

FOR PUBLICATION

DERBYSHIRE COUNTY COUNCIL

AUDIT COMMITTEE

TUESDAY, 17 SEPTEMBER 2024

Report of the Director of Finance

Review of the Effectiveness of the System of Internal Control

1. Purpose

- 1.1 To advise the Committee of the Accounts and Audit (England) Regulations 2015 and the requirement to review the system of internal control.

2. Information and Analysis

- 2.1 The Audit Committee is responsible for reviewing the Annual Governance Statement, reviewing, and approving other aspects of the Council's governance framework and for approving, monitoring and reviewing the outcome of audit activity throughout the Authority. It is, therefore, the appropriate Committee of the County Council to consider the outcomes of this review of the effectiveness of the system of internal control.
- 2.2 The system of internal control helps to promote the economic, efficient and effective use of public money, safeguards the Council's assets and interests, and controls the way the Council accounts to, engages with and leads its community, formulates its priorities and objectives, and delivers services in a way that meets those objectives.

- 2.3 The Council is required to have a sound system of internal control which:
- (a) facilitates the effective exercise of its functions and the achievement of its aims and objectives;
 - (b) ensures the financial and operational management of the Council is effective; and
 - (c) includes effective arrangements for the management of risk.
- 2.4 The Council must take two actions as part of the requirement to review the internal control system, they are:
- (i) conduct a review of the effectiveness of the system of internal control (described in bullet points (a) to (c) above)
 - (ii) prepare an Annual Governance Statement.
- 2.5 In order to provide Members with the necessary assurances around the effectiveness of the system of internal control it is appropriate to consider and reflect on the work of the Audit Committee, the assurances received from internal and external audit and evidence from the statement of accounts. It is appropriate to refer members to the following:
- Maintenance and review of the Council's Constitution, the committee structure and powers and duties of committees, scheme of delegation and Council policies and procedures.
 - The Annual Governance Statement, approved by the Committee at its last meeting on 16 July 2024.
 - The work of internal auditors culminating in the Annual Audit Report from the Assistant Director of Finance (Audit) presented to this Committee on 16 July 2024
 - The assessment of compliance with International Auditing Standards attached to this report as an appendix.
 - The detail contained within the Strategic Risk Register which has been regularly presented to members.

- The standard and quality of the post-audit Statement of Accounts for 2022-23, reviewed by this Committee at its meeting on 15 May 2024 and the transparency illustrated by the disclosures made and the opportunity given to the Committee to discuss its contents.
- The development and implementation of the annual revenue and capital budgets, which sets out the guidelines, principles and timeframes for setting of these budgets which ensures many professional officers are involved in the process.
- The Anti-Fraud and Corruption Strategy, Whistleblowing Confidential Reporting Code and Anti-Money Laundering Policy set out the procedures for the reporting of investigation of concerns of fraud, procedures for whistleblowing and processes for the detection and avoidance of crimes in UK money laundering.
- The Council's spending against budget, reserves and achievement of budget reductions are monitored on a regular basis and reported to both management, portfolio holders, Cabinet, Audit Committee and Council. In addition, the Audit Committee and Cabinet receive reports detailing the Council's significant Treasury management operations.
- The Council's compliance with the principles of the Financial Management Code, which has previously been reported to Committee members in September 2022 and will be subject to further review in 2025.
- Effective employment policies and procedures supported by an effective Human Resources function.
- ICT policies and procedures for email, internet, social media and other computer use.
- Supporting financial policies, including Treasury Management Strategy, Capital Strategy, Reserves Policy, and Corporate Charging Policy.

3. As Members will be aware, a review of the Audit Services Unit was undertaken by the Chartered Institute of Internal Auditors (reported to Committee 30 January 2024). The Public Sector Internal Audit Standards (PSIAS) require an external review to be conducted at least once every five years. The conclusion of the External Quality Assessment confirmed that the "Internal Audit Service conforms with most of the Standards, as well as the Definition, Core Principles, and the Code of Ethics, which form the mandatory elements of the PSIAS and the Institute of Internal

Auditors' International Professional Practices Framework, the globally recognised standard of quality in Internal Auditing". Additionally, the work of Internal Audit is available to the External Auditor to inform their assessment of the Council's significant risks.

- 3.1 Consequently, I am satisfied that Audit Services achieved adherence to the standards set out in the PSIAS, and that this provides a sound basis from which the Council can rely on the assurances provided by Audit Services in respect of the effectiveness of the internal control system.
- 3.2 The work of Audit Services is subject to the requirements of the Unit's Audit Manual. This Manual is regularly reviewed as part of consideration of the systems and procedures used by the Unit alongside the Quality Assurance and Improvement Programme. Cabinet approved the Council's "Audit Charter" as part of a review of that document.
- 3.3 If there is any change to this view by the time the accounts are formally approved post-audit there will be a further report on the effectiveness of the system of internal control at that meeting.

4. **Consultation**

- 4.1 None required.

5. **Alternative Options Considered**

- 5.1 N/A – the Accounts and Audit (England) Regulations 2015 stipulate that authorities are required to review the system of internal control.

6. **Implications**

- 6.1 Appendix 1 sets out the relevant implications considered in the preparation of the report.

