

INTERNAL AUDIT SERVICES

REPORT REF No S/017/19

(November 2018)

**Loch Lomond and the Trossachs
National Park Authority
Access Audit**



West Dunbartonshire ~ from the banks of Loch Lomond to the shores of the Clyde



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Personnel referred to in this report:

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Simon Jones, Director of Conservation and Visitor Experience, Loch Lomond and the Trossachs National Park Authority

Kenny Auld, Recreation, Access and Health Manager, Loch Lomond and the Trossachs National Park Authority

Babs Robertson, Senior Support – Access and Recreation, Loch Lomond and the Trossachs National Park Authority

Auditor: Lucy Scott, West Dunbartonshire Council

1. EXECUTIVE SUMMARY

General

An audit was conducted on Access and we are pleased to report that the systems examined are working effectively.

The review examined the Park Authority's compliance with the Land Reform (Scotland) Act 2003 (the Act). The Park Authority is classified as an 'access authority' by the Act and as such has duties and powers set out in the Act.

The Audit highlighted the following areas of good practice:

- The Act requires the Park Authority to publicise the Scottish Outdoors Access Code. This duty is met in a variety of ways including:
 - reference is made to the Scottish Outdoor Access Code in relevant publications;
 - the Park Authority offer two rangers two days per week throughout the year (with capacity to offer three days per week during the winter season) to support schools and groups visiting and learning about the National Park. During the year to March 2018 the Park Authority provided over 450 hours of support to 67 schools and 11 groups; and
 - informal discussions between Park Authority staff and users of the National Park take place every day.
- As required by the Act a Local Access Forum has been established and a Core Paths plan has been implemented.
- The Park Authority has a system in place to record and resolve complaints and enquiries raised in relation to enforcement of the Act.

The review also highlighted that opportunities exist to strengthen internal controls and enhance the service provided, the most important of which are listed below;

- Staff in the Access and Recreation Team should be reminded of the procedures for dealing with complaints and enquiries in particular they should be reminded of the requirement to save documentation in the relevant case file and to advise the complainant of the outcome of the complaint investigation.
- Information held on the internet in relation to Access should be updated as soon as possible to provide key Access information including how to raise issues and contact the Access and Recreation team.
- Consideration should be given to enhancing the documentation around the role and remit of the Local Access Forum to include, for example, a job specification for the Forum members and a Terms of Reference document to assist with the running of the Forum.

Full details of these opportunities and any other points that arose during the audit are included in the Action Plan, which forms Section 3 of this report.

2. MAIN REPORT

2.1 INTRODUCTION

2.1.1 An audit was carried out on Access in order to review the Park Authority's compliance with their duties and powers as an Access Authority as required by the Land Reform (Scotland) Act 2003. The Audit was included as part of Internal Audit's Planned Programme of Audits for 2018/19.

2.2 SCOPE AND OBJECTIVES

2.2.1 An audit launch meeting was held with Jaki Carnegie, Director of Corporate Services, Simon Jones, Director of Conservation and Visitor Experience, Kenny Auld, Recreation, Access and Health Manager, Babs Robertson, Senior Support – Access and Recreation and Lucy Scott, Internal Auditor.

2.2.2 The scope and objectives of the audit were agreed as being to review the compliance of the Park Authority with its duties and powers as an Access Authority as defined in the Act.

2.2.3 The key duties under the Act, relevant to the Park Authority, are recognised by the Access and Recreation team as being:

- To publicise the Scottish Outdoor Access Code;
- To uphold access rights;
- To prepare, adopt and review the Core Paths Plan; and
- To establish a Local Access Forum.

2.2.4 The key powers under the Act, relevant to the Park Authority, to be included in the Audit are recognised by the Access and Recreation team as being:

- Exemption of land from access rights for short periods;
- Removal of prohibition signs, obstructions and dangerous impediments;
- Measures for safety, protection and guidance; and
- Maintenance of and directions to core paths.

2.2.5 The detailed work undertaken as part of the audit of Access included:

- Review of the complaints and enquiries log including a review of a sample of complaints to ensure that the procedures were followed and any required enforcement action to uphold and maintain access was taken;
- Enquiry into how the Park Authority publicises the Scottish Outdoor Access Code. In addition a review of publications was carried out and information held on the Park Authority website was reviewed for evidence of how the Code is publicised;
- The Core Paths Plan was discussed with the Access and Recreation Team and the Core Paths Plan Review Paper was reviewed; and
- Evidence was obtained that the Local Access Forum is in place, consists of appropriate members and meets regularly.

