

REDACTED



FINAL INTERNAL AUDIT REPORT

HEALTH AND SAFETY FRAMEWORK – ENVIRONMENT AND PUBLIC PROTECTION

PLA/02/2023

31 January 2024

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| Auditor | Principal Auditor |
| Reviewer | Head of Audit and Assurance |

Distribution list

| Job title |
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| Director of Environment and Public Protection |
| Head of Performance Management and Business Support |
| Assistant Director of Public Protection |
| Assistant Director of Environment (Carbon & Greenspace) |
| Assistant Director of Environment |
| Assistant Director, Traffic and Parking |
| Assistant Director, Highways |

Executive Summary

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| Audit Objective | The objective of this audit was to review the assurance framework in place to ensure Health and Safety (H&S) risks are managed and mitigated. |
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| Assurance Level | | Findings by Priority Rating | | |
|-----------------------------|--|-----------------------------|-------------------|-------------------|
| Reasonable Assurance | There is generally a sound system of control in place but there are weaknesses which put some of the service or system objectives at risk. Management attention is required. | Priority 1 | Priority 2 | Priority 3 |
| | | 0 | 1 | 4 |

| Key Findings |
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| <p>To evaluate the effectiveness of the H&S assurance framework in Environmental Services and Public Protection (PP) we looked at the departmental H&S Board, risk registers and selected the Waste contract (Lot 1-3) and the CCTV Monitoring contract as examples of H&S performance monitoring and reporting.</p> <p>We identified the following areas of good practice and sound controls:</p> <ol style="list-style-type: none"> 1) The quarterly H&S Board is well chaired, minuted and allowed a forum to cascade H&S issues across the department and to/from Corporate H&S. 2) The two departmental risk registers included a specific H&S risk with adequate mitigating controls and methodology of work required to deliver those controls. 3) The monitoring and management of the H&S elements of the Waste Contract evidenced a comprehensive approach to performance monitoring, liaison with the contractor, clarity of roles and responsibilities and reporting. This approach is both acceptable and expected given the risks associated with the delivery of a Waste service. In comparison the H&S element of the CCTV Monitoring contract monitoring is proportional to the risk associated with this contract. <p>We have identified the following area for management attention:-</p> <ol style="list-style-type: none"> 4) Collection, collation and distribution of H&S data (Priority 2) – The online contractor inspection form, primarily used by Neighbourhood Management Officers, is a generic template which would benefit from revision and update. Our review of the H&S Board minutes highlighted that Highways were also using their service specific system to collate H&S inspections. It was not clear if this data was being collected, collated and reported and therefore we did not have assurance that H&S inspection data for the Department (ECS and PP) was complete. Similarly the Board minutes showed a lack of clarity regarding the use and reporting of AR3 forms to Corporate H&S. We could not reconcile the accident / incident report for Place generated from Corporate H&S. See Recommendation 1. |

We have made four additional Priority 3 recommendation for good practice only.

Management has agreed actions for all findings raised in this report. Please see Appendix A.

Definitions of our assurance opinions and priority ratings are in **Appendix B**.

The scope of our audit is set out in **Appendix C**.

Appendix A - Management Action Plan

1. Collection, Collation and Distribution of H&S Data

Finding

The online contractor inspection forms are primarily utilised by the Neighbourhood Management (NM) team. Data is collated and reported to show the number of inspections and failures. For quarter 2, 2023/24, 251 inspections were completed of which 189 (75%) were for Waste and Streets (Neighbourhood Management Officers). The remaining inspections were split over Highways, Parks, Parks Security and Transport Operations. Of the 11 failures noted in this period, 7 related to Waste. The online form is a generic template which has not been reviewed or updated and does not meet the needs of the NM team. The NM Team have set a target of 50 inspections per month but this has not been formally adopted, neither has a split between ad hoc and planned inspections been set.

