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29 July 2016

Dear James,

Audit of Durham County Council's Financial Statements 2015/16 including the Pension Fund Accounts – Compliance with International Auditing Standards

Thank you for your letter dated 05 July 2016 regarding the above.

I have noted the response provided by Paul Darby as the Council's Section 151 Officer, in relation to the management arrangements in place for those areas covered by the International Auditing Standards you refer to, and would like to add the following comments from the Audit Committee's perspective.

ISA 240 Consideration of fraud in the audit of the financial statements

1) *How does the Audit Committee oversee management's processes to identify and respond to the risk of fraud and possible breaches of internal control?*

The Audit Committee maintains an oversight of management processes in place for assessing the risk that the financial statements may be materially misstated by considering all the sources of assurance that it has available to it on the effectiveness of the internal control environment. This is demonstrated through quarterly internal audit progress reports and the Annual Audit Opinion and Internal Audit Report that is presented to the Committee by the Chief Internal Auditor and Corporate Fraud Manager.

The Audit Committee also receives quarterly risk reports from the Risk and Governance Manager where key strategic risks are brought to the attention of the Committee.

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The Audit Committee is responsible for considering proposed changes to the Council's Counter Fraud and Corruption Strategy and the Confidential Reporting Code (Whistleblowing) a revised version of both was approved in by the Committee during 2015/2016. The Audit Committee have also considered changes to the Council's Fraud Response Plan that supports the Counter Fraud and Corruption Strategy and to the Council's Money Laundering Policy during 2015/16 and continually monitor their effectiveness.

Members of the Committee are aware of how to report any suspected fraud and are satisfied that employees are encouraged to report their concerns about fraud and both are supported by the Confidential Reporting Code (Whistleblowing) which was formally reviewed and amended in June 2015 with a view to providing an e-learning course initially to employees in 2016/2017.

The Committee is responsible for considering any proposed amendments to the Council's Code of Local Governance prior to approval by Full Council, and maintains an understanding of key corporate policies and procedures that are an integral part of the Council's Internal Control Framework to help mitigate the risk of fraud e.g. officers and members code of conduct, financial procedure rules, contract procedure rules, officer scheme of delegations, complaints procedures and performance management arrangements.

2) *Has the Audit Committee knowledge of any actual, suspected or alleged fraud during the period 1 April 2015 – 31 March 2016?*

The Audit Committee is aware that all suspected cases of corporate fraud must be reported to the Chief Internal Auditor and Corporate Fraud Manager and are advised of all potential and proven cases reported. Bi-annual 'Protecting the Public Purse' reports also advised the Committee of the number of Housing Benefit and Council Tax Benefit fraud cases that were handled up to 1 June 2015 when responsibility for investigating this type of fraud was transferred to the Department for Work and Pensions (DWP) as part of the Single Fraud Investigation Service (SFIS) programme.

Details of all actual, suspected or alleged fraud and action taken in response are as reported by the Chief Internal Auditor and Corporate Fraud Manager in their bi-annual reports. New potential cases of corporate fraud are also reported to the Committee as and when they arise and updates are provided through Internal Audit quarterly progress reports.

3) *Has the Audit Committee identified any specific fraud risks within the organisation? For example does it have any concerns that specific areas within the organisation are at greater risk of fraud?*

The Committee is aware that certain posts, such as those involved with treasury management activities and those with access to the Council's bank accounts and cash carry a higher risk and consequently covered by fidelity guarantee insurance.

The Committee also receives assurance from Internal Audit from planned work around key financial systems and the counter fraud plan that is reported through quarterly Internal Audit progress reports and the bi-annual 'Protecting the Public Purse' reports.

The Committee therefore has no specific concerns that would impact on the Statement of Accounts as it gains the assurance required as described.

4) *Is the Audit Committee aware of any significant breaches of Internal Control during 2015/2016?*

The Audit Committee receives quarterly Internal Audit progress reports. These progress reports highlight any assurance audit that has been given a 'Limited' assurance audit opinion. The Chief Internal Auditor and Corporate Fraud Manager has established 'follow up' arrangements in place to give the Audit Committee assurance that recommendations to improve the Internal Control environment are being made. Therefore the Audit Committee can confirm that they are unaware of any significant breaches of Internal Control during 2015/2016 that impact negatively on the Statement of Accounts.

5) *Is the Audit Committee satisfied that internal controls, including segregation of duties, exist and work effectively?*

The Audit Committee receives the Annual Audit Opinion and Internal Audit Report from the Chief Internal Auditor and Corporate Fraud Manager that gives assurance that the Internal Controls are working effectively and also receive regular quarterly reports on Internal Audit progress. As such the Audit Committee is satisfied that internal controls both exist and work effectively.

In addition the Audit Committee also reviews the draft Annual Governance Statement where in addition to the assurance from the Chief Internal Auditor and Corporate Fraud Manager the Committee also receive statements from Corporate Directors that confirm from their perspective that controls are working effectively.

6) *Is the Audit Committee aware of any related party relationships or transactions that could give rise to instances of fraud?*

The Audit Committee is not aware of any related party relationships or transactions that could give rise to instances of fraud.