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2.3 FINDINGS

- 2.3.1 The findings are based upon evidence obtained from review of relevant documents and discussions with members of the Park Authority Access and Recreation Team.
- 2.3.2 The audit was conducted in conformance with the Public Sector Internal Audit Standards (PSIAS).
- 2.3.3 This report details all points arising during the audit review, full details of which are included in the Action plan contained within Section 3 of this report. We stress that these are the points arising via the planned programme of work and are not necessarily all of the issues that may exist.
- 2.3.4 The review found that the Park Authority is operating effectively as an Access authority and the duties and powers assigned by the Act are being operated appropriately by the Park Authority. The key duties under the Act were reviewed with the following findings:

Duty	Audit Findings
To publicise the Scottish Outdoor Access Code.	<p>Publication of the Scottish Outdoor Access Code is a core part of the work of the Park Authority. Rangers publicise it whilst interacting with visitors to the National Park.</p> <p>The Park Authority has committed to providing two rangers two days per week throughout the year to support schools and educational groups visiting the National Park. This support includes discussion and teaching about the Code. During the year to March 2017 over 450 hours of support was delivered.</p> <p>Publications were reviewed and found to include reference to the Code.</p>
To uphold access rights.	<p>All complaints and enquiries regarding access rights are entered to a spreadsheet by the Senior Support – Access and Recreation team member. These complaints are then followed up and monitored by a member of the Access and Recreation Team.</p> <p>A sample of the complaints were reviewed and the majority were resolved quickly. In each of the sample reviewed an acknowledgement email was sent to the complainant on a timely basis.</p> <p>Several issues were identified regarding the procedures not being followed correctly and a recommendation in relation to procedures has been included within the Action Plan in Section 3 of this report.</p>
To prepare, adopt and review a Core	<p>The Core Paths Plan was adopted in 2010.</p> <p>A review is currently being undertaken to update this</p>

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Paths Plan.	Core Paths Plan. The Park Authority is meeting the requirements of the Act in relation to the Core Paths planning.
To establish a Local Access Forum.	A Local Access Forum has been established by the Park Authority and meets quarterly. The Park Authority has met the requirements of the Act in establishing a Local Access Forum however as outlined in the Action Plan in Section 3 of this report consideration should be given to enhancing the documentation around the roles and remit of the Local Access Forum.

2.3.5 In addition to these duties the Act also assigns various powers to the Park Authority. The powers in relation to the removal of prohibition signs, obstructions and dangerous impediments; measures for safety, protection and guidance; and maintenance of core paths were reviewed as part of the review of the complaints and enquiries log as any issues in relation to each of these Powers would initially be logged there prior to investigation.

The power to exempt land from access rights for short periods was discussed with the Access and Recreation Team and a sample of exemptions were reviewed. The exemption process was found to be operating effectively.

2.3.6 The factual accuracy of this report has been verified by the officers involved in the audit.

2.3.7 Audit would like to thank all staff involved in the audit process for their time and assistance.

3. Action Plan: National Park - Access 2018/19 S.017.19						
Ref. No.	Finding	Recommendation	Priority	Management Comment	Manager Responsible	Date to be Completed
1.	<p><u>Procedures over Access complaint resolution</u></p> <p>Procedures regarding the update of the Access complaints spreadsheet and resolution of complaints have not always been followed.</p> <p>As part of the sample review of complaints one complaint was identified where the complainant was not advised of the outcome of the complaint. In another instance the relevant files relating to the complaint investigation had not been saved to the case file. There were several instances where a complaint had been closed but the complaint spreadsheet had not been updated at the date of the review.</p>	<p>Staff in the Access and Recreation team should be reminded of the procedures for dealing with complaints and enquiries including:</p> <ul style="list-style-type: none"> • documentation to be included in the case file; • the requirement to advise the complainant of the outcome of the review; and • the requirement to update the complaints spreadsheet when a complaint is resolved. 	Low Risk	<p><u>Accepted</u></p> <p>The team will be reminded of the importance of filing related documentation and correspondence and to follow the procedures that are in place.</p>	Access, Recreation & Health Manager	Apr 2019

3. Action Plan: National Park - Access 2018/19 S.017.19						
Ref. No.	Finding	Recommendation	Priority	Management Comment	Manager Responsible	Date to be Completed
2.	<p><u>Access Information on Internet</u></p> <p>Following amendments to the National Park web site in 2016 the information relating to Access was not transferred to the new internet site. Although plans are in place to restore the relevant information the National park website currently lacks sufficient Access information, for example, details on how to make a complaint, S11 exemption forms and timescales for contacting the National Park Authority Access and Recreation team to raise issues at the Local Access Forum.</p>	<p>The Access and Recreation team should continue to progress restoring inclusion of the key access information on the Internet site.</p>	<p>Low Risk</p>	<p><u>Accepted</u></p> <p>The Access, Recreation & Health Manager is working with the Communications team to provide a page giving all relevant advice on Access, how to contact the team and download exemption applications. There are also plans in place to implement a 'Report It' option where software will allow complaints to be reported and mapped.</p>	<p>Access, Recreation & Health Manager</p>	<p>Feb 2019</p>