The H&S Board minutes (23/10/23) showed that a cross divisional discussion had highlighted that Highways were also using a site specific form in their system for H&S inspections. It was not clear if this data was being collected, collated and reported and therefore we did not have assurance that H&S inspection data for the Department (ECS and PP) was complete.

The same Board minutes showed a lack of clarity regarding the use and reporting of AR3 Forms to Corporate H&S and we acknowledge that officers have been tasked to seek resolution. We requested a service specific report from Corporate H&S to reconcile accident/incidents reported at the H&S Board and Service Operations Board (SOB). We were unable to complete the reconciliation given the format of data and timelines.

The ECS procedures to complete and monitor were comprehensive documents and included links to supporting documents. The completion of the online forms has not been reviewed since 2018 and although it is acknowledged that the procedure has not changed there should be a review date shown.

Risk

Inaccurate and incomplete reporting of H&S incidents, meaning that trends and emerging risks may not be identified and resolved, and a breach of H&S statutory requirements.

Recommendation

The Department should confirm that all H&S inspections completed across each Division are collected, collated and reported to the H&S Board.

Develop the online inspection form to meet the needs of the NM Team and/or ensure that the generic template meets the needs of all users.

Rating

Priority 2

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| <p>Any changes in process or record keeping should be updated on the H&S Monitoring Procedures, the revised date and next revision date noted for version control.</p> <p>Clarify the completion and reporting of AR3 forms and reconcile the information reported by Corporate H&S to locally held H&S reports to ensure completeness.</p> | |
| <p><u>Management Response and Accountable Manager</u></p> <p>Head of Performance Management Response:</p> <p>Online Form:</p> <p>The guidance document has been completed and has been updated with a new review date. This has now been reviewed as of January 2024 and the date has been added to the new version on the shared site. The online form itself is still relevant and discussions with the Head of Neighbourhood Management took place and it was decided the form will remain the same for the time being and the questions are still relevant and no action to change the form. This is complete. The Head of Performance Management will ensure a review takes place at least once a year to assure the online form is accurate and if it needs amending this will be actioned. This will be completed at the same annual review time of Departmental Risk Assessments.</p> <p>Inspection Reporting:</p> <p>At the Departmental Board Meeting under the agenda item 'Data and Discussion' the Highways team will now provide commentary by exception of their system recorded H&S inspections' the Highways Officer complete. This will provide assurance for the H&S work they complete if the online form does not allow them to provide a full response for their service area.</p> <p>This is relevant for all divisional areas and if the online form does not capture all their H&S information the delegate at the board is responsible for raising this at the 'Data and Discussion' agenda point. The Head of Performance Management will ensure a review takes place at least once a year to assure the Highways system H&S form is accurate and if it needs amending this will be actioned. This will be completed at the same annual review time of Departmental Risk Assessments.</p> <p>Discussions regarding this took place at DMT on 11th January , where colleagues were informed of the findings in the first draft report. This has been discussed at the Environment Governance meetings with ADs from the department. A separate meeting with the AD of Highways and Head of Performance took place to provide a response for the Highways divisional Discussions at Departmental H&S board on 24th January 2024 regarding divisions reporting H&S issues, if teams have separate spreadsheets or systems to report H&S issues they need to present this at the board. If they do not have a system in place for their division they can use the departmental online form or an AR3 (depending on the severity of the issue/incident).</p> <p>Head of Neighbourhood Management Response:</p> <p>Target for NM Team:</p> | <p><u>Agreed timescale</u></p> <p>Version of the guidance – Completed.</p> <p>Agenda added 'Highways H&S Data' - Completed</p> <p>Head of Performance Management to complete an annual review of online and system data inspection forms.</p> <p>Neighbourhood Management -</p> |

