

Tees Valley Audit & Assurance Services

Audit and Assurance Report – Final

Middlesbrough Council

Transporter Bridge - Whistleblowing

Growth & Place



Audit Ref: GAP018/19

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Transporter Bridge - Whistleblowing Executive Summary

1. Overall Opinion

- 1.1 Tees Valley Audit and Assurance Services (TVAAS) considers there to be an overall, **Cause for Considerable Concern** in relation to the areas examined. Fundamental failures exist within the control environment and the Council is exposed to unacceptable levels of risk. A key area that is crucial to the achievement of objectives need fundamental improvement.
- 1.2 This audit investigation was agreed with the Executive Director of Growth and Place after the Audit & Assurance Manager received a whistleblowing letter that alleged concerns relating to health and safety and the overall maintenance and management regime regarding the Transporter Bridge. The concerns were raised in line with the Council's Whistleblowing Policy and have been examined during the audit.
- 1.3 In summary, the allegations were:
 - That the Bridge is in a dangerous state of repair due to repeated requests for essential maintenance being refused;
 - There has been a lack of management oversight and a refusal for the Bridge to be closed so that maintenance could be undertaken;
 - Wheels, ropes and anchor points on the Bridge are substantially out of date;
 - Cross members on the Bridge are loose and some have fallen into the river;
 - Maintenance staff's training is out of date;
 - No routine management meetings have taken place.
- 1.4 Based on the audit findings, the Auditor has concluded that most of the allegations are an accurate reflection of the state of the Bridge and its maintenance and management. This report therefore includes several priority 1 recommendations. Separate recommendations have not been raised for each individual aspect of the Bridge (and its operation and maintenance) that requires attention as a detailed action plan will need to be presented by structural bridge experts. The recommendations in this report relate to the overall governance regime relating to the management of the Bridge.
- 1.5 Whilst there is no evidence to confirm that repeated requests for maintenance or requests for the bridge to be closed have been refused, audit testing has identified a mostly passive and ineffective management approach taken to the Transporter Bridge over the past decade. The lack of specifically qualified or trained bridge or structural engineering staff engaged by the Council to manage the facility has ultimately led to the deterioration of the structure to the extent that it has presented a health and safety risk. There has been a lack of adequate maintenance programmes or appropriate inspection regimes in place to meet H&S regulations and best practice. Whilst there is evidence that some inspections have been carried out during this time, there is no evidence to support that any of the recommended actions have formed the basis of any management reports.
- 1.6 Audit testing has concluded that ineffective governance arrangements have been in place as there is limited evidence of management reporting available and it has been difficult to establish senior management's role or level of oversight with the

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Transporter Bridge. Despite the management of the Transporter Bridge being a shared responsibility with Stockton Borough Council, there is no evidence of any regular reporting between the stakeholders or of a formal service level agreement. The only agreement appears to be an annual recharging arrangement to Stockton which has resulted in Stockton contributing more than £1m towards the overall running costs between 2009 and 2018.

- 1.7 Whilst the focus of the audit has been based on the management arrangements in place at the Transporter Bridge across the past decade, the Auditor has noted some recent improvement to working practices since the transfer of the day-to-day responsibilities from Transport & Infrastructure to Property & Commercial Services. Prior to, and since the closure of the Bridge in July 2019, some maintenance and safety-related work has been carried out, and staff meetings have been occurring more regularly. A detailed action plan is now being developed to ensure that all recommendations contained in this report in addition to any wider issues identified by staff are fully captured and addressed. As at December 2019, the Bridge remains closed and senior management has advised that H&S has been given primary importance.

