

Final Internal Audit Report

Health and Safety in Schools

October 2019

Distribution: Executive Director Children, Families and Education
Director of Education and Youth Engagement
Director of Facilities Management and Support Services
School Place Planning and Compliance Manager
Lead Officer School Place Planning and Admissions
School Compliance and Monitoring Officer

Assurance Level	Identified Issues	
Limited Assurance	Priority 1	2
	Priority 2	4
	Priority 3	0

Confidentiality and Disclosure Clause

This report ("Report") was prepared by Mazars LLP at the request of London Borough of Croydon and terms for the preparation and scope of the Report have been agreed with them. The matters raised in this Report are only those which came to our attention during our internal audit work. Whilst every care has been taken to ensure that the information provided in this Report is as accurate as possible, Internal Audit have only been able to base findings on the information and documentation provided and consequently no complete guarantee can be given that this Report is necessarily a comprehensive statement of all the weaknesses that exist, or of all the improvements that may be required.

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Please refer to the Statement of Responsibility in Appendix 3 of this report for further information about responsibilities, limitations and confidentiality.

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1. Introduction

- 1.1 As per the Croydon Scheme for Financing Schools, funding for repairs and maintenance is delegated to schools, although some capital expenditure is retained by Croydon Council. The de minimis limit for the definition of capital in terms of what is the responsibility of schools is as follows (as per the Scheme for Financing Schools):
- Nursery and PRUs £5k;
 - Primary and special schools £10k; and
 - Secondary £25k.
- 1.2 Since the Condition Survey in 2015, schools are required to send the School Client team certificates to demonstrate compliance, such as a Legionella risk assessment, fire alarms inspection, gas inspection and asbestos surveys.
- 1.3 This audit was undertaken as part of the agreed Internal Audit Plan for 2018/19.

2. Key Issues

Priority 1 Issues
Procedure manuals were not in existence for the Education and Youth Engagement team. (Issue 1)
Certain premises health and safety legislation is not checked for compliance, and no evidence was available to show that recommendations raised from the inspections / certificates were followed up. (Issue 2)

Priority 2 Issues
Examination of the spreadsheet used to monitor the compliance certificates /inspections submitted by schools established that it was not always kept up to date, did not detail issues/recommendations raised in the certificates/inspections and reminder emails were not always sent in a timely manner. (Issue 3)
The Croydon School Property Handbook provided to schools as guidance on their health and safety requirements was created in May 2015. Discussions established that it had likely been a number of years since this had been sent to schools. (Issue 4)
Compliance with health and safety legislation was not being monitored for all schools, for example secondary schools, where the diocese owns the premises. (Issue 5)
Examination of the Estates Strategy report established that only some of the key premises health and safety risks were reported on at the meeting. Furthermore, there was no distinction between the different types of maintained schools in the report. (Issue 6)

There were no Priority 3 issues identified during the audit.

3. Actions and Key Findings/Rationale

Control Area 1: Legislation, Organisational and Management Requirements	
Priority	Action Proposed by Management
1	<p>H&S team and School Place Planning & Compliance team :</p> <p>A draft procedure for monitoring health and safety compliance is to be developed for premises and building related H&S and to include a formal escalation process where any deficiencies have been identified. This is to include staff training so all teams are clear on the roles and responsibilities that will be set out in the proposed procedure. This linked to Control Area 2, issue 2 set out below.</p> <p>Education and Youth Engagement Team:</p> <p>A draft flow chart can be provided to illustrate our teams monitoring and escalation structure which will be shared with the H+S team as well as HSI to ensure a unified approach is met by all involved with community/voluntary aided schools.</p>
	<p>Detailed Finding/Rational – Issue 1</p> <p>Premises Health and Safety is a complex issue, with at least 16 different legislative requirements being placed on schools; thus, monitoring of compliance with these requirements requires a high level of knowledge.</p> <p>During the audit, no evidence of procedure guidance or training was provided to demonstrate that staff have guidance on how to appropriately monitor premises health and safety compliance. For example, there was no procedure detailing when issues should be escalated to the Facilities Management and Support Services team.</p> <p>Furthermore, while there has been communication between the Facilities Management and Support Services team and the Youth Engagement team to clarify the roles and responsibilities between the Council and maintained schools, there have been 'no definite decisions or outputs'. Discussion with the Risk and Corporate Programme Officer established that these meetings were over six months ago, with no subsequent discussions being held.</p> <p>Where appropriate guidance and / or training is not made available to staff, there is an increased risk that staff do not understand the legislation and requirements of their role, and are therefore unable to appropriately monitor compliance, potentially resulting in issues being missed which puts pupils, members of staff and school visitors at risk of injury.</p>
Responsible officer	Deadline

