

**THE HIGHLAND COUNCIL**  
**PLANNING, DEVELOPMENT AND INFRASTRUCTURE**  
**COMMITTEE**

**20 AUGUST 2014**

Agenda Item	18
Report No	PDI 35/14

**INTERNAL AUDIT REPORT – INSPECTION OF EQUIPMENT IN SCHOOLS**

**Report by Director of Development and Infrastructure**

**Summary**

This report informs Members on the objectives and findings of the Audit Report presented to the Audit and Scrutiny Committee on 19 June 2014, and updates them on progress against the Action Plan.

**1 Background**

- 1.1 The Audit and Scrutiny Committee considered an Internal Audit Report on the Inspection of Equipment in schools at their meeting on 19 June 2014. The summary of the report and accompanying Action Plan, which have been presented to the Audit and Scrutiny Committee, set out the objectives and main findings of the audit, and are attached at Appendix 1.
- 1.2 This report sets out the objectives and main findings of the audit and informs members of progress with the Action Plan (Appendix 2).

**2 Inspection of School Equipment**

- 2.1 The audit examined the contractual management arrangements in respect of the Inspection and Testing of Plant, Equipment and Fixed Electrical Installations contract that was in place at that time. That contract was administered by the Property Management Section within the then Housing and Property Service on behalf of Council Services, and each Service had a nominated officer to act on their behalf.

As a result of concerns regarding the overall performance of the contractor, gym equipment and fixed electrical installation inspections and testing were removed from the contract during the course of the audit review.

The audit findings relate to the arrangements that were in place prior to re-tendering taking place in January 2013, therefore many of the issues raised have been resolved through the introduction of the new contracts, which are now managed by dedicated staff.

**3 Review Objectives**

The objectives of the review were as follows:

- there are appropriate contract arrangements in place for the inspection and testing of equipment and this is managed properly;

- the Development & Infrastructure Service maintain up-to-date, accurate and complete records of all inspections and subsequent reports. Particular emphasis will be placed upon the process for the inspection of equipment in schools;
- the appropriate action is undertaken and the relevant officers are informed following receipt of the inspection reports; and
- there are appropriate monitoring arrangements in place to ensure that all remedial actions are addressed within the relevant timescale. Emerging themes or issues are promptly identified and escalated in order that any costs can be identified and notified to Care and Learning management.

#### **4 Audit Findings**

- 4.1 The audit found that the contract had historically not been appropriately administered and scrutinised, with appropriate steps taken to resolve issues.
- 4.2 The audit report contains 13 recommendations, 2 of which are categorised as high priority. The recommendations have been accepted by management and good progress is being made to complete implementation of all the agreed actions.
- 4.3 Whilst the majority of the actions relate to the Development and Infrastructure Service, there is one specific action attributable jointly to the Head of Property and the Head of Resources, Care and Learning Service, which will also be reported to Education, Children and Adult Services. In addition to the specific actions identified in the audit report, the Care & Learning Service has reallocated existing budgets to ensure that there is sufficient funding to meet the annual cost of all inspection contracts and related remedial works. This will ensure that these contracts are adequately resourced from now onward.

#### **5 Implications**

- 5.1 There are no Resource, Legal, Equalities or Climate Change/Carbon Clever implications arising from this report.

Failure to implement the actions contained within the audit report could lead to the risk of inspections of equipment not being carried out regularly and appropriate actions being taken.

#### **Recommendation**

Members are invited to note the findings of the Audit Report presented to the Audit and Scrutiny Committee on 19 June 2014 and the action being taken to implement the recommendations.

Designation: Director of Development and Infrastructure

Date: 8 August 2014

Author: Gary Westwater, Head of Property

Appendix A: Audit Report Summary and Action Plan

**AUDIT REPORT SUMMARY****Report Title**

<b>Care &amp; Learning Service/ Development &amp; Infrastructure Service - Inspection of Equipment in Schools</b>
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**Report No.****Type of Audit****Issue Date**

HC13/017.bf.bf
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System
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<b>Draft Report</b>	14/05/14
<b>Final Report</b>	10/06/14