2. Main Conclusions and Findings

- 2.1 According to the Institute of Structural Engineers, structures such as the Transporter Bridge should undergo a general (visual) inspection every two years and a principal (close visual) inspection every six years. In addition, as the structure is partially under water (salt water), the structure should be regularly painted to mitigate the effects of corrosion. Testing has highlighted that the Transporter Bridge has not been maintained to these standards as records indicate that inspections were carried out in 1994, 2001 (principal) and 2008 with the most recent (partial) inspection being carried out in 2011. Records also indicate that the Transporter Bridge was last painted during 2013/14 as part of the renovation scheme which included a new lift being installed. There are no other records to indicate when the Transporter Bridge had previously been painted nor the regularity.
- 2.2 Examination of previous inspection reports has revealed that works have been recommended by the respective inspectors but the Auditor was not provided with evidence to demonstrate that any of the findings reported had been addressed. In 2011 having carried out a partial inspection, Arup recommended a full principal inspection in addition to various elements relating to repairs and maintenance. Additionally, bridge staff have also indicated that repair works were reported to management, such as in 2017, in relation to the cross-support braces which had detached from the structure and others that had become loose yet there is no evidence that action was taken by management. In 2018, there was a 'near miss' when a support fell from the structure, landing beside a member of bridge staff. Although staff claimed that this was reported to management, no action was taken and the Transporter Bridge remained open to the public. Overall, there is little evidence to indicate that the Transporter Bridge has been maintained to a satisfactory level and is fit for purpose, although the bridge was finally closed by management in July 2019 due to maintenance and safety concerns and as at November 2019, a further visual inspection has been carried out at the request of the Property & Commercial Services Team and discussions are ongoing. It is recommended in the interests of both staff and public safety that an urgent full structural survey is carried out and any remedial actions indicated through the inspection are addressed without further delay.

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- 2.3 Testing has highlighted that the operational management responsibility for the Transporter Bridge has changed several times in recent years due to service reviews and internal changes within teams. To date, responsibility has been separated between engineering staff and those with day-to-day duties although there has been a lack of specifically qualified or trained bridge or structural engineering staff involved in the process. It is recommended that the current management arrangements for the Transporter Bridge are reviewed including the separation of responsibilities. Going forward, the Council may consider that external technical consultancy or guidance should be sought to ensure that both the service and the structure remain fit for purpose. It should be noted that the Auditor confirmed that Stockton Borough Council has a Bridge Engineer within its ranks.
- 2.4 Overall, testing produced little evidence to demonstrate what, if any management reporting has taken place to provide assurance to management that the structure is fit for purpose and has been subject to a robust inspection and maintenance programme. Whilst some inspections have been carried out during this time, there is no evidence that confirms the implementation of any of the recommended actions of progress being reported to management. There is also no evidence of regular reporting between the Council as Lead and Stockton Borough Council, or of any formal service level agreement existing between the two parties. It is recommended that the management of the Transporter Bridge is subject to robust governance arrangements; performance safety-wise should be regularly reported to all stakeholders and a formal service level agreement should be agreed between the Council and Stockton Borough Council.
- 2.5 Whilst testing highlighted that the Council's Risk Register includes two risk entries linked to the Transporter Bridge, these risks relate to staffing (07-036) and economics (07-037) as opposed to the key risk that the facility is unsafe or not fit for purpose or is not operating in-line with H&S regulations. Although the facility has been closed since July 2019 to address maintenance and safety concerns, the ineffective management of the Bridge means that, whilst previously open, there has been a risk to members of staff, public, visitors, activity agents and still continues to be with the vessels that travel underneath the structure. It is recommended that all risks associated with the Transporter Bridge are identified and effectively mitigated without further delay.
- 2.6 Testing of all H&S related working practices highlighted that the Lifting Operations and Lifting Equipment Regulations 1998 (LOLER) inspections were not being undertaken at the correct frequencies for several items which support or lift personnel as the Council had been operating on an annual inspection basis rather than the recommended six-monthly requirement. Lifting accessories were also not being inspected at the correct frequencies. It was also identified that safety harnesses and associated lanyards had not been subject to regular documented user checks and appropriately scheduled formal inspections to satisfy the Provision and Use of Work Equipment Regulations (PUWER) 1998 and the Work at Height Regulations 2005.