H&S team and School Place Planning & Compliance team	March 2020	
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Control Area 2: Community Schools Certificates	
Priority	Action Proposed by Management
1	<p>A formal review of the Croydon School Property Handbook is to be carried out by the H&S and school place planning and compliance team to reflect current legalisation around premises and building related H&S and that the actual requirements are ascertained to enable accurate monitoring and be included within the draft procedure set out in Control Area 1, issue 1.</p> <p>This will include a list of activities for compliance and cross referenced to the spreadsheet for statutory assessments to ensure this is relevant, accurate and up to date. This will include details, dates and frequencies for any activities required to confirm compliance with each relevant piece of legislation and regulation, including future recommendations and changes required.</p> <p>The School Client Team will work collaboratively with H&S team to review/update Croydon's School Property Handbook. The Client Team will produce and share a project timetable with H&S team for the formal review/update of the Croydon School Property handbook project, ensuring</p>
	<p>Detailed Finding/Rational – Issue 2</p> <p>The Croydon School Property Handbook details a list of 23 statutory assessments for servicing and testing that schools are required to undertake, and further states that, 'A record should be kept of all the statutory servicing undertaken and copies of any documents or reports should be sent to the Schools' Client Team, at Croydon Council as confirmation that the works have been carried out.' Monitoring schools' compliance with all relevant health and safety legislation through obtaining the appropriate certification will help to ensure that any non-compliance is identified and can be rectified.</p> <p>Examination of the spreadsheet used to monitor the compliance certificates /inspections submitted by schools found that the Council only monitors seven of the 23 statutory assessments.</p> <p>Furthermore, it was established that following receipt of health and safety certificates by the Council, if recommendations have been raised, the School should either send a test certificate or an invoice to confirm that any required remedial works have been completed. The School Client and Compliance Monitoring Officer stated that she will follow up recommendations to ensure completion, however evidence of follow-up or monitoring of recommendations raised could not be obtained.</p> <p>Where the Council does not monitor compliance with all relevant legislation and recommendations for remedial works are not followed up, there is a risk that non-compliance with health and safety legislation goes unnoticed or unresolved, resulting in potential fines and reputational damage to the Council should a pupil, member of staff or visitor come to harm as a result of this non-compliance.</p>

	<p>that roles / responsibilities and regulations / standards are clear and up-to-date. We aim to collaborate with colleagues in HSSI and H+S to ensure we produce a unified document which reflects the current legislation around school premises and building regulations.</p>	
<p>Responsible officer</p> <p>H&S team and School Place Planning & Compliance team</p>	<p>Deadline</p> <p>March 2020</p>	

Control Area 2: Community Schools Certificates		Detailed Finding/Rational – Issue 3
Priority	Action Proposed by Management	
2	<p>The compliance monitoring sheet review will set out any issues and recommendations and dates for follow up for identified deficiency areas. This will also include details of responsible officers for follow up with a clear set of roles of responsibility linked to Control Area 1, issue 1 and Control Area 2, issue 2.</p> <p>This will form part of the School Property Handbook review/update project. The monitoring spreadsheet will be updated with trigger points / tracking to ensure actions/issues are addressed and compliance.</p> <p>Since April 2019, the School Client Team have created a more robust approach to our collection and monitoring of certificates / inspections.</p>	<p>In order to help ensure that the Council is aware of which schools have submitted compliance certificates / inspections, a monitoring spreadsheet is maintained.</p> <p>Examination of the spreadsheet used to monitor the compliance certificates /inspections submitted by schools found that:</p> <ul style="list-style-type: none"> • The spreadsheet was not always kept up to date: - Testing of a sample of five schools identified two cases (Orchard Way Primary and Purley Oaks) where certificates had been received by the Council, but the tracking sheet had not been updated to reflect this. • There were long periods of time where reminder emails had not been sent. For example, no certificates had been received for Regina Coeli Catholic Primary School and the last reminder email was sent on the 31 July 2018. • The spreadsheet did not detail issues/recommendations raised in the certificates / inspection reports, making it difficult to track where recommendations have been raised and whether these require follow up. <p>Where the monitoring spreadsheet is not regularly updated, there is an increased risk of duplication of efforts to obtain certificates, which have already been submitted. Where outstanding certificates are not followed up, there is a risk that these have not been undertaken or that the Council does not receive copies of these and is unaware of potential hazards in schools, placing pupils, members of staff and visitors at risk of injury.</p>
Responsible officer	Deadline	
H&S and School Place Planning & Compliance team	March 2020	

