

## The Highland Council

### Audit and Scrutiny Committee – 17 November 2015

Agenda Item	9
Report No	AS/31/15

#### Audit Scotland – Code of Audit Practice (Consultation Draft)

#### Report by Director of Finance

##### Summary

The purpose of this report is to consider a Council response to the Code of Audit Practice Consultation Draft.

#### 1. Background

- 1.1 The Code of Audit Practice (the Code) outlines the responsibilities of external auditors appointed by the Auditor General for Scotland and the Accounts Commission and it is a condition of their appointment that they follow it.
- 1.2 The Code also describes the wider scope of public audit in Scotland where audit work is undertaken by specialists from Audit Scotland, appointed auditors or jointly, depending on the nature and timing of the work. The Code forms part of the overall framework for the conduct of public audit in Scotland.
- 1.3 This is an important opportunity to consider the scope and responsibilities of Audit Scotland. The covering report (**Appendix 1**) sets out the framework for Public Audit, responsibilities and framework for the conduct of the annual audit of the Council's accounts, as well as wider audit work.
- 1.4 The deadline for submissions is 3 December 2015.

#### 2. Implications

- 2.1 There are no particular implications to highlight.

##### Recommendation

Members are invited to consider the attached response (**Appendix 2**) to the Code of Audit Practice.

Designation: Director of Finance

Date: 5 November 2015

Author: Derek Yule

# Code of Audit Practice Consultation draft



Prepared for the Auditor General for Scotland and the Accounts Commission  
September 2015

Audit Scotland is a statutory body set up in April 2000 under the Public Finance and Accountability (Scotland) Act 2000. We help the Auditor General for Scotland and the Accounts Commission check that organisations spending public money use it properly, efficiently and effectively.

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# Foreword

Joint statement from the Auditor General for Scotland and the Chair of the Accounts Commission. [final Code only]

# Introduction

## Background

1. The Code of Audit Practice (the Code) outlines the responsibilities of external auditors appointed by the Auditor General for Scotland and the Accounts Commission and it is a condition of their appointment that they follow it.
2. The Code also describes the wider scope of public audit in Scotland where audit work is undertaken by specialists from Audit Scotland, appointed auditors or jointly depending on the nature and timing of the work.
3. The Code forms part of the wider context in which the conduct of public audit in Scotland takes place. This wider context is set out at Exhibit 1:

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### Exhibit 1 - Context for public audit in Scotland <sup>1</sup>

Legislation	•Establishes the legal basis for audits to be carried out
Public Audit in Scotland A joint statement on the principles for the audit of Scottish public sector bodies	•Prepared by the Auditor General, the Accounts Commission and Audit Scotland •Sets out the overarching principles for integrated public audit
Code of Audit Practice	•Outlines the principles and standards to be followed by auditors and their responsibilities
Letter of appointment	•Sets out the contractual elements of an auditor's appointment
Audit Scotland guidance	•Provides detailed guidance on the application of the Code for individual audit years or specific pieces of audit work

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<sup>1</sup> The standard letters of appointment will be published on Audit Scotland's website. These letters cover all the contractual elements and responsibilities to be followed by appointed auditors when undertaking audits for the Auditor General and the Accounts Commission including relevant environmental, sustainability and other matters.

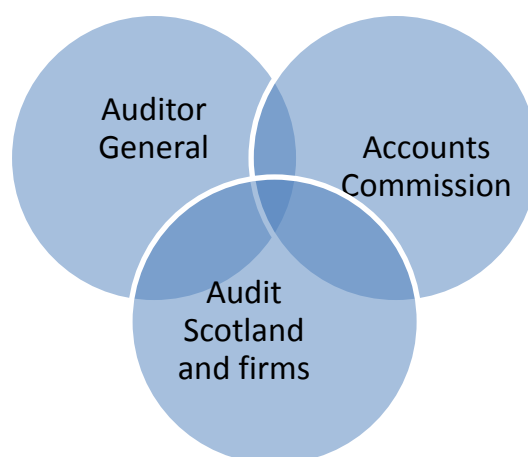
4. This Code applies to external audits for financial years starting on or after 1 April 2016. It replaces the Code issued in May 2011.