Overall, an annual planned maintenance programme for the Transporter Bridge has been delivered and developed by bridge staff although the content of this programme has never been independently confirmed by experts as being adequate. Whilst bridge staff may be mechanically trained and may also be vastly experienced, it is questionable whether they have the technical expertise, or are suitably qualified, to

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manage the Transporter Bridge's unique requirements. Throughout this period, various planned and reactive works have been undertaken by bridge staff to meet minimal safety standards and to ensure that the bridge continued to operate. It is recommended that a review of working practices is undertaken as a priority so that the requirements of the Lifting Operations and Lifting Equipment Regulations (LOLER) 1998, the Provision and Use of Work Equipment Regulations (PUWER) 1998 and the Work at Height Regulations 2005 are complied with.

- 2.7 Testing of Transporter Bridge staff training highlighted that few records existed prior to 2017 and there was little indication of what was required for each staff member and whether staff training was up to date. It was also unclear how often training should be refreshed and whether the required training should be carried out by an external training provider or in-house staff to ensure that best practice and all legislative requirements are met. Whilst training has been carried out during 2019, it is recommended that a training needs analysis is developed for all staff at the Transporter Bridge which highlights what training is required to meet both best practice and all legislative requirements. Training records should then be updated and maintained at regular intervals.
- 2.8 Testing of meeting records highlighted that whilst the Auditor could locate some evidence that team/maintenance meetings had taken place over the last decade, these mainly related to 2018 and 2019 since the transfer of responsibility from Transport & Infrastructure to Property & Commercial Services (although it should be noted that operational staff meetings were taking place more regularly at the time of the whistleblowing). It was noted that many of these meetings had concerns as raised by the Transporter Bridge staff yet there was no documentary evidence of any remedial actions being taken by senior management to address the concerns (although there was no evidence of a specific refusal to do so as claimed by the whistle-blower). It is recommended that maintenance and staff meetings at the Transporter Bridge should be regularly held and minuted, with all identified actions being recorded and followed up to ensure that appropriate remedial action within agreed timescales has been taken by the action owners and can be evidenced. Meetings should also take place between senior staff from both Transport & Infrastructure and Property & Commercial Services to ensure that all associated matters such as maintenance or inspection programmes are regularly discussed.
- 2.9 The Transporter Bridge has operated with a minimal planned maintenance budget of £5k being allocated to service management on an annual basis since 2012 with £zero being allocated between 2009 and 2011. The responsive maintenance budget over the same period has ranged from £21k to £29k per annum, although this had previously been higher with £48k allocated in 2009 and £47k for 2010. During 2009 to 2018, the overall maintenance spend on the Transporter Bridge has been £312,583 against a planned budget of £326,475 (so an annual average of circa £30k spend); therefore, showing a slight underspend of £13,892 across this period with the responsive maintenance variance budget generally contributing to planned maintenance costs.

3. Detailed Findings and Management Actions

- 3.1 Where action is required to improve controls, Appendix 1 to this report details the findings of this audit together with the associated risk and the remedial action required. Management are required to respond to each management action, detailing how they will address the finding, the responsible officer and the target date by which

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the proposed action will be taken. Please note that progress to implement all management actions will be followed up at the appropriate time.

4. Acknowledgements

4.1 The assistance given by the Enterprise and Community Asset Transfer Manager is gratefully acknowledged.

5. Compliance with the Public Sector Internal Audit Standards

5.1 This audit has been carried out according to the Public Sector Internal Audit Standards.

Appendices

Appendix 1 Summary of Management Actions – Implementation Schedule

Appendix 2 Terms of Reference

Appendix 3 Assurance and Priority Definitions

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Detailed Findings and Management Actions