Control Area 1: Legislation, Organisational and Management Requirements

Priority		Action Proposed by Management	Detailed Finding/Rational – Issue 4
2		<p>The school property handbook to be reviewed, revised and reissued to schools as stated in Control Area 2, issue 2.</p> <p>The School Property Handbook will be reviewed/ updated ready for circulation by March 2020. The School Client Team will produce a project timetable for the formal review of the Croydon School Property handbook project. We will work collaboratively with colleagues in HSI and H+S to ensure we produce a unified document which reflects the current legislation around school premises and building regulations.</p>	<p>The Croydon Scheme for Financing Schools states that, 'Funding for repairs and maintenance is delegated to schools.' This places the responsibility on schools for health and safety compliance. Given the complexity of premises health and safety, with 16 items of legislation governing this area, and 23 servicing and testing assessments to be completed (as is detailed in the Croydon School Property Handbook), providing guidance to schools on their specific requirements would help to ensure that schools are aware of their responsibilities.</p> <p>The Croydon School Property Handbook was provided as evidence of guidance available to schools. Examination of the handbook established that it was created in May 2015, and there was no evidence of update. Furthermore, discussion with the School Client and Compliance Monitoring Officer established that it has been a number of years since this had been sent to schools. Evidence that the handbook was sent to schools, and when it was sent, was not provided.</p> <p>Furthermore, examination of the Croydon School Property Handbook found that this was not comprehensive, omitting for example the requirement to have a glazing risk assessment (the Workplace (Health, Safety and Welfare) Regulations 1992) or a register of stepladders (The Working at Height Regulations 2005).</p> <p>Where comprehensive guidance is not made readily available to schools, there is an increased risk that schools are unaware of their responsibilities, meaning health and safety issues may not be addressed.</p>
Responsible officer		Deadline	
H&S and School Place Planning & Compliance team		March 2020	

Control Area 2: Community Schools Certificates		Detailed Finding/Rational – Issue 5
Priority	Action Proposed by Management	
2	<p>A formal review to challenge and establish the councils role in the management of premises and building related H&S in all types of schools (e.g. maintained, aided, foundation, academy etc.) and in particular where this is not the responsibility of the Council as the employer. It is proposed to create a clear matrix of responsibility for all school types to set out the council's role.</p> <p>The relevant and compliance monitoring spreadsheet will be revised accordingly and will include diocese schools.</p> <p>The clear matrix of responsibility for all school types will be added to the revised School Property Handbook which the School Client Team will work collaboratively with HSI and H+S to produce.</p> <p>Although the council has duty of care for all pupils within the borough, academies / free schools report directly to central government – DfE/ESFA/RSC. We have sought, and awaiting central government response to</p>	<p>Monitoring premises health and safety compliance for all schools in the borough will help to ensure that the Council is aware of any non-compliance, and can help ensure that this is rectified it as appropriate.</p> <p>It was noted through examination of the spreadsheet used to monitor the compliance certificates /inspections submitted by schools that compliance is not monitored for all schools. For example, secondary schools were not included in the monitoring process. It was established that the premises for most secondary schools is owned and managed by the diocese, and therefore responsibility to manage health and safety requirements falls to the diocese. Nevertheless, the Council is still at risk of criticism should non-compliance with premises health and safety legislation cause harm to a pupil, a member of staff or a visitor in a diocese owned school.</p> <p>Discussion with the School Client and Compliance Monitoring Officer established that it is intended that Voluntary Aided secondary schools will be included in the monitoring process for the 2019-20 financial year, which was agreed with the diocese in April 2019, however this was not yet the case at the time of audit.</p> <p>Where compliance is not monitored for all schools in the borough, there is a risk that non-compliance with health and safety legislation goes unnoticed, resulting in the Council being unable to demonstrate due diligence should a pupil, member of staff or visitor come to harm on the School's premises.</p>

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	establish if the council has a monitoring role for academies / free schools.	
	Responsible officer	Deadline
	H&S and School Place Planning & Compliance team	March 2020

Control Area 3: <u>Monitoring and Reporting</u>	
Priority	Action Proposed by Management
2	<p>The Schools' Maintenance Plan which forms part of the Education Estates Strategy report to cabinet contains planned works for a 2 year period. Fire safety in schools project has also been included / reported on. We will ensure that future reports include information on the key premises health and safety risks, and types of school.</p>
	<p>Detailed Finding/Rational – Issue 6</p> <p>Education Estates Strategy reports are presented to Cabinet, which include an update on the Schools' Maintenance Plan and premises Health and safety issues. Examination of the annual Estates Strategy report, which includes details on the status of premises health and safety risks, established that only some of the key premises health and safety risks were reported on. Furthermore, there was no distinction between the different types of maintained schools in the report, e.g. distinguishing between those where the Diocese owned the land or did not.</p> <p>Where certain health and safety issues are not covered in the Estates Strategy meetings, there is a risk that Cabinet are not properly aware of the status of these.</p>
Responsible officer	Deadline
School Place Planning & Compliance team	March 2020