## Responsibility for public audit in Scotland

5. The Auditor General and the Accounts Commission are responsible for securing the external audit of most public sector bodies in Scotland. They work closely together and by looking at issues across boundaries aim to maximise the effectiveness of audit work. Audit work is carried out by Audit Scotland staff and appointed auditors including private firms.

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### Exhibit 2 - Responsibility for securing and/or undertaking public audit in Scotland<sup>2</sup>



#### The Auditor General for Scotland

6. The Auditor General for Scotland is an independent Crown appointment, made on the recommendation of the Scottish Parliament. The Auditor General is independent and not subject to the control of any member of the Scottish Government or the Parliament.
7. The Auditor General is responsible under the Public Finance and Accountability (Scotland) Act 2000 (the 2000 Act) for appointing the external auditors of most public bodies in Scotland outside the local government sector, and reporting on their financial health and performance. The following bodies fall within the Auditor General's remit:
  - The Scottish Government and its agencies.
  - Scottish Parliamentary Corporate Body.
  - National Health Service bodies.
  - Further education colleges.
  - Scottish Water.
  - Commissioners and Ombudsmen.
  - Non-departmental public bodies and others (eg, Scottish Enterprise).

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<sup>2</sup> Private firms are appointed as auditors by the Auditor General and the Accounts Commission to undertake around a third of the annual audit work with Audit Scotland staff appointed to audit the remaining.



8. Audited annual financial statements including the independent auditors' reports, and reports by the Auditor General where the Auditor General decides these are appropriate, are sent to Scottish Ministers to be laid before the Scottish Parliament.
9. The Auditor General may initiate examinations into the economy, efficiency and effectiveness with which the relevant public bodies have used their resources in discharging their functions.

### **The Accounts Commission for Scotland**

10. The Accounts Commission for Scotland is an independent public body with its members appointed by Scottish Ministers to hold local government to account. The Accounts Commission has four main responsibilities:
  - Securing the external audit, including the audit of Best Value and Community Planning. The Commission appoints auditors to local government bodies under the Local Government (Scotland) Act 1973.
  - Following up issues of concern highlighted through the audit, to ensure satisfactory resolutions.
  - Carrying out or promoting national performance audits to improve the economy, efficiency and effectiveness of local government.
  - Issuing directions to local authorities which set out the range of performance information that they are required to publish.
11. The Accounts Commission has the power to report and make recommendations to Scottish Ministers and audited bodies, and it can hold hearings. If it considers that there has been illegality or financial loss due to negligence or misconduct, the Accounts Commission may impose sanctions including censure, suspension or disqualification of members from office.
12. The Controller of Audit post is established by statute with functions involving reporting to the Accounts Commission on the accounts of local authorities and the performance by a local authority of their duties under Best Value and Community Planning. The Controller of Audit acts independently from the Accounts Commission when making judgments in reports.

### **Audit Scotland and firms**

13. Audit Scotland provides services to the Accounts Commission and the Auditor General, including carrying out audit work and supporting them in appointing auditors. It is governed by a board, consisting of the Auditor General, the chair of the Accounts Commission, a non-executive board chair and two non-executive members who are appointed by the Scottish Commission for Public Audit, a commission of the Scottish Parliament. Audit Scotland also provides guidance and support to appointed auditors and, on behalf of the Auditor General and the Accounts Commission, monitors their performance through a rigorous quality appraisal process. Once appointed, auditors act independently in carrying out their responsibilities and in exercising professional judgement.
14. Audits of financial statements are carried out by appointed auditors, who are either Audit Scotland staff or firms appointed by the Auditor General or the Accounts Commission.

Performance audits and Best Value audits are typically led by Audit Scotland specialist staff working with, and drawing on the work of, appointed auditors where appropriate.