Appendix 1

Audit Ref: GAP018/19 Title: Transporter Bridge - Whistleblowing

Priorities: 1 - Fundamental, 2 - Significant, 3 - Prudent

Priority Rating	No	Finding	Risk	Management Action	Status	Agreed	Responsibility	Target Date for Implementation
2	1	The operational management responsibility for the Transporter Bridge has changed several times in recent years due to service reviews and internal changes within teams. Responsibility has been separated between engineering staff and those with day-to-day duties although there has been a lack of specifically qualified or trained bridge or structural engineering staff involved in the process. Throughout this period, strategic responsibility has remained within the same directorate (now Growth & Place). Whilst, the Auditor could locate some evidence that team/maintenance meetings had taken place over the same period, these mainly related to 2018 and 2019. It was noted that many of these meetings minuted concerns that had been raised by Transporter Bridge staff yet there was no documentary evidence of any remedial actions being taken to address the concerns.	An ineffective maintenance, inspection and governance regime could fail to identify or address required remedial refurbishment works on a timely basis leading to increased financial costs, budgetary pressures and health and safety risks. In turn, this could result in unplanned closures of the facility, loss of income and reputational damage.	Management should ensure that maintenance and staff meetings at the Transporter Bridge are regularly held and minuted. All identified actions should be recorded and followed up to ensure that remedial action is delivered by action owners within the agreed timescales.	Action Underway	Y	Gamini Wijesinghe Enterprise Network and Community Asset Transfer Manager	31/03/20

Management Comments: Since spring 2019 moving to ECS this is now in place with regular minuted meeting taking place together with actionable outputs. This is now fully embedded within the current management regime.

2	2	The operational management responsibility for the Transporter	An ineffective maintenance, inspection and governance regime	Senior staff from both Transport & Infrastructure and Property &	Action Underway	Y	Gamini Wijesinghe	31/03/20
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Bridge has changed several times in recent years due to service reviews and internal changes within teams. Responsibility has been separated between engineering staff and those with day-to-day duties although there has been a lack of specifically qualified or trained bridge or structural engineering staff involved in the process. Throughout this period, strategic responsibility has remained within the same directorate (now Growth & Place). Whilst, the Auditor could locate some evidence that team/maintenance meetings had taken place over the same period, these mainly related to 2018 and 2019. It was noted that many of these meetings minuted concerns that had been raised by Transporter Bridge staff yet there was no documentary evidence of any remedial actions being taken to address the concerns.

could fail to identify or address required remedial refurbishment works on a timely basis leading to increased financial costs, budgetary pressures and health and safety risks. In turn, this could result in unplanned closures of the facility, loss of income and reputational damage.

Commercial Services should meet regularly to ensure that relevant matters are discussed and minuted (e.g. maintenance or inspection programmes and day-to-day issues relating to the Transporter Bridge). All identified actions should be recorded and followed up to ensure that remedial action is delivered by action owners within the agreed timescales.

Enterprise Network and Community Asset Transfer Manager, David Jamison
Operational Manager Environment, David Carter
Head of Transport and Infrastructure

Management Comments: Since moving to ECS, this is now in place since Spring 2019 with regular minuted meeting taking place together with actionable outputs. This is now fully embedded within the current management regime.

1	3	<p>The operational management responsibility for the Transporter Bridge has changed several times in recent years due to service reviews and internal changes within teams. Responsibility has been separated between engineering staff and those with day-to-day duties although there has been a lack of specifically qualified or trained bridge or structural engineering staff involved in the process. Throughout this period, strategic responsibility has remained within the same directorate (now Growth & Place). Whilst, the Auditor could locate some evidence that team/maintenance meetings</p>	<p>An ineffective maintenance, inspection and governance regime could fail to identify or address required remedial refurbishment works on a timely basis leading to increased financial costs, budgetary pressures and health and safety risks. In turn, this could result in unplanned closures of the facility, loss of income and reputational damage.</p>	<p>Management should review the effectiveness of the current management arrangements for the Transporter Bridge. Going forward, the Council should consider external technical consultancy or guidance to ensure that both the service and the structure remain fit for purpose.</p>	Action Pending	Y	<p>Gamini Wijesinghe Enterprise Network and Community Asset Transfer Manager, David Jamison Operational Manager Environment</p>	31/03/20
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had taken place over the same period, these mainly related to 2018 and 2019. It was noted that many of these meetings minuted concerns that had been raised by Transporter Bridge staff yet there was no documentary evidence of any remedial actions being taken to address the concerns.

