

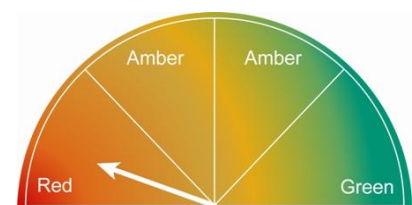
Thurrock Council

Corporate Health & Safety

Internal Audit Report 2012/13
March 2013

FINAL

Overall Opinion



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| Debrief meeting | 7 Jan 2013 | Auditors | Chris Harris – Partner Gary Clifford - Client Manager Dina Lucchesi - Senior Auditor |
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| | | Distribution | Acting Director of Environment Interim Head of Public Protection Principal Officer (Health & Safety) Director of Finance & Corporate Governance Chief Executive Head of Legal & Democratic Services/ Monitoring Officer |



This review has been performed using RSM Tenon's bespoke internal audit methodology, **i-RIS**.

The matters raised in this report are only those which came to our attention during our internal audit work and are not necessarily a comprehensive statement of all the weaknesses that exist, or of all the improvements that may be required. Whilst every care has been taken to ensure that the information provided in this report is as accurate as possible, based on the information provided and documentation reviewed, no complete guarantee or warranty can be given with regard to the advice and information contained herein. Our work does not provide absolute assurance that material errors, loss or fraud do not exist.

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1 EXECUTIVE SUMMARY

1.1 INTRODUCTION

An audit of Corporate Health & Safety was undertaken as part of the approved internal audit periodic plan for 2012/13.

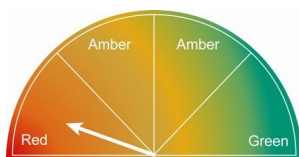
It is the duty of management to ensure that Health and Safety legislation is observed by employees of the Council and by those contracted to carry out work for the Council. All employees have a duty to safeguard the health and safety of themselves and of others that may be affected by their acts or omissions. This duty requires the removal of, or protection from, risks to the health and safety of all persons who may be affected from the conditions of the premises, access to and egress from the premises and the use of plant, equipment and substances on, in or near the premises.

All Council Departments and premises (excluding schools) are periodically inspected by the Health and Safety Team to ensure compliance with current legislation. The Team consists of a Principal Officer, 3 Corporate Health and Safety Advisors and 2½ full-time equivalent Health & Safety Inspectors (External).

Officers facilitate the Corporate Health and Safety Board which looks strategically at health and safety across the Council and seeks to improve wellbeing at work and reduce negative indices like high absence rates. The service collects data on health and safety performance to inform the Council through periodic reports.

| | |
|-----------|---|
| Objective | Council departments and premises are the subject of periodic Health and Safety audits and inspections to ensure the Council complies with its Corporate Health and Safety Policy and current legislation. |
| Risk | <p>Council departments and other establishments may not be inspected regularly.</p> <p>Accidents may not be monitored or reported and appropriate remedial action taken.</p> <p>Managers may not assess risks in their work place and take steps to control them.</p> <p>Asbestos in Council's premises may not be managed effectively.</p> |

1.2 CONCLUSION



Taking account of the issues identified, the Council cannot take assurance that the controls upon which the organisation relies to manage these risks are suitably designed, consistently applied and effective. Action needs to be taken to ensure these risks are managed.

The above conclusions feeding into the overall assurance level are based on the evidence obtained during the review. The key findings from this review are as follows:

Design of control framework

- Accidents are monitored and reported to the Corporate Health and Safety Board and the Health and Safety Executive (HSE) whenever appropriate.
- There is a Corporate Health and Safety Board which meets on a quarterly basis.
- A work programme has been prepared and agreed by the Corporate Health and Safety Board.
- An on-line fire safety training programme is being arranged for all staff and there are plans to ensure all management receive health and safety training.
- There is not a full Corporate Asbestos Register in place.
- The Council's Asbestos Policy is being reviewed.

Application of and compliance with control framework

- Council departments and establishments are not inspected at timely intervals in accordance with the risk assessment.
- Accident forms are not always sent in promptly by managers following an incident.
- Not all managers have completed a risk assessment of their workplace.
- The Council cannot be sure that all departments/establishments are complying with the Control of Asbestos Regulations 2012.
- The Asbestos Register kept by Europa was not up to date.