TERMS OF REFERENCE

Health and Safety in Schools

1. INTRODUCTION

- 1.1 As per the Croydon Scheme for Financing Schools, funding for repairs and maintenance is delegated to schools. Some capital expenditure is retained by Croydon Council. The de minimis limit for the definition of capital in terms of what is the responsibility of schools is as follows (as per the Scheme for Financing Schools):
- Nursery and PRUs £5k;
 - Primary and special schools £10k; and
 - Secondary £25k.
- 1.2 Since the Condition Survey in 2015, schools are required to send the School Client team certificates to demonstrate compliance, such as a Legionella risk assessment, fire alarms inspection, gas inspection and asbestos surveys.
- 1.3 This audit is being undertaken as part of the agreed Internal Audit Plan for 2018/19.

2. OBJECTIVES AND METHODOLOGY

- 2.1 The overall audit objective is to provide an objective independent opinion on the adequacy and effectiveness of controls / processes relating to Health and Safety in Schools.
- 2.2 The overall audit objective is to provide an objective independent opinion on the adequacy and effectiveness of controls / processes.
- 2.3 The audit will for each controls / process being considered:
- Walkthrough the processes to consider the key controls;
 - Conduct sample testing of the identified key controls, and
 - Report on these accordingly.

3. SCOPE

- 3.1 This audit examined the Council's arrangements for the following areas relating to Health and Safety in Schools (and number of issues identified):

Control Areas/Risks	Identified Issues		
	Priority 1 (High)	Priority 2 (Medium)	Priority 3 (Low)
Legislative, Organisational and Management Requirements	1	1	0
Community Schools Certificates	1	2	0
Monitoring and Reporting	0	1	0
Health and Safety Questionnaires	0	0	0





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Fire Safety Works	0	0	0
Asbestos Management	0	0	0
Total	2	4	0

DEFINITIONS FOR AUDIT OPINIONS AND IDENTIFIED ISSUES

In order to assist management in using our reports:

We categorise our **audit assurance opinion** according to our overall assessment of the risk management system, effectiveness of the controls in place and the level of compliance with these controls and the action being taken to remedy significant findings or weaknesses.

	Full Assurance	There is a sound system of control designed to achieve the system objectives and the controls are consistently applied.
	Substantial Assurance	While there is basically a sound system of control to achieve the system objectives, there are weaknesses in the design or level of non-compliance which may put this achievement at risk.
	Limited Assurance	There are significant weaknesses in key areas of system controls and/or non-compliance that puts achieving the system objectives at risk.
	No Assurance	Controls are non-existent or weak and/or there are high levels of non-compliance, leaving the system open to the high risk of error or abuse which could result in financial loss and/or reputational damage.

Priorities assigned to identified issues are based on the following criteria:

Priority 1 (High)	Fundamental control weaknesses that require the immediate attention of management to mitigate significant exposure to risk.
Priority 2 (Medium)	Control weakness that represent an exposure to risk and require timely action.
Priority 3 (Low)	Although control weaknesses are considered to be relatively minor and low risk, action to address still provides an opportunity for improvement. May also apply to areas considered to be of best practice.

STATEMENT OF RESPONSIBILITY

We take responsibility to the London Borough of Croydon for this report which is prepared on the basis of the limitations set out below.

The responsibility for designing and maintaining a sound system of internal control and the prevention and detection of fraud and other irregularities rests with management, with internal audit providing a service to management to enable them to achieve this objective. Specifically, we assess the adequacy and effectiveness of the system of internal control arrangements implemented by management and perform sample testing on those controls in the period under review with a view to providing an opinion on the extent to which risks in this area are managed.

We plan our work in order to ensure that we have a reasonable expectation of detecting significant control weaknesses. However, our procedures alone should not be relied upon to identify all strengths and weaknesses in internal controls, nor relied upon to identify any circumstances of fraud or irregularity. Even sound systems of internal control can only provide reasonable and not absolute assurance and may not be proof against collusive fraud.

The matters raised in this report are only those which came to our attention during the course of our work and are not necessarily a comprehensive statement of all the weaknesses that exist or all improvements that might be made. Recommendations for improvements should be assessed by you for their full impact before they are implemented. The performance of our work is not and should not be taken as a substitute for management's responsibilities for the application of sound management practices.

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