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| <p>NM did have an indicative target from February 2022 following the realignment of teams and this was confirmed to NOs in a meeting on 25th October 2023 and now embedded into the NM H&S framework.</p> <p>The NM H&S Framework document which was provided as part of the fieldwork for this audit shows the indicative volume of unplanned inspections as being 40 and the indicative volume of planned (joint) inspections being 10. This has been adopted by the NM team.</p> <p>In addition to this, the Senior Performance Officer and Senior Neighbourhood Officer (NO) for Waste will produce a mid-monthly (on or around the 15th of the month) report, in addition the monthly report and this will highlight the Senior NO if Neighbourhood Officers are in line to meet their target and this will show at the mid-monthly report.</p> <p>Highways Representative Response:</p> <p>The Highways team have a target for the two Highways Inspectors to complete at least one (1) online form a week, depending on when they carry out inspections.</p> <p>One Highways Inspector completes daily inspections on the Highways system and these are mainly to keep track of the works on site and there are H&S related elements. Highways & Street Lighting Manager will present the number of inspections at the board meeting and comment by exception.</p> | <p>Target Completed.</p> <p>Neighbourhood Management and Performance Management – Mid Monthly Report – take place from January 2023.</p> |
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| <p>2. H&S Training Logs – Neighbourhood Management (NM)</p> | |
| <p><u>Finding</u></p> <p>We selected the NM team as the sample division within ECS and PP to look at H&S training; identification of need, access to training and record keeping. There was evidence of a training programme, access to the contractor’s training and discussion at the H&S Board. The 1:1 template used by NM has H&S issues as a standing item and allows any training needs to be identified at this point. NM management evidenced a spreadsheet as their control document for all NM officers and training available however this had not been completed.</p> | |

Mandatory H&S training for officers is now managed on the HR system platform but we were advised by Learning and Development that this has only been available since September 2023. Mandatory induction H&S training would need to have been recorded and compliance verified at department level before this date.

Risk

Increased likelihood of health and safety incidents if training needs are not met.

Recommendation

NM should utilise the training spreadsheet they have already developed to capture all training needs determined by job specifications, emerging requests for training, the contractor specific training and the mandatory induction H&S course. The Department should ensure that a similar training log is maintained for all officers across the divisions.

Rating

Priority 3

Management Response and Accountable Manager

Head of Performance Management Response:

The Performance Management team have their own team individual Training Needs Analysis.

Head of Neighbourhood Management Response:

The NM yearly training programme control sheet, tab 'staff details' has now been completed with dates of when service specific training was carried out. This also shows the dates of when PPE, first aid kits were supplied and LBB driving assessments by transport operations undertaken. The NM yearly training programme was provided as part of the fieldwork for this audit.

ALL:

The LBB Learning and Development team discussed at COE, CLT and Managers Briefing a new system will be in place to capture all mandatory staff training. The HR team will be implementing this new system for all staff in 2024. This will be captured in a corporate review of the system to help all managers and all officers. This system will supersede the need for managers to coordinate their own training needs analysis, as the system will identify training gaps and assist the department to ensure all staff are attending training sessions.

Prior to this change from the corporate team, at DMT meetings ADs were asked to complete the Corporate Development Plan for each service area and send to HR. The NM team completed this in 25/05/22 and this document was provided as part of the fieldwork for this audit. Divisions within the department did complete this to highlighting all training for their areas.

Agreed timescale

Completed

Completed

Awaiting HR to action corporate system.

3. E&PP Quarterly H&S Board

Finding

The Terms of Reference for the E&PP H&S Board covers a satisfactory range of activities, sets out the responsibility of the Board and specifies representation from all the main E&P service areas. We reviewed the minutes for the four Board meetings held in 2023 and noted satisfactory attendance, standard agenda items, cascaded information to and from Corporate H&S and an update from each division. We attended the July 2023 meeting and noted that the meeting was well chaired and facilitated exchange of information and debate. We have made the following observations:-

- The representative from PP is the Business Support Officer whilst the ECS representatives are either Heads of Service, service leads or contract owners. During the audit we spoke to the two contract owners who at management grade may be better placed to make decisions on behalf of the service.
- The Corporate H&S Officer was not at the July meeting and the substitute representative had not been provided with an update for the specific agenda item. The Head of Performance Management and Business Support was able to provide an update given this officer also sits on the Corporate H&S Board.

