound)

and to gain assurances that action will be taken to improve the internal controls in operation and agree how to follow up implementation of actions

**Author** Chief Internal Auditor

Ward General

#### Summary

Following the presentation of the Internal Audit's six monthly update on unfavourable audit opinions in March 2017, Members of the Audit Committee agreed to escalate their concerns to the Strategic Director (Place) and call her in and the Head of Streetscene & City Services to provide reasons why the controls were poor and provide assurances that action will be taken to make the necessary improvements. This was in relation to two recent audits undertaken in the service area:

- Highways Overtime & On Call Payments Highways (Unsatisfactory)
- Agency / Overtime Refuse Service (incl. Follow-up) (Unsound)

In September 2016, the former Head of Streetscene & City Services was called in to Audit Committee to account for why limited action was taken to address the issues identified in the audit reports regarding the provision of CCTV & Security at Telford Street Depot within the Council.

*Note:* the current Head of Streetscene & City Services started his employment with Newport CC on the 15<sup>th</sup> May 2017. Although interim arrangements were in place, the service was without an official Head of Service from early December 2016, just over 5 months.

#### **Proposal**

- 1) To review and assess proposed actions and come to a view if they are robust and deliverable and will address the issues identified satisfactorily within reasonable timescales.
- 2) To ensure the Head of Service takes responsibility for implementing the proposed actions

3) Agree that Internal Audit will carry out follow up work in these areas during 2017/18 the outcome reported back to Audit Committee.

Action by Audit Committee

Timetable Immediate

#### **Background**

- An internal audit review is undertaken to provide assurances (or otherwise) that appropriate internal controls, governance arrangements and risk management processes are in place to safeguard the Council's assets, to ensure the proper use of public money and that it has been used effectively, efficiently and economically, that fraud, error and misappropriation has been minimised and overall risks have been reduced.
- 2. Following the presentation of Internal Audit's six monthly update on unfavourable audit opinions in March 2017, Members of the Audit Committee were concerned that a theme of unfavourable audit opinions was occurring within the Streetscene & City Services service area.
- 3. The March 2017 report identified that the audit of the CCTV & Security at Telford Street Depot resulted in two consecutive unsatisfactory audit opinions; this area will be audited again in 2017/18 with the outcome being reported back to the Audit Committee. The former Head of Streetscene & City Services was called into Audit Committee in September 2016 to account for why limited action was taken to address the issues identified in the previous audit reports and to provide assurance that appropriate improvements would be made moving forward.
- 4. The March 2017 report also identified two further audit reports undertaken within Streetscene & City Services which resulted in unfavourable audit opinions:
  - Overtime & On Call Payments Highways (Unsatisfactory)
  - Agency / Overtime Refuse Service (incl. Follow-up) (Unsound)

and outlined the main reasons why the audit opinions could only provide limited assurance; The definition of internal audit opinions is shown at Appendix A.

5. The timeline for the Internal Audit reviews was as follows:

	Date of Fieldwork	Draft Report Issue Date	Final Report Issue Date			
CCTV & S	CCTV & Security at Telford Street Depot 2014/15					
	T					
	Mar – Jun 2014	July 2014	November 2014			
CCTV & S	ecurity at Telford Street L	Depot Follow Up 2015/16	·			
	•					
	Oct 2015 – Jan 2016	March 2016	September 2016			
Overtime &	& On Call Payments – Hig	ghways				
		•				
	Sept – Nov 2016	December 2016	April 2017			
Agency / C	Agency / Overtime - Refuse Service (incl. Follow-up)					
	. ,,					
	Apr – Jul 2016	August 2016	November 2016			

6. The issues identified during the course of the audits highlighted a continued lack of internal control and exposed the Council to an unacceptable level of risk. The tables below detail the significant outstanding weaknesses identified during the review; the agreed comments / actions provided by the Senior Operational Managers are shown at Appendices B & C:

## Overtime & On Call Payments – Highways

Ref.	CRITICAL
1.04	For the period examined it was identified that employees were working in excess of the hours as prescribed by the EU Working Time Directive without formally opting out.