7) *How does the Audit Committee mitigate the fraud risks associated with related party relationships and transactions?*

The Audit Committee is aware that all Members and Corporate Management Team are required to complete an annual return of related party relationships and transactions and guidance notes have been issued to support their completion. Where any related transactions are declared extracts are obtained from Accounts Payable (Creditors) to identify actual payments made and received.

In addition, Internal Audit carries out periodic reviews of all employees and members' declarations to help identify any potential undeclared relationships and / or fraudulent transactions using outputs from data matching exercises. The last review was completed as part of the National Fraud Initiative 2015/16.

The Committee is also aware that Corporate Finance have prepared a list of all related party transactions, with an explanation of the nature of these and whether any transactions have been entered into with these related parties during 2015/2016. These are included in the 2015/2016 statement of accounts for the Audit Committee's approval in July 2016.

8) *Is the Audit Committee aware of any entries made in the accounting records of the organisation that it believes or suspects are false or intentionally misleading?*

The Audit Committee is not aware of any specific entries made in the accounting records of the Council that it believes or suspects are false or intentionally misleading.

9) *Is the Audit Committee aware of any organisational, or management pressure to meet financial or operating targets?*

The Audit Committee is not aware of any organisational or management pressure to meet financial or operating targets.

10) *Is the Audit Committee aware of any inappropriate organisational or management pressure being applied, or incentives offered, to employees to meet financial or operating targets?*

The Audit Committee is not aware of any inappropriate organisational or management pressure being applied or incentives offered, to employees to meet financial or operating targets.

ISA 250 – Consideration of laws and regulations in an audit of financial statements

1) *How does the Audit Committee gain assurance that all relevant laws and regulations have been complied with?*

The Audit Committee is responsible for the review of the Council's Local Code of Corporate Governance and approving the Annual Governance Statement and is therefore aware of management arrangements in place for identifying and responding to changes in laws and regulations and any significant governance issues arising as a result.

The Audit Committee gains independent assurance over the effectiveness of the arrangements in place through the work of Internal and External Audit and other external review bodies.

The Audit Committee receives regular updates on the management of strategic risks that include risks relating to non-compliance with laws and regulations.

2) *Does the Committee have knowledge of actual or suspected instances where appropriate laws and regulations have not been complied with?*

The Audit Committee does not have any knowledge of any actual or suspected instances where appropriate laws and regulations have not been complied with.

ISA 501 – Specific consideration of the potential for, and actual, litigation and claims affecting the financial statements

1) *Is the Audit Committee aware of any actual or potential litigation and claims involving the Council that would impact on the financial statements*

The Audit Committee is aware of the monitoring and reporting arrangements in place of financial risks associated with potential litigation claims and seeks to gain assurance that revised processes are effective and that any material amounts, significant risks or control implications are brought to its attention.

ISA 570 – Consideration of the going concern assumption in an audit of financial statements

1) *How has the Audit Committee assessed and satisfied itself that it is appropriate to adopt the going concern basis in preparing the financial statements?*

The Audit Committee considered a report of the Interim Corporate Director, Resources at its meeting on 30 June 2016 relating to an assessment of the going concern assumption. The Committee is satisfied that it is appropriate to adopt the going concern basis in preparing the 2015/2016 financial statements.

2) *Has the Audit Committee identified any events or conditions since the assessment was undertaken which may cast doubt on the organisation's ability to continue as a going concern?*

The Audit Committee has not identified any events or conditions since this assessment was considered which casts any doubt on the Council's ability to continue as a going concern.

ISA 550 – Related Parties

1) *What controls are in place to: identify, authorise, approve, account for and disclose related party transactions and relationships?*

As described under question 7 of ISA 240, the controls in place also mitigate the risk of fraud in relation to related party transactions and relationships.

The Audit Committee is aware that all Members and Corporate Management Team are required to complete an annual return of related party relationships and transactions and guidance notes have been issued to support their completion. Where any related transactions are declared extracts are obtained from Accounts Payable (Creditors) to identify actual payments made and received.

In addition, Internal Audit carries out periodic reviews of all employees and members' declarations to help identify any potential undeclared relationships and / or fraudulent transactions using outputs from data matching exercises. The last review was completed as part of the National Fraud Initiative 2015/16.

The Committee is also aware that Corporate Finance has prepared a list of all related party transactions, with an explanation of the nature of these and whether any transactions have been entered into with these related parties during 2015/2016. These will be included in the 2015/2016 statement of accounts for the Audit Committee's approval in July 2016.

2) Confirmation that the Audit Committee have disclosed to the auditor the identity of the entity's related parties and all the related party relationships and transactions of which they are aware and appropriately accounted for and disclosed such relationships and transactions in accordance with the requirements of the framework.

The Audit Committee confirms that the identity of all the authority's related parties have been appropriately disclosed in accordance with the requirements of the framework.

If you have any further questions or comments on the content of this letter please do not hesitate to contact me.

Yours sincerely

Councillor Edward Bell
Chair of Durham County Council Audit Committee