7. **Background Papers**

- 7.1 None.

8. **Appendices**

- 8.1 Appendix 1 – Implications
- 8.2 Appendix 2 – Authority's procedures relevant to compliance with international auditing standards.

9. Recommendation

That Audit Committee:

a) considers the information provided in this report as evidence of the effective operation of the internal control system.

10. Reasons for Recommendation

10.1 To note that the Council is complying with the requirements of the Accounts and Audit Regulations 2015.

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Implications

Financial

1.1 None

Legal

2.1 The Audit Services Unit discharges the Authority's statutory responsibilities under Regulation 5, Accounts & Audit (England) Regulations 2015 and significant aspects of the statutory duties of the Director of Finance & ICT arising under Section 151 of the Local Government Act 1972.

Human Resources

3.1 None.

Information Technology

4.1 None.

Equalities Impact

5.1 None.

Corporate objectives and priorities for change

6.1 Not applicable.

Other (for example, Health and Safety, Environmental, Sustainability, Property and Asset Management, Risk Management and Safeguarding)

7.1 None.

AUTHORITY'S PROCEDURES RELEVANT TO COMPLIANCE WITH INTERNATIONAL AUDITING STANDARDS

ISA 240

Objective

Management assessment of the risk that Financial Statements may be misstated due to fraud and the Council's processes for identifying and responding to these risks.

Procedures in Place

The County Council's control framework which includes:

- Financial Regulations and Procedures
- Standing Orders relating to Contracts
- Strategic Departmental Risk Registers supplemented by Project Risk Registers
- Project Management Toolkit
- Partnership Protocol
- Schemes of Delegation
- Ongoing activities of the Governance Group
- Continuous Internal Audit process driven by Strategic and Annual Audit Plans which are kept under continuous review to reflect changing risk profiles and emerging risks and overseen by the Audit Committee
- Audit Services Audit Manual
- Regular bank reconciliations
- Regular reconciliations of all feeder systems and interfaces
- Budget monitoring procedures
- Procurement controls

Objective

Communication to employees of business practice and ethical behaviour.

Procedures in Place

- Induction process
- Code of Conduct for Employees
- Anti-Fraud/Anti-Corruption Strategy
- Fraud Response Plan
- Confidential Reporting Code
- Workforce articles and payslip messages

- Financial Regulations and Standing Orders relating to Contracts
- Our Derbyshire
- Procedure notes and manuals

Objective

Communication to those charged with governance the processes for identifying and responding to fraud.

Procedures in Place

- Audit Committee Terms of Reference
- Audit Committee training
- Regular review by the Audit Committee of:
 - the Annual Governance Statement, Action Plan and work of the Governance Group
 - Financial Statements
 - detailed progress reports against Plan of the activity of Audit Services
 - Audit Services Annual Report and Audit Opinion
 - External Audit reports
 - the Authority's Strategic Risk Register
 - annual reports on the effectiveness of Internal Audit
 - annual reviews of Financial Regulations and Standing Orders, the Anti-Fraud Anti-Corruption Strategy, Fraud Response Plan, Confidential Reporting Code, Codes of Conduct for Officers and members
 - specific reports on the Authority's progress in relation to specific initiatives e.g., Schools Financial Value Standard and National Fraud Initiative
- Review and approval of Internal and External Audit Plans

Objective

Awareness of any actual or alleged instances of fraud.

Procedures in Place

- Specific requirements of Financial Regulations and Standing Orders relating to Contracts
- Anti-Fraud Anti-Corruption Strategy
- Fraud Response Plan

- Confidential Reporting Code
- Protocol for consideration of Audit Reports following Special Investigations
- Audit Services Audit Manual
- Membership of National Anti-Fraud Network
- Membership of national, regional and County Audit Groups and other professional groupings
- Role of the Monitoring Officer and the Standards Committee
- Audit Services distribute letters to Members, Strategic Directors/Directors on potential frauds, scams etc.

ISA 250

Objective

Requires that auditors understand how management gain assurance that all relevant laws and regulations are complied with.

Procedures in Place

All Member Reports must include legal considerations which reflect the impact of statutory/regulatory requirements. The Monitoring Officer (Director of Legal Services) has a specific responsibility to ensure that the Authority operates lawfully. Legal officers are present at Member meetings to provide advice and the inclusion in identified posts for office holders to maintain an up-to-date knowledge of appropriate legislation e.g., Executive Directors, Director of Finance (s.151 officer), Director of Legal Services (Monitoring Officer), Assistant Director of Finance (Audit).

ISA 501

Objective

Requires that auditors obtain confirmation from management around the potential for litigation and claims that would affect the Financial Statements.

Procedures in Place

- The Director of Finance seeks specific assurance from the Head of Paid Service and Director of Legal Services whether or not there are material claims or potential claims which would affect the Financial Statements.
- The Director of Legal Services also raises this as an item at her Departmental Management Team.

Appendix 2

- Should the potential for any such claim be identified by Audit Services this would be raised directly with the Director of Finance.
- As part of Audit Services review of insurance the procedures for identifying potential claims/risk exposure and potential mitigation are reviewed.