Ref.	SIGNIFICANT
1.05	Signing in / out records were not completed by the Service. Compensatory rest days / TOIL taken by employees was not being recorded. When compensatory rest days / TOIL was taken, this was not deducted from the employee's salary.
1.06	For the sample examined, hours claimed and paid to employees via timesheets were not always supported by appropriate documentation e.g. Call out reports.
1.07	For the sample examined, where available, call out reports were not completed in full meaning the additional hours claimed by employees could not be verified.
1.08	For the period examined, some call outs had been completed without corresponding Duty Officer Work Instructions.
1.09	For the period examined, a standard call out time of 2hrs was being claimed rather than the employee's actual working time.
1.10	For the period examined, where multiple call outs appeared to be of a continuous nature, these had not been aggregated and were claimed and paid as separate call outs.
1.11	For the period examined, on call payments had not been reviewed on an annual basis in line with the Out of Hours policy and employees who worked in excess of 187 hours overtime in a 17 week period were not removed from the on call rota.
1.12	No meaningful authorisation was being given to employees' timesheets by management prior to payment. Hours claimed on timesheets were sometimes in excess of the maximum hours which could be claimed within the period.

# Agency / Overtime - Refuse Service (incl. Follow-up)

Ref.	CRITICAL
1.01	For the period examined, members of refuse staff (both permanent employees and agency employees) were not working their contracted hours even though they were being paid for these. For agency staff alone, this is costing NCC approx. £1,600 per week; the equivalent of £83,000 per annum.

Ref.	SIGNIFICANT
1.02	For the period reviewed, weekday overtime was being claimed by and paid to members of staff (both NCC and agency employees) even though they had not completed their contracted working hours for the week.
1.03	For the period examined, regular weekend overtime was being paid despite employees not working their contracted hours.
1.04	At the time of the review, office based staff such as Supervisors and the Assistant Manager (Refuse) did not deduct lunch breaks from their daily working hours as required. There was also no evidence to confirm that drivers and loaders deducted

	any lunch / breaks from their daily working hours.
1.05	The signing in / out records at the site continued to be inadequate with no arrival times recorded. The records were not always fully completed.
1.06	For the period examined, high levels of overtime continued to be paid to the Refuse Supervisors (Grade 6) and the Assistant Manager (Grade 8).
1.07	From a review of the 'Manning Book' and the signing in / out records a number of unreported sickness absences were identified.
1.08	The hours worked by employees detailed in the 'Manning Book' were not always consistent with those recorded on the paid timesheets.
1.09	For the period reviewed, agency staff were being paid but not always being recorded on the 'Manning Book'.
1.10	For the period reviewed, the use of agency staff by the refuse service was high and some agency had worked for the service for over 2 years.

- 7. A follow up audit of each area will be undertaken during 2017/18 with the subsequent audit opinion being reported back to Audit Committee in due course.
- 8. Heads of Service and service managers are responsible for addressing any weaknesses identified in internal systems and have agreed to do this by incorporating their comments within the audit reports and taking on board the agreed management actions.
- 9. Internal Audit are continuing to raise the awareness of financial regulations and contract standing orders within the Council by delivering seminars to all service areas; during recent years this training has been further targeted towards areas that have had unsatisfactory audit opinions.
- 10. Where managers are compliant with Council policies and procedures and sound financial management can be demonstrated then audit reviews should result in an improved audit opinion being given. If, as a result, improvements are made to internal controls then greater assurance can be given by Internal Audit to the Audit Committee, the Leader and the Chief Executive on the overall effectiveness of all the Council's internal controls.