Management Comments: Consultant appointed, start in New Year. The consultant will carry out a full health check on the operational activities at the bridge and will address maintenance regimes, training and procedures.

1	4	<p>The results of audit testing do not provide assurance that the Transporter Bridge has benefitted from effective governance. There is a lack of evidence of any management reporting to confirm that the structure remained fit for purpose and was subject to a robust inspection and maintenance programme. Whilst some inspections have been carried out during this time, there is no evidence to support that any recommended actions raised through external inspections have formed the basis of any management reports. Despite the management of the Transporter Bridge being a shared responsibility with Stockton Council, there is no evidence of regular reporting between the stakeholders, or of any formal service level agreement existing between the parties (with just an annual recharging arrangement in place that has resulted in Stockton contributing more than £1m towards the overall running costs between 2009 and 2018).</p>	<p>An ineffective maintenance, inspection and governance regime could fail to identify or address required remedial refurbishment works on a timely basis leading to increased financial costs, budgetary pressures and health and safety risks. In turn, this could result in unplanned closures of the facility, loss of income and reputational damage.</p>	<p>Management should ensure that effective governance arrangements are implemented for the Transporter Bridge. This should include performance being regularly reported to all stakeholders and a service level agreement agreed between the Council and Stockton Borough Council which details all management responsibilities to ensure that the facility remains fit for purpose.</p>	<p>Action Pending</p>	<p>Y</p>	<p>David Jamison Operational Manager Environment</p>	<p>31/03/20</p>
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Management Comments: Meeting arranged with Stockton 16/01/20. The meeting will be to fully implement the MOU and have regular dialogue with our partners around the governance and

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custodianship of the bridge.

1	5	<p>Testing of all H&S related working practices highlighted that the Lifting Operations and Lifting Equipment Regulations 1998 (LOLER) inspections were not being undertaken at the correct frequency for several items which support or lift personnel. Lifting accessories were also not being inspected at the correct frequency. It was also identified that safety harnesses and associated lanyards had not been subject to regular documented user checks or scheduled formal inspections to satisfy the Provision and Use of Work Equipment Regulations (PUWER) 1998 and the Work at Height Regulations 2005. Although, an annual planned maintenance programme for the Transporter Bridge has been developed by bridge staff, the content of this programme has never been independently confirmed by experts as being adequate.</p>	<p>An ineffective maintenance, inspection and governance regime could fail to identify or address required remedial refurbishment works on a timely basis leading to increased financial costs, budgetary pressures and health and safety risks. In turn, this could result in unplanned closures of the facility, loss of income and reputational damage.</p>	<p>There must be compliance with the requirements of the Lifting Operations and Lifting Equipment Regulations (LOLER) 1998. An immediate review should be undertaken so that all lifting equipment can be identified and correctly categorised into the following categories.</p> <ol style="list-style-type: none"> 1. Equipment used to lift or support materials. 2. Equipment used to lift or support personnel. 3 Lifting accessories. <p>Thereafter, appropriate LOLER inspections should then be scheduled on the correct frequencies.</p>	Action Pending	Y	<p>Gamini Wijesinghe Enterprise Network and Community Asset Transfer Manager, David Jamison Operational Manager Environment</p>	31/03/20
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Management Comments: Will take place as soon as bridge improvements have been completed is made safe. The appropriate check and testing will take place using qualified personnel to ensure the legislation is fully adhered to.