The Board minutes are a comprehensive representation of the meeting, distributed timely and available on the shared site. The action log is addressed at each meeting and actions assigned to nominated officers. We reviewed the action log as at 13.12.23 and noted that 5 open actions had exceeded their target date and were still shown as green on the RAG rating.

Risk

Incomplete or inaccurate information distributed between Corporate and Departmental H&S forums meaning that decisions may be flawed or necessary actions may not be identified.

If Board representation is not sufficiently senior, the profile of Health and Safety may be reduced, responsibilities may be diluted or important decisions may not be made quickly or appropriately.

Recommendation

PP to consider their representation on the H&S Board and nominate an officer with an oversight of divisional and contractual H&S objectives and at an appropriate grade to make decisions on behalf of the service rather than being a nominated officer to be a conduit for information.

The action log is a live document on the shared site but should be updated to show actions as they are completed and utilise the RAG system to correctly show overdue actions.

Rating

Priority 3

| <u>Management Response and Accountable Manager</u> | <u>Agreed timescale</u> |
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| <p>Head of Performance Management Response: Action Log: This has been completed. The Performance Management Team have amended the RAG status and deadline dates on the action log and this will be reviewed in line with the quarterly meetings and the deadline dates reflecting this. The Senior Performance Officer has completed this and this will be actioned at each board.</p> <p>Meeting Attendance: The Business Support team have forwarded on the calendar invite to the Head of Service to attend the quarterly board meeting or to send another manager in their place. The Public Protection Business Support Officer will still attend the meeting, however a manager needs to be present an invite has been sent to be representative.</p> <p>Head of Service – Public Protection Response: The Head of Service (Safer Communities) will attend the quarterly board meeting or send another manager in his place</p> | <p>Action Log – Completed.</p> <p>Action Log – Completed.</p> |

4. Indemnity Clause and Supporting Documentation

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| <p><u>Finding</u></p> <p>We selected two contracts to review H&S performance indicators; the contractual documentation to support these indicators and the reporting process to monitor the indicators. The Waste contract (Lots 1-3) was selected as there are 13 H&S indicators in the contract and it is a service with a higher exposure to H&S risk. The H&S performance was well managed and monitored through Performance Monitoring Framework (PMF) data and contractor monthly reporting. A review of 3 months (PMF) data showed no issues arising and this agreed to the corresponding SOB minutes. The CCTV Monitoring contract was also selected as the only contract in PP with a H&S indicator. Similarly the H&S indicator is managed and monitored via the PMF and for the sample months no H&S issues were arising. The monitoring and reporting of the PP contract H&S indicator is proportional to the nature of the service.</p> <p>We checked and verified the indemnity clause in each sampled contract to ensure that the Authority was adequately covered for insurance purposes. Both clauses were satisfactory however the Public Liability and Professional Negligence policy documents for the CCTV Monitoring contractor had not been checked annually and could not therefore be evidenced as current.</p> <p><u>Risk</u></p> |
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Due to the potential financial amount of any claim, the Authority may not be able to recover full costs from the contractor in the event of a claim if the contractor does not hold a current Public Liability and/or Professional Negligence insurance policy.

Recommendation

The CCTV Monitoring contract owner should check the contractor's Public Liability and Professional Negligence policy documents annually and note in the appropriate Service Review meeting minutes.

Rating

Priority 3

Management Response and Accountable Manager

Head of Performance Response:

An ongoing action will be added to the departmental H&S board to ensure all divisional representatives will remind contract owners for each division to ensure the Public Liability ensure is reviewed annually for each contractor and contractor owner to check this. For Environmental Contracts (Lots 1-5) the lead business support officer for each contract ensures this is completed as this is an indicator on the PMF. There is no resource for the business support to complete this for each contract, however the team will assist with this with a reminder on the departmental H&S board for each representative to raise with the AD for each division.