#### Financial Summary, Risks and Links to Council Policies and Priorities

- 11. No direct financial implications for this report. Due to the lack of internal controls within this system, there is a greater exposure to the Council to the loss or theft of key assets of the organisation and has implications for the safety of Council staff working in this environment.
- 12. One of the key objectives of an audit report is to outline compliance against expected controls within a system, an establishment or the duration of a project or contract. Generally, the audit report should give management assurance that there are adequate controls in place to enable the system to run effectively, efficiently and economically. If adequate controls are not in place then there is greater exposure to the risk of fraud, theft, corruption or even waste.
- 13. NCC Internal Audit reports outline strengths of the system under review along with any weaknesses in internal control. The reports are discussed with operational management where the issues identified are agreed. The operational manager will then add his / her action plans to the report which will address the agreed issue and mitigate any further risk.
- 14. Reduced audit staff reduces the audit coverage across service areas which provides reduced assurance to management.
- 15. Risk table N/A for this report

- 16. Giving management assurance on systems in operation gives them confidence that there is sound financial management in place, that more effective services can be provided and the risk of theft, fraud and corruption is minimised. Better service provision, looking after the public pound makes our City a better place to live for all our citizens
  - To make our city a better place to live for all our citizens
  - To be good at what we do
  - To work hard to provide what our citizens tell us they need

#### Options Considered / Available. Preferred choice and reasons

17. Not applicable

#### Comments of Chief Financial Officer

- 18. This report is compiled on behalf of the Head of Finance. Areas of unsatisfactory / unsound audit opinions are a concern but having highlighted issues, it is expected that local managers implement appropriate improvements as soon as they can. Further on-going unsatisfactory / unsound opinions are then of even more concern and the Committee will need to come to a view, having made enquiries of the Chief Internal Auditor, what, if any further action may be required.
- 19. It is important that the Audit Committee review proposed actions thoroughly and come to a conclusion on whether improvements will be realised, within a reasonable timescale. It will be essential that Internal Audit carry out the follow up audit sometime in 2017/18 in these areas and ensure controls have improved to satisfactory levels and this will provide a significant part of the Committee's future assurance in this area..

#### **Comments of Monitoring Officer / Head of Law & Regulation**

20. The Report has been prepared in accordance with the Council's internal audit procedures and Performance Management framework. Following a number of unfavourable audit opinions and two unsatisfactory and unsound audit reports in 2016/17 in relation to staffing payments within highways and refuse collection, Audit Committee are required to review the adequacy of the proposed management actions within Streetscene and City Services to address the identified risks within acceptable timescales. In particular, critical risk areas will need to be addressed as a matter of priority, given that the identified weaknesses could have legal and financial implications for the Council in terms of non-compliance with EU Working Time Directives and payment on a "task and finish" basis rather than contracted hours.

#### **Comments of Head of People and Business Change**

21. The report highlights areas for concern within Street Scene and both Employment Services and Human Resources are working with senior management to address these issues. The Committee is being asked to consider whether the actions outlined and progress to date are satisfactory. Internal Audit provides a critical function within the Council to provide assurance on financial systems and monitoring and to highlight weaknesses so that issues can be identified and addressed.

#### **Local Issues and Consultation**

22. Not applicable

#### **INTERNAL AUDIT SERVICES - AUDIT OPINIONS**

• The Internal Audit team introduced a new report format during 2015/16 where the Audit Opinion has been colour coded based on a traffic light system and the report only contains key issues which need to be addressed.

	GOOD	Well controlled with no critical risks identified which require addressing; substantial level of assurance.	Green
	REASONABLE	Adequately controlled although risks identified which may compromise the overall control environment; improvements required; reasonable level of assurance.	Yellow
<b>-</b>	UNSATISFACTORY	Not well controlled; unacceptable level of risk; changes required urgently; poor level of assurance.	Amber
	UNSOUND	Poorly controlled; major risks exists; fundamental improvements required with immediate effect.	Red