1	6	<p>Testing of all H&S related working practices highlighted that the Lifting Operations and Lifting Equipment Regulations 1998 (LOLER) inspections were not being undertaken at the correct frequency for several items which support or lift personnel. Lifting accessories were also not being inspected at the correct frequency. It was also identified that safety harnesses and associated lanyards had not been subject to regular documented user</p>	<p>An ineffective maintenance, inspection and governance regime could fail to identify or address required remedial refurbishment works on a timely basis leading to increased financial costs, budgetary pressures and health and safety risks. In turn, this could result in unplanned closures of the facility, loss of income and reputational damage.</p>	<p>Appropriate training must be provided so that personnel have the competency to carry out user checks on harnesses. A documented system of undertaking checks on personal issue harnesses and items in rescue bags should be implemented. Appropriate harness inspections must be performed on a six-monthly basis with an appropriately qualified contractor to satisfy the requirements of the PUWER and Working at Height</p>	Action Underway	Y	<p>Gamini Wijesinghe Enterprise Network and Community Asset Transfer Manager, David Jamison Operational Manager Environment</p>	31/03/20
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checks or scheduled formal inspections to satisfy the Provision and Use of Work Equipment Regulations (PUWER) 1998 and the Work at Height Regulations 2005. Although, an annual planned maintenance programme for the Transporter Bridge has been developed by bridge staff, the content of this programme has never been independently confirmed by experts as being adequate.

regulations.

Management Comments: Resolved. New harness purchased. All staff who are required to use harnesses have been appropriately trained and supplied with the correct equipment and evidenced.

1	7	<p>Testing of all H&S related working practices highlighted that the Lifting Operations and Lifting Equipment Regulations 1998 (LOLER) inspections were not being undertaken at the correct frequency for several items which support or lift personnel. Lifting accessories were also not being inspected at the correct frequency. It was also identified that safety harnesses and associated lanyards had not been subject to regular documented user checks or scheduled formal inspections to satisfy the Provision and Use of Work Equipment Regulations (PUWER) 1998 and the Work at Height Regulations 2005. Although, an annual planned maintenance programme for the Transporter Bridge has been developed by bridge staff, the content of this programme has never been independently confirmed by experts as being adequate.</p>	<p>An ineffective maintenance, inspection and governance regime could fail to identify or address required remedial refurbishment works on a timely basis leading to increased financial costs, budgetary pressures and health and safety risks. In turn, this could result in unplanned closures of the facility, loss of income and reputational damage.</p>	<p>A documented maintenance schedule must be produced (by an appropriately qualified in-house employee or external consultant) to detail what checks are to be carried out at the Transporter Bridge and their associated frequency. Documented systems should be adopted whereby individuals sign for checks carried out on a registered job card as soon as they have been completed. A maintenance log should be created to detail all activities that are undertaken by on site staff as well as outside contractors.</p>	<p>Action Pending</p>	<p>Y</p>	<p>Gamini Wijesinghe Enterprise Network and Community Asset Transfer Manager, David Jamison Operational Manager Environment</p>	<p>31/03/20</p>
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Management Comments: This will be picked up as part of specialist consultant brief in January 2020. As stated elsewhere this will be part of as full health check of the operational activities at the bridge.

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2	8	<p>Testing of Transporter Bridge staff training highlighted that few records existed prior to 2017 and there was little indication of what training each staff member required and whether training was up to date. It was also unclear how often training should be refreshed and whether the required training needed to be carried out by an external training provider to ensure to meet legislative requirements.</p>	<p>An ineffective maintenance, inspection and governance regime could fail to identify or address required remedial refurbishment works on a timely basis leading to increased financial costs, budgetary pressures and health and safety risks. In turn, this could result in unplanned closures of the facility, loss of income and reputational damage.</p>	<p>A training needs analysis should be compiled for all staff at the Transporter Bridge. This analysis should highlight the training required, differentiating between mandatory training for legislative requirements and other advisable training for best practice. The analysis should identify how and by whom the training will be delivered and the associated frequency. Training records for all staff should be maintained to ensure an up to date record of all staff training completed and to be completed is available.</p>	Action Underway	Y	<p>Gamini Wijesinghe Enterprise Network and Community Asset Transfer Manager, David Jamison Operational Manager Environment</p>	31/03/20
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Management Comments: This is completed however specialist consultant may identify further training needs as part of overall health check. All training will be continually checked and evidenced as part of the services training regime.