**1. Introduction**

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| <p>1.1 This audit was undertaken as part of the annual plan for 2012/13 to examine the contractual management arrangements in respect of the Inspection and Testing of Plant, Equipment and Fixed Electrical Installations contract (PAS-INS125) (hereafter to be referred to as "the contract"). The contract commenced on 01/04/07 and was due to expire on 31/03/10. It was then extended for a further 3 years until 31/03/13.</p> <p>1.2 The Property Management Section, Development &amp; Infrastructure Service are the contract administrators on behalf of the interested Council Services such as Care and Learning Service. Each Service has a nominated officer to act on the Service's behalf.</p> <p>1.3 As a result of concerns regarding the overall performance of the contractor, gym equipment, and fixed electrical installation inspections and testing were removed from the contract from 10/12/12 and 01/01/13 respectively. This took place during the course of the audit review.</p> <p>1.4 A number of new contract arrangements were then put in place:</p> <ul style="list-style-type: none"> <li>• In January 2013, a new contract for the inspection and testing of the fixed electrical installations was awarded from February to June 2013, covering all out of date inspections up to the end of May 2013. Another contract was then let to cover the fixed electrical inspections from June to December 2013. Furthermore, new contracts for the inspection and testing of going out of date fixed electrical installations were introduced in February and March 2014 to cover properties within South and North areas respectively. In addition, a new contract was awarded in May 2014 to provide a 2 year cover for routine inspections.</li> <li>• The remaining testing and inspection elements, including gym equipment, were included with a contract for the period April 2013 to March 2014. An interim contract is currently in place which expires during August 2014. A replacement contract is presently out to tender.</li> </ul> <p>1.5 The audit findings below relate to the arrangements that were in place prior to re-tendering taking place in January 2013.</p> |
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**2. Review Objectives**

The objectives of the review were to ensure that:
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| <p>2.1 There are appropriate contract arrangements in place for the inspection and testing of equipment and this is managed properly.</p> <p>2.2 The Development &amp; Infrastructure Service maintain up-to-date, accurate and complete records of all inspections and subsequent reports. Particular emphasis will be placed upon the process for the inspection of equipment in Schools.</p> <p>2.3 The appropriate action is undertaken and the relevant officers are informed following receipt of the inspection reports</p> <p>2.4 There are appropriate monitoring arrangements in place to ensure that all remedial actions are addressed within the relevant timescale. Emerging themes or issues are promptly identified and escalated in order that any costs can be identified and notified to Care and Learning Management</p> |
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### 3. Main Findings

The main findings of the review, referenced to the above review objectives, are as follows:

#### 3.1 This objective was not achieved as:

- A number of the expected documents were either not in existence or have not been recently updated:
  - The policies which would support inspection and testing requirements including:
  - The “Electrical at Work” policy which has not been subject to recent review;
  - There are no policies for Lifting, Pressure Systems, Local Exhaust Ventilation (LEV) and Gym Equipment.
- It was highlighted during this audit that there was no service contract in place for LEV equipment and the arrangements in place were only partially compliant with Control of Substances Hazardous to Health (COSHH) requirements. However, the COSHH requirements have since been addressed.
- There was no procedural guidance issued to assist officers with their required roles and responsibilities.
- In addition, no documents were held to support the contract extension for the period April 2011 - March 2012.

There was limited contract monitoring during the period January 2010 to December 2011. This was undertaken by way of contract progression meetings which discussed contract and performance issues. However, only 2 meetings were held during these two years. In addition, the meetings held in 2012 were not minuted.

The contractor failed to provide the appropriate detail of report and instead provided a summarised form of testing results. In addition, review of a sample of fixed electrical inspection reports highlighted that the overall opinion did not always correlate with the individual defects identified, making it difficult to assess their importance and necessity for action.

It was not possible to establish whether the contract sums paid were accurate due to the absence of any formal contract variations after March 2009. In addition, the contractor failed to provide evidence that the schedule of works was completed, and there is no documentation to show how the annual price increases were calculated and applied.

The contractor was paid by an Officer within the Finance Service upon receipt of a monthly invoice, with no recourse to the Property Management Section. Services have then been recharged on the same basis as the allocation of insurance premiums rather than works undertaken. In addition, High Life Highland buildings were omitted in calculating the charges to the Care and Learning Service for 2012/13.

#### 3.2 This objective was not achieved as the contractor failed to use the Council’s unique site reference numbers; using their own instead. Despite requests for the contractor to reconcile their information to that held by the Council, this was not done.

There is no Council wide asset register of equipment to be inspected and therefore, it could not be established if all assets and equipment held was actually inspected.

There were issues with the contractor’s database not presenting all relevant information and this was addressed through the provision of additional reports. Since the previous contract was terminated and a new contractor commenced, this has highlighted further concerns about the quality of the inspections previously undertaken. In particular, where a site has multiple buildings, only one received the fixed electrical inspections (FEI) and the Inspection and Testing (I&T) programme is expanding due to an increased number of items being found by the new contractor.