1.3 SCOPE OF THE REVIEW

To evaluate the adequacy of risk management and control within the system and the extent to which controls have been applied, with a view to providing an opinion. Control activities are put in place to ensure that risks to the achievement of the organisation's objectives are managed effectively. When planning the audit, the following controls for review and limitations were agreed:

Control activities relied upon:

- Inspections - Accidents - Asbestos Management - Risk Assessments

Limitations to the scope of the audit:

- The scope of the audit will be limited to reviewing processes in place. Conclusions will be based upon sample testing of transactions relevant to the current financial year to date. Our work does not provide any guarantee against material errors, loss or fraud or provide an absolute assurance that material error, loss or fraud does not exist.

The approach taken for this audit was a Risk-Based Audit.

1.4 RECOMMENDATIONS SUMMARY

The following tables highlight the number and categories of recommendations made. The Action Plan at Section 2 details the specific recommendations made as well as agreed management actions to implement them.

Recommendations made during this audit:

Our recommendations address the design and application of the control framework as follows:

| | Priority | | |
|----------------------------------|----------|----------|----------|
| | High | Medium | Low |
| Design of control framework | 1 | 0 | 0 |
| Application of control framework | 4 | 1 | 0 |
| Total | 5 | 1 | 0 |

The recommendations address the risks within the scope of the audit as set out below:

| Risk | Priority | | |
|---|----------|--------|-----|
| | High | Medium | Low |
| Council departments and other establishments may not be inspected regularly. | 1 | 0 | 0 |
| Accidents may not be monitored or reported and appropriate remedial action taken. | 0 | 1 | 0 |
| Managers may not assess risks in their work place and take steps to control them. | 1 | 0 | 0 |
| Asbestos in Council's premises may not be managed effectively. | 3 | 0 | 0 |

| | | | |
|-------|---|---|---|
| Total | 5 | 1 | 0 |
|-------|---|---|---|

2 ACTION PLAN

The priority of the recommendations made is as follows:

| Priority | Description |
|------------|--|
| High | Recommendations are prioritised to reflect our assessment of risk associated with the control weaknesses. |
| Medium | |
| Low | |
| Suggestion | These are not formal recommendations that impact our overall opinion, but used to highlight a suggestion or idea that management may want to consider. |

| Ref | Recommendation | Categorisation | Accepted (Y/N) | Management Comment | Implementation Date | Manager Responsible |
|-----|---|----------------|----------------|--|---------------------|-------------------------------------|
| 1.1 | A target number of visits should be scheduled every year for high, medium and low risk premises. This ensures a consistency of approach and reduces the likelihood of health and safety issues not being identified and consequently reduces the risk of enforcement action by the HSE. | High | Y | The previous audit timetable has been revisited and amended with the frequency amended to more closely match the perceived risk. A target number of audits are now scheduled for each financial year. | 01/03/13 | Principal Officer (Health & Safety) |
| 2.1 | It is recommended that accident forms should be date stamped on receipt to assist the section in monitoring how promptly they are sent in. Failure to send in the forms promptly could mean incidents that should be reported to the HSE are being submitted late. | Medium | Y | This has now been actioned. All accident reports when received are now logged on a spreadsheet with details including date received and whether completed fully or not. This is available real time. A reminder to be given at the next Corporate Health & Safety Board (CHSB) (scheduled date 7 th March 2013) to all attendees to feedback to directorates regarding this item. | 11/01/13 | Principal Officer (Health & Safety) |

| Ref | Recommendation | Categorisation | Accepted (Y/N) | Management Comment | Implementation Date | Manager Responsible |
|-----|---|----------------|----------------|---|---------------------|--|
| 3.1 | H Heads of Service who have not submitted a risk assessment should be reminded to submit one for their area as soon as possible. Failure to do so should be escalated to relevant Directors. | High | Y | A further study of received risk assessments has highlighted areas where no risk assessments have been received. The names of these services areas have been escalated to the Corporate Director with responsibility for those Heads of Service. | 25/01/13 | Principal Officer (Health & Safety) |
| 4.1 | Steps should be taken to ensure there is a full and complete Corporate Asbestos Register with one Officer being given responsibility for keeping it up-to-date. Those departments that do not use the services of Europa must provide copies of their surveys to the Health & Safety Team so they can be included in the Corporate Register. This reduces the likelihood of staff or residents coming into contact with asbestos which is present, but they are unaware of, as it is not recorded on a Corporate Register. | High | Y | Europa to be instructed and tasked to update the asbestos register on a weekly basis in order to provide up to date information. The Principal Officer (Health & Safety) is to review this quarterly and advise any departments that have not had inspections undertaken and provide a list of those in non-compliance via the next CHSB. | 04/02/13 | Principal Officer (Health & Safety)/ Corporate Health & Safety Advisors |
| 4.2 | The Principal Officer (Health & Safety) should ensure that the Asbestos Register is kept up-to-date at all times to ensure asbestos inspections are carried out in a timely manner and the Council is meeting the requirements of the Control of Asbestos Regulations 2012. | High | Y | Europa to be instructed to update the asbestos register on a more weekly basis in order to provide up to date information. The Principal Officer (Health & Safety) is to review this quarterly. | 04/02/13 | Principal Officer (Health & Safety) |