## Overtime & On Call Payments – Highways – Agreed Action Plan

Ref.	Weakness & Risk	Agreed Management Action	By Who	By When
1.04	For the period examined it was identified that employees were working in excess of the hours as prescribed by the EU Working Time Directive without formally opting out.	We are sure previous opt out forms had been completed but these were within one supervisors' area which were not able to be located.		
	This is non-compliant with Central Government legislation. Reasonable steps have not been taken to protect workers health, safety and wellbeing, which could be compromised. This could lead to accidents potentially involving members of the public causing compensation and fines to be payable leading to reputational damage for the Authority.	Opt-out forms have now been completed for all members of staff.  Forms will be submitted to Employment Services for inclusion on staff personnel files.  This will be included within future winter	Assistant Area Manager (FP) Assistant Area Manager (FP)	Implemented April 2017
		maintenance plans to ensure that all staff have completed a form (including any new starters to the service).	Assistant Area Manager (FP)	November 2017
1.05	Signing in / out records were not completed by the Service. Compensatory rest days / TOIL taken by employees was not being recorded. When compensatory rest days / TOIL was taken, this was not deducted from the employee's salary.  Difficulties in monitoring staff that are on shift at	A signing in / out record is now being completed. This has also included an employee declaration that they are fit and competent to undertake their duties. However, the clocking in and out system in the civic has been abandoned and relies on employees maintaining a spreadsheet and the trust of individuals.	Assistant Area Managers (AB & FP)	Implemented / on-going

Ref.	Weakness & Risk	Agreed Management Action	By Who	By When
	any particular time in the case of any incident / emergency. Actual working hours cannot be confirmed and additional payments cannot be verified. Disputes over actual hours worked and claimed for may not be easily resolved. The health, safety & wellbeing of the workforce could be adversely affected if adequate compensatory rest days / TOIL are not provided and non-compliance with the EU Working Time Directive. Service delivery could be affected.	All compensatory leave / TOIL is now being recorded on forms and approved. The TOIL cards will be cross checked back to the timesheets to ensure that the time recorded correct and that there are no duplicate payments of salary being made.		
1.06	For the sample examined, hours claimed and paid to employees via timesheets were not always supported by appropriate documentation e.g. Call out reports.  The hours paid to employees cannot be confirmed potentially resulting in overpayment of hours. Any dispute over hours worked and claimed cannot be easily resolved.	Overtime claim forms are now being completed with a copy attached to the employee timesheets.  Call out reports are to be submitted by staff for each call out and retained.  A meeting has been held with the supervisors to ensure that they are fully aware of the requirements.	Assistant Area Managers (AB & FP)	Implemented / on-going
1.07	For the sample examined, where available, call out reports were not completed in full meaning the additional hours claimed by employees could not be verified.  Disputes over hours worked cannot be easily resolved. The working hours of employees and the rates of pay could not be confirmed as being correct. This could result in overpayment of additional hours to employees and management authorisation not being meaningful.	A meeting has been held with the call out team to go through the forms and to show them which sections need to be completed. All call out reports are now being completed in full.	Assistant Area Manager (FP)	Implemented / on-going

Ref.	Weakness & Risk	Agreed Management Action	By Who	By When
1.08	For the period examined, some call outs had been completed without corresponding Duty Officer Work Instructions.  Work may be undertaken without requisite approval. This impacts on the service area's budget in terms of overtime paid and use of materials / fuel.	The Duty Officer Work Instructions (HCLD) will be discontinued and any calls will be recorded on the Duty Officer Log which will be completed for each on-call period even if no calls are received / made.	Assistant Area Managers (AB & FP) Duty Officers	Implemented / on-going
1.09	For the period examined, a standard call out time of 2hrs was being claimed rather than the employee's actual working time.  Employees may be paid for hours not worked. This is putting additional budget pressures on the service. Inconsistent application of the policy across the Authority could lead to employee / employer disputes.	A meeting has been held with the on call team to clarify the working time as to when a call out begins and finishes. Actual time (minimum of 1 hour) is now being claimed.	Assistant Area Managers (AB & FP)	Implemented / on-going
1.10	For the period examined, where multiple call outs appeared to be of a continuous nature, these had not been aggregated and were claimed and paid as separate call outs.  This is non-compliant with the NCC Out of Hours Policy and results in employees being paid for hours not worked. This puts additional budget pressures on the service.	A meeting has been held with the on call team to clarify the working time as to when a call out begins and finishes. Actual time (minimum of 1 hour) is now being claimed including where call outs are continuous.	Assistant Area Managers (AB & FP)	Implemented / on-going
1.11	For the period examined, on call payments had not been reviewed on an annual basis in line with the Out of Hours policy and employees who worked in excess of 187 hours overtime in	Opt-out forms have now been completed for all staff.  On-going discussions are being held with	Assistant Area Managers (AB & FP)	Implemented / on-going