1	9	<p>According to the Institute of Structural Engineers, structures, such as the Transporter Bridge, should undergo a general (visual) inspection every two years and a principal (close visual) inspection every six years. As the structure is partially under water (salt water) then the structure should be regularly painted to mitigate the effects of corrosion. This audit highlighted that the Transporter Bridge has not been maintained to these standards as records indicate that inspections were carried out in 1994, 2001 (principal) and 2008 with the most recent (partial) inspection being carried out in 2011. Records also indicate that the Transporter Bridge was last painted during 2013/14 as part of the renovation scheme which included a new lift being installed. There are no other records to indicate when the Transporter Bridge had previously been painted nor the regularity.</p>	<p>An ineffective maintenance, inspection and governance regime could fail to identify or address required remedial refurbishment works on a timely basis leading to increased financial costs, budgetary pressures and health and safety risks. In turn, this could result in unplanned closures of the facility, loss of income and reputational damage.</p>	<p>Management should ensure that, in the interest of safety for members of staff, public, visitors, activity agents and for the vessels that travel underneath the structure, that the Transporter Bridge has a full structural survey. All remedial actions identified as a result of that survey must be addressed as directed by the survey findings. The facility should remain closed until it has been deemed fit for purpose by surveyors.</p>	Action Pending	Y	<p>Gamini Wijesinghe Enterprise Network and Community Asset Transfer Manager, David Jamison Operational Manager Environment</p>	31/03/20
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Management Comments: Qualified structural bridge engineer will carry out appropriate inspection fully in accordance with the guidance and at the required intervals.

1	10	<p>Currently, the Council's Risk Register only includes staffing and economic risks relating to the Transporter Bridge as opposed to the key risk that the facility is not fit for purpose and is not operating in-line with H&S regulations, best practice and all legislative requirements.</p>	<p>An ineffective maintenance, inspection and governance regime could fail to identify or address required remedial refurbishment works on a timely basis leading to increased financial costs, budgetary pressures and health and safety risks. In turn, this could result in unplanned closures of the facility, loss of income and reputational damage.</p>	<p>Management should organise a risk workshop with all relevant staff for the purposes of compiling a register that captures all risks facing the Transporter Bridge including health and safety risks and those relating to the strategic objectives of the Transporter Bridge i.e. risks that could prevent the attainment of the Council's vision and aims. The risk register should then be periodically reviewed (e.g. at least twice a year) to ensure that the risks remain relevant and that planned mitigation actions are implemented according to timescales.</p>	<p>Action Underway</p>	<p>Y</p>	<p>Gamini Wijesinghe Enterprise Network and Community Asset Transfer Manager, David Jamison Operational Manager Environment</p>	<p>31/03/20</p>
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Management Comments: The operational health and safety of the bridge has been identified as a key risk for the Council and has such is an action on the corporate risk register.

Tees Valley Audit & Assurance Service

Terms of Reference

<u>Audit Title:</u>	Transporter Bridge - Whistleblowing
<u>Start Date:</u>	28 August 2019
<u>Audit Lead:</u>	Andrew Ingram, Principal Auditor
<u>Auditors:</u>	Ian Johnson, Audit & Assurance Officer Joe Moutter, Audit & Assurance Officer
<u>Key Contacts:</u>	Martin Shepherd, Head of Asset Management

Background

On Thursday 08 August 2019, the Audit & Assurance Manager received a whistleblowing letter alleging concerns relating to health and safety and the overall maintenance and management regime regarding the Transporter Bridge. The concerns were raised in line with the Council's Whistleblowing Policy and the whistleblower letter stated that attempts had been made to resolve the issues with Council management.

In summary, the allegations are:

- That the Bridge is in a dangerous state of repair due to repeated requests for essential maintenance being refused;
- There has been a lack of management oversight and a refusal for the Bridge to be closed so that maintenance could be undertaken;
- Wheels, ropes and anchor points on the Bridge are substantially out of date;
- Cross members on the Bridge are loose and some have fallen into the river;
- Maintenance staff's training is out of date;
- No routine management meetings have taken place.

The letter states that the concerns raised relate to management's alleged failing to act upon repeated requests for maintenance to be undertaken which, in the view, of the whistle-blower(s) has left the Bridge in a dangerous state of repair.