The Head of Performance will send an annual reminder to all Departmental Contract managers to ensure their Service Providers have Public Liability Insurance (this is already completed for the Environmental Contracts), this will be for Parking contractor, Highways contractor, CCTV Monitoring, CCTV Maintenance and the Stray Dogs contract. This email will be saved to the H&S section on the shared site. The responsibility will sit with contract owners once the email has been sent from Performance Management.

Head of Service Public Protection Response:

The CCTV Monitoring contract owner will review the contractor's Public Liability and Professional Negligence policy documents in April of each year (next date April 2024) and record a note in the contract meeting minutes.

Agreed timescale

Complete – Added as ongoing action

To be completed at financial year end.

April 2024

5. Ownership and Delivery of H&S Executive Findings

Finding

The H&S Executive completed an unannounced site visit to the Central Depot on the 28.4.23. There is no final report of this visit however the service have provided an e-mail trail with the H&S Executive inspector which shows that the visit was satisfactory apart from an issue with the asbestos management survey and asbestos management plan.

This action is owned by Strategic Property. An e-mail from the then Head of Facilities Management in May 2023 confirms that remedial work was planned to be undertaken but colleagues at the Depot could not confirm if this action had been completed. The current Head of Facilities Management has advised us that as at 8.1.24 the asbestos survey was completed but the asbestos management action plan is outstanding and will now be a priority.

The July H&S Board minutes note that *“redacted was pleased to report the outcome of the inspection was positive in terms of site compliance with no issues being raised. There will be a follow-up in terms of providing some evidence of inspections/surveys from both LBB (asbestos surveys of buildings) however this was for administration purposes only. Redacted will be a point of liaison with Bromley officers as part of the follow-up by the HSE.”* There is no evidence through e-mail or Board minutes that ECS officers maintained oversight of this open finding. We acknowledge that the H&S Executive finding was assigned to and is the responsibility of Strategic Property colleagues, however ECS colleagues should have maintained oversight that remedial action was completed at the Central Depot.

Risk

Findings from an external inspection are not assigned and completed, leaving the Authority at continued and unacceptable exposure to risk.

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| <p><u>Recommendation</u></p> <p>The Department should liaise with colleagues in Property to ensure that the action specific to the asbestos management plan at the Central Depot is completed. The H&S Board action log could be used to monitor progress.</p> <p>Future H&S findings and recommendations from external agencies that impact on the Department should be tracked via the H&S Board to ensure compliance and action.</p> | <p><u>Rating</u></p> <div style="border: 1px solid black; background-color: #90EE90; padding: 5px; text-align: center; width: fit-content; margin: 10px auto;"> <p>Priority 3</p> </div> |
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| <p><u>Management Response and Accountable Manager</u></p> <p>Head of Performance Management Response:</p> <ul style="list-style-type: none"> • Departmental H&S Board Meeting: The Department H&S Board will now have a standing sub-agenda item under the ‘Central Depot’ agenda item called ‘Asbestos Management Plan (AMP)’. This will allow for the Transport Operations team and Neighbourhood Management plan to discuss the property owned Asbestos Management plan for the | <p><u>Agreed timescale</u></p> <p>Action Complete- Added to the Departmental H&S Agenda</p> |
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Depot and feed this into the quarterly board. This should also be discussed at the Depot User Group Meeting and the Service Provider Collaboration Board.

- Service Provider Collaboration Contract Meeting: This is chaired by the Assistant Director of Environment. The Asbestos Management Plan has been added as a sub agenda items over 'Other Matters Arising from Operation of Sites'.
- Depot User Group Meeting: This is chaired by the Transport Operations Team and Asbestos Management Plan will now be a standing agenda item. The TOM team confirmed they will update on AMP at the Departmental H&S Board meeting too.