Access to the contractor’s database, where the inspection reports were held, ceased from 31/03/13 due to termination of the contract. In order to address this, all reports were downloaded manually but there are issues with the completeness and accuracy of this data. In addition, the Care and Learning Service’s records require updating to ensure that full records of inspections are held.

One school had received an FEI during the course of the contract but this was not recorded on the database and the inspection date is unknown. It could not be confirmed whether the FEIs are in accordance with the expected 5 yearly timescale due to no schedule of works being provided by the contractor. In addition, equipment had been inspected more

regularly than standards direct at one High School examined.

- 3.3 This objective was partially achieved as the Plant & Gym Equipment, records show that Care and Learning Officers are requesting and then reviewing the reports within 1-3 months of inspection. However, this is only since March 2012 and there were significantly delays before this date. The FEI reports were not being addressed in a timely manner with delays averaging 19 months.

In addition, the remedial works were not instructed by Care and Learning Officers who stated that this was due to an absence of appropriate contractors on the Framework Agreement. In addition, where works were instructed there was no evidence to demonstrate that this was subsequently completed.

- 3.4 As a result of the findings at (iii) above, this objective was not achieved.

#### 4. Conclusion

- 4.1 This contract has historically not been appropriately administered and scrutinised, with appropriate steps taken to resolve issues. Council sites have potentially been put at risk of delayed inspection. The contractor did not align systems to match Council listings as requested and supply requested documentation in relation to the contract. There has been a lack of joint input over payments, with no reconciliation to works completed. It is unclear whether remedial works highlighted by the inspection and testing reports were being authorised and completed appropriately.

- 4.2 The Contract Administrator had attempted to address these concerns by subdividing the contract, putting new inspection and testing contractors in place and resuming control of contractor payments. A download of the database provided by the contractor, was undertaken, prior to the termination of access. It was advised that these reports will be entered onto the new property database, K2.

- 4.3 In moving forward, there should be improvements in the level of contract documentation held to provide sufficient guidance to officers, support contract changes, reconcile work undertaken and demonstrate adherence to the contract requirements. Council policies which cover inspection and testing arrangements should be subject to regular review. The contract should be regularly monitored and necessary action taken if the contractor deviates from the contract specification. Work should be undertaken to produce an accurate position of site inspection frequencies to ensure compliance to regulation and fully uncover the impact of any under-inspection by the previous contractor.

- 4.4 As a result, there are 2 high, 10 medium and 1 low grade recommendations in this report. 3 medium and the low grade action have been completed, with the majority of the remaining actions due to be completed by the end of September 2014. There is one longer term action which relates to ensuring that all council buildings have a valid Fixed Electrical Inspection and Test report available by the end of July 2016.

#### 5. Audit Opinion

- 5.1 The opinion is based upon, and limited to, the work performed in respect of the subject under review. Internal Audit cannot provide total assurance that control weaknesses or irregularities do not exist. It is the opinion that **Limited Assurance** can be given in that weaknesses in the system of controls are such as to put the system objectives at risk, and/ or the level of non-compliance puts the system objectives at risk.

**AUDIT REPORT ACTION PLAN****Report Title****Report No.**

Care &amp; Learning Service/ Development &amp; Infrastructure Service – Inspection of Equipment in Schools

HC13/017.bf.bf

The Action Plan contains **13** recommendations as follows:

**Description**

Major issues that managers need to address as a matter of urgency.

Important issues that managers should address and will benefit the Organisation if implemented.

Minor issues that are not critical but managers should address.

Priority	Number
High	2
Medium	10
Low	1
<b>Total recommendations</b>	<b>13</b>

REPORT REF.	GRADE	FINDING	RECOMMENDATION	MANAGEMENT AGREED ACTION	IMPLEMENTATION	
					RESPONSIBLE OFFICER	TARGET DATE
3.1.1	Medium	<p>Various documentation which would have been expected as part of good contract arrangements could not be found, in particular:</p> <p>(1) A number of expected Council policies which support Inspection &amp; Testing arrangements either did not exist or had not been updated for several years. In particular:</p> <ul style="list-style-type: none"> <li>The "Electrical at Work" policy was subject to review;</li> <li>There are no policies for Lifting, Pressure Systems, Local Exhaust Ventilation and Gym Equipment.</li> </ul>	<p>The Property Management Section should ensure that:</p> <p>(1) Appropriate policies are in place, up to date and reviewed regularly.</p>	<p>(1) All existing and future Inspection and Testing policies will be updated and subsequently reviewed annually or in response to legislative or other requirements.</p>	Property Risk Management Officer	29/08/14

## AUDIT REPORT ACTION PLAN

Report Title

Report No.