Ref.	Weakness & Risk	Agreed Management Action	By Who	By When
1.12	a 17 week period were not removed from the on call rota.  This is non-compliant with the NCC Out of Hours Policy and could lead to non-compliance with the EU Working Time Directive. The health, safety & wellbeing of the workforce could be adversely affected  No meaningful authorisation was being given to employees' timesheets by management prior to payment. Hours claimed on timesheets were sometimes in excess of the maximum hours which could be claimed within the period.	the Fleet Team regarding drivers working hours to ensure compliance with The Road Transport (Working Time) Regulations.  Those members of staff who regularly claim on call payments will have the arrangement reviewed as part of the annual My Review process. (May 2017)  Overtime claim forms are now being attached to the timesheets giving detailed	Assistant Area Managers (AB & FP)	Implemented / on-going
	This has resulted in overpayment of additional hours and without adequate monitoring, hours could be claimed for / paid when the employee has not worked.			

## Agency / Overtime - Refuse Service (incl. Follow-up) – Agreed Action Plan

Ref.	Weakness & Risk	Agreed Management Action	By Who	By When
1.01	For the period examined, members of refuse staff (both permanent employees and agency employees) were not working their contracted hours even though they were being paid for these. For agency staff alone, this is costing NCC approx. £1,600 per week; the equivalent of £83,000 per annum.  Employees are being paid for working less than their contracted hours which could bring future disputes from other employees of NCC and has budget implications. This is not in-line with the corporate objective of providing the best affordable service.	Ideally we would expect employees to complete their contracted hours. However, we acknowledge that "task and finish" is an industry standard within waste collection.  The service is currently reviewing route optimisation to incorporate the growth in housing throughout Newport. This will now include building in time (where practical and safe) for vehicle and equipment maintenance and cleaning as daily duties rather than allocating as overtime. This will ensure that contracted employees and agency workers are productive throughout the working day.  The use of in-cab technology will commence in November 2016 and at this point the historical 'job & finish' will come to an end.  Agency staff will be focused on green waste collection with this service due to cease over the winter months. The use of some Agency will be inevitable to cover sickness or other absences as this is a public facing service.	Waste Operations Manager (GJ)	December 2016 / On-going monitoring

Ref.	Weakness & Risk	Agreed Management Action	By Who	By When
1.02	For the period reviewed, weekday overtime was being claimed by and paid to members of staff (both NCC and agency employees) even though they had not completed their contracted working hours for the week.  This results in additional costs being borne by the service for work which could be completed during employees contracted hours. Disputes may arise regarding the selection of staff who complete these duties.	Practices will be reviewed as part of route optimisation and duties previously undertaken as overtime will be built into daily duties where practical. This may include work on weekend for which no additional payment will be made if contracted hours have not been completed.	Waste Operations Manager (GJ)	December 2016 / On-going monitoring
1.03	For the period examined, regular weekend overtime was being paid despite employees not working their contracted hours.  This results in additional costs being borne by the service for work which could be completed during employees contracted hours. Disputes may arise regarding the selection of staff who complete these duties.	Duties such as "washdown" and "greasing" will be built into the daily duties (where practical) or undertaken on weekends as part of the working week. The long term plan is to move towards a 7 day working week.	Waste Operations Manager (GJ)	December 2016 / On-going monitoring
	,	The 'working week' will be reviewed to identify potential for including weekends, especially for work on trade waste contracts.		
		These hours, where practical, will be incorporated into the daily duties within contracted hours.		
1.04	At the time of the review, office based staff such as Supervisors and the Assistant Manager (Refuse) did not deduct lunch breaks from their daily working hours as required. There was also no evidence to confirm that drivers and loaders	It has been agreed that <u>all</u> staff will be required to take a minimum of 30 minutes break during their working day and no longer take their break at the end of the working day.	Waste Operations Manager (GJ)	December 2016