| Ref | Recommendation | Categorisation | Accepted (Y/N) | Management Comment | Implementation Date | Manager Responsible |
|-----|---|----------------|----------------|---|---------------------|--|
| 4.3 | The outstanding second inspections should be identified and an urgent reminder issued to the departments and establishments concerned. The Health & Safety Team should review the register on a quarterly basis and take action where re-inspections that are due, have not been carried out. | High | Y | Instruction via the CHSB to be sent to all departments where yearly inspections have not been completed. The Corporate Health & Safety Advisors are to review this quarterly and advise any departments that have not had inspections undertaken and provide a list of those in non-compliance via the next CHSB. | 04/02/13 | Principal Officer (Health & Safety)/ Corporate Health & Safety Advisors |

3 FINDINGS AND RECOMMENDATIONS

This report has been prepared by exception. Therefore, we have included in this section, only those areas of weakness in control or examples of lapses in control identified from our testing and not the outcome of all audit testing undertaken.

| | Controls (actual and/or missing) | Adequate Design (yes/no) | Test Result / Implications | Recommendation | Categorisation |
|--|--|--------------------------|--|---|----------------|
| Risk 1: Council departments and other establishments may not be inspected regularly. | | | | | |
| 1.1 | Council departments and establishments are inspected regularly | Yes | <p>Audits should be carried out as per risk assessment. Ideally, high risk premises should be inspected every 12 months, medium risk every 18 months and low risk every 24 months.</p> <p>A sample of 15 premises was checked to confirm they had been inspected as per risk assessment. Only 4 (26%), were found to have been inspected within time limits. The remainder showed delays of between 1 and 36 months. The Principal Officer (Health & Safety) stated that it is difficult to carry out all the risk based audits within time limits due to lack of resources. It is understood that one Officer has been placed permanently in the Curzon Drive and Oliver Road Depots to deal with their health and safety issues as they are considered very high risk areas due to the nature of their business.</p> | A target number of visits should be scheduled every year for high, medium and low risk premises. This ensures a consistent approach and reduces the likelihood of health and safety issues not being identified and consequently reduces the risk of enforcement action by the HSE. | High |
| Risk 2: Accidents may not be monitored or reported and appropriate remedial action taken. | | | | | |
| 2.1 | Accidents are reported and monitored | Yes | <p>A sample of Accident Reports was reviewed to ascertain whether they are investigated and remedial action taken whenever appropriate. No discrepancies were found.</p> <p>Sometimes it was difficult to ascertain whether accidents had been reported promptly as the form had not been dated by the reporting manager. The Principal Officer (Health and Safety) stated that sometimes managers do not fill in accident reports</p> | It is recommended that accident forms should be date stamped on receipt to assist the section in monitoring how promptly they are sent in. Failure to send in the forms promptly could mean incidents that should be reported to the HSE are being submitted | Medium |

| | Controls (actual and/or missing) | Adequate Design (yes/no) | Test Result / Implications | Recommendation | Categorisation |
|--|--|--------------------------|--|--|----------------|
| | | | <p>promptly.</p> <p>There was evidence that the section monitor the number and type of accidents in each quarter, the number which need to be reported to the HSE and the number of working days lost etc. These statistics are reported to the Corporate Health Board.</p> | late. | |
| Risk 3: Managers may not assess risks in their work place and take steps to control them. | | | | | |
| 3.1 | Managers assess the risks in the workplace | Yes | <p>It is up to managers to identify the hazards in their workplace, evaluate the risks and put in place processes to get rid of the hazard completely, or control the risk.</p> <p>Risk assessment documents prepared by managers are placed into directorate based folders within In-Form for all employees to share. The folders were reviewed and although it was noted that more managers have risk assessments in place, there are still quite a few missing, namely from Chief Executive, People Services, Finance and Corporate Governance, Transformation and Housing Directorates.</p> <p>In May 2012, all Heads of Service were offered assistance in devising/updating their Health and Safety risk assessment but none took up the offer.</p> <p>Should a serious accident happen, the HSE will ask for an up to date risk assessment and if one is not present the Council could face possible prosecution and reputational damage.</p> | Heads of Service who have not submitted a risk assessment should be reminded to submit one for their area as soon as possible. Failure to do so should be escalated to relevant Directors. | High |
| Risk 4: Asbestos in Council's premises may not be managed effectively. | | | | | |
| 4.1 | There is a Corporate Asbestos Register | No | The main contractor used to carry out asbestos inspections is Europa who are sub-contracted to carry out the work by the Council's strategic partner | Steps should be taken to ensure there is a full and complete Corporate | High |