Care & Learning Service/ Development & Infrastructure Service – Inspection of Equipment in Schools

HC13/017.bf.bf

REPORT REF.	GRADE	FINDING	RECOMMENDATION	MANAGEMENT AGREED ACTION	IMPLEMENTATION	
					RESPONSIBLE OFFICER	TARGET DATE
3.1.1 (cont'd)		(2) There is no guidance available to officers detailing their roles and responsibilities.	(2) I&T guidance is in place to ensure all involved individuals are aware of their role and responsibilities.	(2) Inspection and Testing procedures for contract management arrangements will be further developed to ensure individuals are aware of their role and responsibilities. New, robust management arrangements will ensure that this recommendation is achieved.	Property Manager	26/09/14
		(3) There is no formal documentation held to support the contract extension for the period April 2011 to March 2012.	(3) All appropriate contract documentation is held, including any changes such as contract extensions.	(3) Appropriate contract documentation is now held electronically in individual contract files.	Property Manager	Complete

## AUDIT REPORT ACTION PLAN

Report Title

Report No.

Care & Learning Service/ Development & Infrastructure Service – Inspection of Equipment in Schools

HC13/017.bf.bf

REPORT REF.	GRADE	FINDING	RECOMMENDATION	MANAGEMENT AGREED ACTION	IMPLEMENTATION	
					RESPONSIBLE OFFICER	TARGET DATE
3.1.2	Medium	There was limited contract monitoring during the period January 2010 to December 2011. In addition, few contract progress meetings were held and minutes of these were not always retained. This is particularly important as issues were identified with the contractor failing to conform with the contract requirements.	<p>The Property Management Section should ensure that:</p> <ul style="list-style-type: none"> <li>• Future contracts have agreed monitoring measures in place from the outset and these are adhered to.</li> <li>• Any non-conformance with the contract is addressed with the contractor in a prompt manner.</li> <li>• Where Contract progress meetings are held, the Service should ensure that appropriate records and minutes are held for future reference.</li> </ul>	<ul style="list-style-type: none"> <li>• Contract monitoring measures for contract out-puts are now in place.</li> <li>• Contract management meetings are now in place for service contracts. Non-conformance issues when identified will be dealt with in timeous manner.</li> <li>• Contract progress Meeting Minutes are being held and minutes are being taken and recorded in relevant project files.</li> </ul>	Property Manager	Complete
3.1.3	Low	In addition, the contractor failed to provide the required report format, choosing instead to provide a less detailed summary report.	The Property Management Section should ensure that future contracts explicitly highlight what is required from the contractor in terms of reporting requirements, including compliance with statutory legislation and quality control requirements.	All future contracts will be explicit on what outputs are required from the appointed contractor and this will be enforced by the responsible Contract Administrator.	Property Manager	Complete

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Care & Learning Service/ Development & Infrastructure Service – Inspection of Equipment in Schools

HC13/017.bf.bf

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					RESPONSIBLE OFFICER	TARGET DATE
3.1.4	High	<p>It is not possible to establish if the contract sums paid were correct as:</p> <ul style="list-style-type: none"> <li>No records were held to evidence changes to contract sum after 2008/09. No Contract Variations found for 2009/10 onwards.</li> <li>No schedule of works was provided by the contractor and it is not known if the expected works were undertaken.</li> <li>No records were held to evidence the basis of annual price increases applied to the contract.</li> </ul>	<p>The Property Management Service should ensure that contractual arrangements are adhered, in that:</p> <ul style="list-style-type: none"> <li>All contract variations should be recorded, reconciled to contract annual sums and once submitted to contractor, the contract variation checked to ensure the appropriate action has been taken.</li> <li>Contractors supply the appropriate schedule of works and all payments should be reconciled to this before authorisation.</li> <li>Any annual price increase should be applied as set out in the contract and confirmed in writing.</li> </ul>	<p>Additional resources have been allocated and will be supplemented when necessary to ensure that Contract Administrators are able to:</p> <ul style="list-style-type: none"> <li>Record all variations</li> <li>Reconcile contract payments</li> <li>Apply annual contract price increases.</li> </ul>	Head of Property	31/07/14