Ref.	Weakness & Risk	Agreed Management Action	By Who	By When
	deducted any lunch / breaks from their daily working hours.  This is non-compliant with the European Working Time Directive. Staff may not be working their contracted hours but being paid for these. Overtime may be claimed and paid unnecessarily to staff who have not worked their contracted hours resulting in additional costs to the budget.	Drivers / loaders will have the option to return to the depot or take lunch on the roadside. This will be introduced and breaks taken will be monitored.  Discussions will be held with the respective Trade Unions and the hours of work will be removed from the job description as it is not appropriate to include.	Employment Services Manager (HM)	November 2016
1.05	The signing in / out records at the site continued to be inadequate with no arrival times recorded. The records were not always fully completed.  Difficulties in monitoring staff that are on shift at any particular time in the case of any incident / emergency. Actual working hours cannot be confirmed and additional payments cannot be verified. Disputes over actual hours worked and claimed for may not be easily resolved.	All employees have now been given clear instructions on completing the signing in / out record. Start and finish times will be recorded and this will be monitored by the Supervisors / Assistant Manager (Refuse & Recycling).	Waste Operations Manager (GJ)	October 2016
1.06	For the period examined, high levels of overtime continued to be paid to the Refuse Supervisors (Grade 6) and the Assistant Manager (Grade 8).  This results in additional costs borne by the Authority and could lead to accusations that the overtime is unfairly allocated to senior management based at the site.	The working pattern for Supervisors and Assistant Manager has been amended to eliminate the need to claim overtime of 30 minutes each day.  There are currently high levels of overtime due to project working (route optimisation & implementation of in-cab technology); this should reduce over the coming months once implemented.	Waste Operations Manager (GJ)	October 2016

Ref.	Weakness & Risk	Agreed Management Action	By Who	By When
1.07	From a review of the 'Manning Book' and the signing in / out records a number of unreported sickness absences were identified.  This results in incorrect SSP calculations for these individuals. Absences may not be effectively monitored and managed. The Management of Attendance Policy is not being complied with and applied consistently across employees.	It is important that all absences are recorded in iTrent. Managers/Supervisors are being trained during October as part of the roll-out of H&S which will include direct input of sickness. Managers/Supervisors should ensure that they capture all absences and cross-reference to the 'Manning Book' if this provides information on any employee who has reported as sick. Supervisors will be reminded of the need to check the Manning Book for all absences and action accordingly. Advice will be sought from Employment Services if unsure of process.  Retrospective Self Certification and Return to Work Discussion forms will be completed and amendments will be made to iTrent to capture the unrecorded absences identified by Internal Audit.	Waste Operations Manager (GJ)	November 2016
1.08	The hours worked by employees detailed in the 'Manning Book' were not always consistent with those recorded on the paid timesheets.  This results in over / under payments to members of staff which could have a budget impact. Staff may be claiming for hours not actually worked.	Supervisors will be reminded of the need to be vigilant and ensure that timesheets match the 'Manning Book'.	Waste Operations Manager (GJ)	November 2016
1.09	For the period reviewed, agency staff were being paid but not always being recorded on the 'Manning Book'.  This could result in agency staff being paid for	All agency worker hours will be included within the 'Manning Book'.	Waste Operations Manager (GJ)	November 2016

Ref.	Weakness & Risk	Agreed Management Action	By Who	By When
	hours not actually worked resulting in additional costs for the service. Without the names recorded in the manning book, any disputes regarding routes / service could not be addressed.			
1.10	For the period reviewed, the use of agency staff by the refuse service was high and some agency had worked for the service for over 2 years.  The use of agency staff brings additional costs to the Authority as well as employment rights for the individual.	The concern over the long term use of agency is acknowledged. Agency does provide an element of flexibility for the service, particularly during seasonal variations. However, the service will, where possible, look to convert agency to contract if posts / budgets are available.  Agency spend is now being monitored on a weekly basis.	Waste Operations Manager (GJ)  Employment Services Manager (HM)	January 2017