Departmental H&S Board (24/01/24):

Discussions regarding the Asbestos Management Plan were discussed at the board meeting. The Corporate Asbestos Policy confirms that the responsibility is owned by Facilities Management. Therefore, ownership and responsibility remains with the Property division.

Action Complete -
Added to the Service
Provider Collaboration
Board Agenda

Action Complete- Added
to the Depot User Group
Meeting Agenda

Appendix B - Assurance and Priority Ratings

Assurance Levels

| Assurance Level | Definition |
|------------------------------|--|
| Substantial Assurance | There is a sound system of control in place to achieve the service or system objectives. Risks are being managed effectively and any issues identified are minor in nature. |
| Reasonable Assurance | There is generally a sound system of control in place but there are weaknesses which put some of the service or system objectives at risk. Management attention is required. |
| Limited Assurance | There are significant control weaknesses which put the service or system objectives at risk. If unresolved these may result in error, abuse, loss or reputational damage and therefore require urgent management attention. |
| No Assurance | There are major weaknesses in the control environment. The service or system is exposed to the risk of significant error, abuse, loss or reputational damage. Immediate action must be taken by management to resolve the issues identified. |

Action Priority Ratings

| Risk rating | Definition |
|-------------------|---|
| Priority 1 | A high priority finding which indicates a fundamental weakness or failure in control which could lead to service or system objectives not being achieved. The Council is exposed to significant risk and management should address the recommendation urgently. |
| Priority 2 | A medium priority finding which indicates a weakness in control that could lead to service or system objectives not being achieved. Timely management action is required to address the recommendation and mitigate the risk. |
| Priority 3 | A low priority finding which has identified that the efficiency or effectiveness of the control environment could be improved. Management action is suggested to enhance existing controls. |

Appendix C – Audit Scope

Audit Scope

We reviewed the adequacy and effectiveness of controls over the following risks:

- Ineffective management, processes and systems within the department (as stated on the departmental risk registers)
- Personal injury sustained by an officer of the Council, a contractor's operative or a resident.

This audit has been included in the 2023/24 plan to review the H&S assurance framework to minimise the likelihood of accidents, incidents and other H&S issues for residents, officers and contractor's operatives.

We will review the management of H&S processes within ECS divisions and Public Protection looking at H&S reporting, distribution of guidance and remedial action. The time frame for our review is the previous 12 months, 1 September 2022 to 31 August 2023.

Our scope included:-

- Review of the procedures for H&S management and monitoring, including completion of online contractor inspection forms, AR3 forms to Corporate H&S, collation of data and dissemination of results and/or lessons learnt.
- Review the Terms of Reference, divisional representation, minutes and action log for the quarterly H&S Board.
- Review the H&S performance indicators in a sample of ECS/PPE contracts, monitoring arrangements and reporting at the monthly Service Operations Boards. The inclusion of an indemnity clause in a sample of ECS/PPE contracts to protect the Council in the event of a Personal Injury claim.
- Identify responsibility for completing inspections in a sample of ECS/PPE services and compare to legislative or contractual targets.
- Use of all information available to the Department to identify potential H&S issues above the inspections, online public reporting or complaints/claims. .
- Verify the controls identified on the ECS/PPE risk registers and evaluate how management evidence assurance that these controls are in place, are effective and are complete.
- Verify the "work required" identified on the ECS/PPE risk register and evaluate how and if management have delivered.
- Document the information flow between Corporate H&S and Departmental H&S both reporting of H&S issues and the cascade of information, guidance and lessons learnt.
- Controls in place to manage fraud risks, specifically misrepresentation or false H&S claims.

Our audit included interviews with the Assistant Directors, Heads of Service, the Head of Performance Management and Business Support and the Contract Managers for the selected contracts. We will be liaising with the Corporate H&S Officer but only in the context of ECS H&S.