3. Action Plan: National Park - Access 2018/19 S.017.19						
Ref. No.	Finding	Recommendation	Priority	Management Comment	Manager Responsible	Date to be Completed
3.	<p><u>Remit of Local Access Forum</u></p> <p>The National Park has developed Operating Principles for the Local Access Forum however there are no Terms of Reference and there is no job specification available for or provided to forum members.</p>	<p>The National Park should consider enhancing documentation around the roles and remit of the Local Assess Forum to include, for example:</p> <ul style="list-style-type: none"> • Job specifications for Forum members; and • A Remit / Terms of Reference document to assist with the running of the Forum (this remit could cover areas such as Equal Opportunities, Structure, Membership (including how potential members are nominated and the length of time for which members are elected) and Administration and Finance). 	Low Risk	<p><u>Accepted</u></p> <p>The current Operating Principles and 'job spec' will be reviewed to provide a Terms of Reference document. Although it currently advises of what is expected from forum members we agree it could be expanded more to include/address the suggestions raised. This finding will be discussed at the next Local Access Forum (February 2019)</p>	Access, Recreation & Health Manager	Apr 2019

3. Action Plan: National Park - Access 2018/19 S.017.19

Ref. No.	Finding	Recommendation	Priority	Management Comment	Manager Responsible	Date to be Completed
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4.	<p><u>KPIs should be developed for the Access and Recreation Team</u></p> <p>The Access and Recreation team does not currently calculate and report KPIs to monitor its performance.</p>	<p>Consideration should be given to KPIs which could be developed and reported on by the Access and Recreation team.</p> <p>Whilst success cannot only be measure by the speed of resolution KPIs could be developed over, for example, the number of Access complaints and queries received or the percentage of complaints resolved within a given timescale (e.g. a KPI could be for 80% of complaints to be resolved within 8 weeks).</p>	Low Risk	<p><u>Accepted</u></p> <p>It is accepted that the appropriateness of KPIs could be helpfully considered, however the recommendation correctly raises the difficulties around measurements of success which require further consideration.</p>	Access, Recreation & Health Manager	Apr 2019
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Appendix 1. Priority Levels

Recommendations have timescales for completion in line with the following priorities.

Priority	Expected Implementation Timescale
<u>High Risk:</u> Material observations requiring immediate action. These require to be added to the risk register of a service. (Council context)	Generally, implementation of recommendations should start immediately and be fully completed within three months of action plan being agreed.
<u>Medium Risk:</u> Significant observations requiring reasonably urgent action.	Generally, complete implementation of recommendations within six months of action plan being agreed.
<u>Low Risk:</u> Minor observations which require action to improve the efficiency, effectiveness and economy of operations or which otherwise require to be brought to the attention of senior management.	Generally, complete implementation of recommendations within twelve months of action plan being agreed.

Note: About this report

This Report has been prepared on the basis set out in the Memorandum of Understanding (MOU) between the National Park Authority as the Client and West Dunbartonshire Council (WDC) as the provider of Internal Audit services. Nothing in this report constitutes a valuation or legal advice. We have not verified the reliability or accuracy of any information obtained in the course of our work, other than in the limited circumstances set out in the MOU. This Report has been prepared for the benefit of the Client only. This Report has not been designed to be of benefit to anyone except the Client. In preparing this Report we have not taken into account the interests, needs or circumstances of anyone apart from the Client, even though we may have been aware that others might read this Report. This Report is not suitable to be relied on by any party wishing to acquire rights against WDC, other than the Client for any purpose or in any context. Any party other than the Client that obtains access to this Report or a copy (under the Freedom of Information (Scotland) Act 2002, the Environmental Information (Scotland) Regulations 2004 through the Client's Publication Scheme or otherwise) and chooses to rely on this Report (or any part of it) does so at its own risk. To the fullest extent permitted by law, WDC does not assume any responsibility and will not accept any liability in respect of this Report to any party other than the Client. In particular, and without limiting the general statement above, since we have prepared this Report for the benefit of the Client alone, this Report has not been prepared for the benefit of any other public sector body nor for any other person or organisation who might have an interest in the matters discussed in this Report, including for example those who work in the public sector or those who provide goods or services to those who operate in the public sector.