The letter stated that the concerns had been raised with management in the first instance (as the Whistleblowing Policy recommends) and that some repairs have been undertaken but that it was felt that the matters remain unresolved hence a request for an independent investigation.

After discussion with the Deputy S151 Officer and the Executive Director, Growth & Place, it was agreed that TVAAS would carry out an independent investigation.

The Transporter Bridge is currently closed.

Audit Approach

The approach will involve an initial meeting with the whistle-blower(s) to obtain more detail behind the concerns. The audit will involve input from an audit and assurance officer and a health and safety compliance officer. Consideration will be given to the maintenance, management and health and safety regime to identify whether the concerns raised are valid. This will require examination of relevant documents, strategies, policies and plans combined with discussions with key officers and managers. A report outlining the findings will be presented for management's consideration. The audit will not include an investigation into the structural integrity of the Bridge as that requires specialist examination and opinion.

Scope & Objectives

The objective of the audit will be to consider the specific concerns outlined in the whistleblowing letter to establish whether the concerns are valid. The main concerns raised relate to the following areas:

- The effectiveness of the maintenance regime for the Bridge and whether requests for essential maintenance have been refused;
- The effectiveness of management oversight of the Bridge including management meetings;
- The health and safety of the Bridge and whether staff have been working on the Bridge in unsafe conditions or when the Bridge should have been closed;
- The effectiveness of the training provision and whether essential training has been carried out and is up to date;
- Whether it is the case that wheels, ropes, anchor points etc are out of date and if so, the reasons for this and the potential severity. Similarly, consider the suggestion that cross members are loose or have fallen and again establish the potential impact of this.

Reporting

A draft report will be issued for review and consultation by the appropriate levels of management. Management actions will be prioritised to identify clearly their respective risk and these will be agreed prior to the issue of the final report. A final report will then be issued, in a timely manner, with the aim of prompting management to implement management actions for change, leading to improvements in performance and control. It is the responsibility of departmental management to ensure that management actions, which are agreed, do actually get implemented within the agreed timescales and this action is reported back to Internal Audit. The Council's internal audit function monitors and reports to Corporate Affairs and Audit Committee on the implementation of their management actions.

Reporting Definitions

Audit Assurance Levels

Audit & Assurance have five categories by which to classify the level of assurance offered over the system or area we have examined, these are defined as follows:

<u>Assurance Level</u>	<u>Definition</u>
Strong Control Environment	Overall, a Strong Control Environment in relation to the areas examined. Based on the audit work undertaken, an effective system of internal control is in operation and is applied consistently.
Good Control Environment	Overall, a Good Control Environment with room for improvement in relation to the areas examined. Based on the audit work undertaken, an effective system of internal control is in operation but is not always applied consistently.
Moderate Control Environment	Overall, a Moderate Control Environment with some weaknesses in relation to the areas examined. Based on the audit work undertaken, an acceptable internal control environment is in operation, but there are a number of improvements that could increase its consistency and effectiveness.
Cause for Concern	Overall, Cause for concern in relation to the areas examined. Weak management of risk exists within a key area(s) that is/are crucial to the achievement of objectives. Major improvements need to be made to the system or area in order to ensure the control environment is effective.
Cause for Considerable Concern	Overall, Cause for Considerable Concern in relation to the areas examined. Fundamental failures exist within the control environment and the Council is exposed to unacceptable levels of risk. Key areas that are crucial to the achievement of objectives need fundamental improvements.

Priority Ratings

In order to assist management in using our reports, we categorise our management actions according to the level of priority as follows:

<u>Priority Rating</u>	<u>Definition</u>
1 - Fundamental	A fundamental risk exists to the achievement of the system/service objectives and it is of an unacceptable level. Management should initiate immediate action to address this system weakness.
2 - Significant	A significant risk exists which has the potential to adversely affect the achievement of the system/service objectives. Management should initiate timely action to address the weakness.
3 - Prudent	System objectives are not exposed to significant risk but the issue merits attention by management as it offers service improvements by complying with best practice, and strengthening the overall control environment.