| | Controls (actual and/or missing) | Adequate Design (yes/no) | Test Result / Implications | Recommendation | Categorisation |
|-----|--|--------------------------|---|---|----------------|
| | | | <p>Serco. However, managers are not obliged to use their services and can make their own arrangements and engage independent contractors. Europa keep an Asbestos Register on the J drive which is accessible to all staff. The Register only identifies establishments that Europa have inspected and there is no record of those which were arranged independently.</p> <p>Although it is appreciated that each establishment should have its own record of known asbestos containing material (ACM) and make it available to anyone who requires access to it, the Authority should maintain its own corporate register which includes all its buildings and the status of any asbestos discovered, or known to exist, in a building or area.</p> | <p>Asbestos Register with one Officer being given responsibility for keeping it up-to-date.</p> <p>Those departments that do not use the services of Europa must provide copies of their surveys to the Health & Safety Team so they can be included in the Corporate Register. This reduces the likelihood of staff or residents coming into contact with asbestos which is present, but they are unaware of, as it is not recorded on a Corporate Register.</p> | |
| 4.2 | The Asbestos Register is kept up-to-date | No | <p>The Register kept by Europa was not up-to-date as information provided by contractors on discs had not been uploaded for some time. The uploading was carried out towards the end of the audit in order to provide statistical data requested by the auditor. Following this exercise the Principal Officer (Health & Safety) was able to confirm that 750 properties in the Council's portfolio (excluding schools and colleges, properties where the Council are not the duty holder and those properties which were built after the year 2000) would require an asbestos inspection. It is understood 739 properties have had a first inspection.</p> <p>If the Register is not kept up to date, the Authority will not be able to identify those properties which need an inspection nor can it prove that it is meeting</p> | The Principal Officer (Health & Safety) should ensure that the Asbestos Register is kept up-to-date at all times to ensure asbestos inspections are carried out in a timely manner and the Council is meeting the requirements of the Control of Asbestos Regulations 2012. | High |

| | Controls (actual and/or missing) | Adequate Design (yes/no) | Test Result / Implications | Recommendation | Categorisation |
|-----|---|--------------------------|--|---|----------------|
| | | | its health and safety obligations under the Control of Asbestos Regulations 2012 | | |
| 4.3 | Re-visits are carried out to update Asbestos Survey | No | <p>Asbestos was widely used as a building material in the past, although its use is now restricted. However, it can still be found in a variety of locations in the workplace. Therefore, it is important that management ensure that a competent person surveys the building for potential asbestos products. The presence of asbestos in the workplace does not automatically mean that it has to be removed. Danger only arises when asbestos fibres are released into the atmosphere. The majority of asbestos can be safely left in the workplace if it is in good condition and there is no potential for fibre release.</p> <p>Where asbestos is found, re-inspections need to be undertaken every year to check its current condition. The Building Surveyor within Europa stated that he does not instigate the re-inspection but awaits requests from establishments as he does not have a budget to send reminders.</p> <p>The Register was reviewed (prior to it being updated) for inspections due in 2013 and only 8 establishments were identified as having been re-inspected. This caused some concern as some re-inspections had been outstanding since 2009. However, following the update, the Auditor was informed by the Principal Officer (Health & Safety) that there were actually 110 outstanding second inspections.</p> <p>The benefits of taking the necessary steps to comply with asbestos register regulations extend well beyond escaping the penalties that may be</p> | The outstanding second inspections should be identified and an urgent reminder issued to the departments and establishments concerned. The Health & Safety Team should review the register on a quarterly basis and take action where re-inspections that are due, have not been carried out. | High |

| | Controls (actual and/or missing) | Adequate Design (yes/no) | Test Result / Implications | Recommendation | Categorisation |
|--|----------------------------------|--------------------------|---|----------------|----------------|
| | | | imposed for non-compliance. Compliance helps the Council to protect anyone that works in, or enters, a building over which it is responsible. | | |