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HC13/017.bf.bf

REPORT REF.	GRADE	FINDING	RECOMMENDATION	MANAGEMENT AGREED ACTION	IMPLEMENTATION	
					RESPONSIBLE OFFICER	TARGET DATE
3.1.5	Medium	<p>The arrangements for the payment of invoices to the contractor were unsatisfactory as these were processed by the Insurance &amp; Risk Section with no input from Property Management Section to confirm amount or completed works invoiced. It should be noted that this has ceased with termination of the contract.</p> <p>In addition, the process for the recharge of the contract sum is unsatisfactory as it was based on insurance premiums rather than the inspection works.</p>	<p>The Property Management Service should ensure that there are appropriate arrangements in place for the payment and recharge of contract sums, in that:</p> <ul style="list-style-type: none"> <li>• Where they administer contracts then they have the corresponding responsibility for the authorisation and payment of any sums due to the contractor.</li> <li>• Payments are reconciled and agreed to the contract sum including any additions/ deletions and annual uplifts.</li> <li>• Recharges are on the basis of work undertaken rather than insurance premiums.</li> </ul>	<ul style="list-style-type: none"> <li>• Responsibility for payment of contracts has now been transferred to the Development and Infrastructure Service and payments are being administered in accordance with contract conditions.</li> <li>• Contract payment mechanisms have been reviewed and payments are being reconciled.</li> <li>• The recharging process has been realigned and will be applied to take account of actual costs incurred per Service.</li> </ul>	Property Manager	Complete
					Property Manager	Complete
					Property Manager	Complete
3.2.1	Medium	<p>The contractor failed to use the Council's unique site identifiers and instead used their own numbering system, and the two sets of information were never fully reconciled. As a result there is no assurance that all expected items have been inspected in accordance with the contract requirements.</p>	<p>The Property Management Section should ensure that future contracts include the explicit condition that contractors include the Unique Council Site identifiers, as provided within the contract in any correspondence and/ or reporting.</p>	All recent and future contracts have or will include the Council's own unique property code for each property.	Property Manager	Complete

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Report No.

Care & Learning Service/ Development & Infrastructure Service – Inspection of Equipment in Schools

HC13/017.bf.bf

REPORT REF.	GRADE	FINDING	RECOMMENDATION	MANAGEMENT AGREED ACTION	IMPLEMENTATION	
					RESPONSIBLE OFFICER	TARGET DATE
3.2.2	Medium	The absence of an asset register means that it cannot be established if all assets and equipment were inspected in accordance with the contract requirements.	(1) The Property Management Section should work with Services to ensure that an accurate asset register is produced and verified with respective site Responsible Premise Officers.  (2) Services should then ensure that this information is kept up to date and can be verified to any inspection reports.	(1) Consultation with Council service RPOs will take place to ensure that asset registers are verified.  (2) Property Policy will require Client Service Managers to ensure that service specific asset registers are verified and maintained at all times.	Property Manager	31/03/15
					Property Risk Management Officer	29/08/14



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Report Title

Report No.

Care & Learning Service/ Development & Infrastructure Service – Inspection of Equipment in Schools

HC13/017.bf.bf

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					RESPONSIBLE OFFICER	TARGET DATE
3.2.4	High	<p>The contractor provided all inspection reports on their database (Crimson). In response to access being removed as a result of termination of the contract, the latest site reports were downloaded from Crimson and manually re-named. The report date has been used to schedule when the next inspection should be undertaken. However, the reports provided are not just inspections, and so there is the risk that the wrong inspection date is used and the required inspection periods are not complied with.</p> <p>It was also identified that Care and Learning Service's records were not up to date, and in agreement with Crimson. Also prompt action was not always taken to address any remedial works identified.</p>	<p>The Property Management Section should ensure that:</p> <p>(1) The downloaded Crimson data is cleansed to provide an accurate picture of when sites were last inspected. Any sites not listed on Crimson and those with inspection periods exceeding standard guidelines should be prioritised for inspection.</p> <p>(2) Services are notified that a back-up of Crimson inspection &amp; testing reports is held.</p>	<p>The Crimson data cannot be relied upon for the purpose described. More effective actions are:</p> <ul style="list-style-type: none"> <li>Two interim Fixed Electrical Inspection and Testing contracts were tendered and let in March 2014 in order to have sites that had gone out of date re-inspected and tested. These two contracts will conclude in September 2014.</li> <li>A further Fixed Electrical Inspection and Testing contract for all remaining Council Property has been awarded which will ensure that all council buildings will have a valid Fixed Electrical Inspection and Test report available by the end of July 2016.</li> </ul> <p><b>Note:</b> Services have been notified that Crimson reports are available but due to their lack of validation the reports are deemed as being unreliable.</p>	<p>Property Manager</p> <p>Property Manager</p>	<p>26/09/14</p> <p>29/07/16</p>

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Care & Learning Service/ Development & Infrastructure Service – Inspection of Equipment in Schools

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3.2.5	Medium	<p>It is not possible to establish if inspections were performed within the specified timescale as:</p> <ul style="list-style-type: none"> <li>• Previous inspection dates for FEI were not recorded on Crimson.</li> <li>• No record on Crimson of South Lodge Primary being FEI inspected. The Contract Administrator confirmed that had been undertaken but could not specify the date.</li> <li>• At one school plant equipment was being inspected more regularly than required.</li> </ul>	<p>The Property Management Section should ensure that the inspection periods are monitored to ensure that these are in accordance with the contract's schedule of works and required standards. Any variances should be promptly addressed with the contractor.</p>	<p>Regular contract progress meetings are being held with the appointed service contractors to ensure that contract programmes are adhered to and that contract specifications are being followed.</p> <p>Any deviation from contract specifications would be discussed and resolved during regular progress meetings with the service contractors.</p>	Property Manager	26/09/14
3.3.1	Medium	<p>It was not possible to verify that inspection reports were being reviewed and forwarded in a timely manner as this is not always evidenced. In addition, there were significant delays, averaging over 19 months, in the forwarding of some reports.</p>	<p>The Property Management Service should remind Service contract representatives that the review and forwarding of all testing and inspection reports should be undertaken in a reasonable timeframe and the appropriate records updated to evidence this.</p>	<p>Service contract reports will be circulated timeously to Client Service Managers. Contract Administrators will monitor and record the circulation of inspection reports to Client Service Managers. The new Inspection and Testing contract has a web based portal which provides Council Premises Managers access to copies of all inspection certificates. In addition to this all inspection certification is now e-mailed out to Premises Managers for their review.</p>	Property Manager	26/09/14

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REPORT REF.	GRADE	FINDING	RECOMMENDATION	MANAGEMENT AGREED ACTION	IMPLEMENTATION	
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3.3.2	Medium	<p>(1) It was not possible to confirm whether remedial works highlighted by I&amp;T reports were authorised and completed.</p> <p>(2) It was established that a number of Care and Learning remedial works were not addressed. The reason provided for this was the lack of suitable contractors on the Framework Agreement.</p>	<p>(1) The Property Management Section should:</p> <ul style="list-style-type: none"> <li>Remind the relevant Services to ensure that appropriate information is held to evidence any remedial works authorised.</li> <li>Ensure appropriate guidance is distributed on how to operate the new contractor's inspection and testing management system.</li> </ul> <p>(2) The procedure for requesting remedial works should be documented and distributed to relevant Services. This should include links to the Framework Agreement or Service contracts.</p> <p>(3) Where Services identify the absence of specialist contractors on the Framework Agreement, they should notify Development &amp; Infrastructure Service staff accordingly in order that an appropriate solution can be identified.</p>	<p>(1) Instructions from Client Services to proceed with remedial works will be recorded in each service contract file. Guidance will be distributed to Client Services to ensure that they are able to operate and interrogate the records held in the inspection and testing database.</p> <p>(2) A procedure for requesting procurement and completion of remedial works will be established and communicated to Client Service Managers.</p> <p>(3) Development and Infrastructure Service will procure specialist contracts on behalf of Client Service Managers via the Councils Quick Quote process or alternatively under the full tendering procedure.</p>	Property Manager	Complete
					Property Manager	26/09/14
					Property Manager	29/08/14
					Property Manager	Complete

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Report Title

Report No.

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3.4.1	Medium	There is limited monitoring of remedial works undertaken by the Contract Administrator. Therefore, it was not possible to establish if all required works have been undertaken. Also as stated at 3.3.2 above, Care and Learning remedial works have not been undertaken.	The Property Management Section should remind the relevant Services to ensure that appropriate information is held to evidence that remedial works are actioned and completed.	A process of monitoring and reporting that contract remedial works are being completed to the required standards and timescales will be developed and implemented.	Head of Support Services and Head of Property	26/09/14