# Framework for public audit

## Principles of public audit

15. The principles of public audit are shared across the UK and are based on:
    - The independence of auditors from the bodies that they audit.
    - A wider scope which reaches beyond financial statements into judgements on governance and performance.
    - Public reporting of audit findings and recommendations.
  16. This Code provides a framework for auditors to make a difference and support improvement in public services. This framework defines the scope of public audit and explains how audit work and audit outputs are to be delivered and help stakeholders understand the value of audit.
  17. Exhibit 3 sets out examples of how public audit makes a difference.
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### Exhibit 3

#### How public audit makes a difference



## Responsibilities of audited bodies

18. The audited bodies have the primary responsibility for ensuring the proper financial stewardship of public funds and to establish effective arrangements for governance, propriety and regularity that enable them to successfully deliver their objectives.

### Corporate governance

19. Each body, through its chief executive or accountable officer, is responsible for establishing arrangements to ensure the proper conduct of its affairs including the legality of activities and transactions, and for monitoring the adequacy and effectiveness of these arrangements. Audited bodies should involve those charged with governance (including audit committees or equivalent) in monitoring these arrangements.

## Financial statements and related reports

20. Audited bodies must prepare an annual report and accounts containing financial statements and other related reports. They have responsibility for:
- preparing financial statements which give a true and fair view of their financial position and their expenditure and income, in accordance with the applicable financial reporting framework and relevant legislation
  - providing accounting records and working papers that have been prepared to an acceptable professional standard and that support their financial statements and related reports disclosures
  - ensuring the regularity of transactions, by putting in place systems of internal control to ensure that they are in accordance with the appropriate authority
  - maintaining proper accounting records
  - preparing and publishing along with their financial statements an annual governance statement, management commentary (or equivalent) and a remuneration report.
21. Audited bodies are responsible for developing and implementing effective systems of internal control, including risk management, internal audit, financial, operational and compliance controls. These systems should support the achievement of their objectives and safeguard and secure value for money from the public funds at their disposal.

## Standards of conduct - prevention and detection of fraud and error

22. Audited bodies are responsible for establishing arrangements for the prevention and detection of fraud and irregularities, bribery and corruption and also to ensure that their affairs are managed in accordance with proper standards of conduct by putting proper arrangements in place.

## Financial position

23. Audited bodies are responsible for putting in place proper arrangements to ensure that their financial position is soundly based having regard to:
- such financial monitoring and reporting arrangements as may be specified
  - compliance with any statutory financial requirements and achievement of financial targets
  - balances and reserves, including strategies about levels and future use
  - the impact of planned future policies and foreseeable developments on their financial position.

## Best Value

24. Local authority bodies have a statutory duty to make arrangements to secure Best Value through the continuous improvement in the performance of their functions. In securing Best Value, local authorities must maintain a balance of quality and cost considerations and have regard, among other things, to economy, efficiency and effectiveness (or 'value for money') and the need to meet equal opportunity requirements and contribute to the achievement of

sustainable development. The Community Empowerment Act 2015 will have implications for the audit of Best Value. This Act is designed to help empower community bodies through the ownership or control of land and buildings, and by strengthening their voices in decisions about public services.

25. The Police and Fire Reform (Scotland) Act 2012 also places a statutory duty to make arrangements to secure Best Value in carrying out their functions on the Scottish Police Authority; the Chief Constable of the Police Service of Scotland; and the Scottish Fire and Rescue Service.
26. For other sectors, the Scottish Public Finance Manual sets out that accountable officers appointed by the Principal Accountable Officer for the Scottish Administration have a specific responsibility to ensure that arrangements have been made to secure Best Value.

## Appointed auditor responsibilities

27. Auditor responsibilities are derived from statute, professional requirements and best practice and cover their responsibilities when auditing financial statements and when discharging their wider scope responsibilities. These are to:
  - Undertake statutory duties, and comply with professional engagement and ethical standards.
  - Provide an opinion on audited bodies' financial statements and, where appropriate, the regularity of transactions.
  - Review and report on, as appropriate, other information such as annual governance statements, management commentaries, remuneration reports, grant claims and whole of government returns.
  - Notify the Auditor General or Controller of Audit when circumstances indicate that a statutory report may be required.<sup>3</sup>
  - Participate in arrangements to cooperate and coordinate with other scrutiny bodies.
  - Demonstrate compliance with the wider public audit scope by reviewing and providing judgements and conclusions on the audited bodies':
    - effectiveness of performance management arrangements in driving economy, efficiency and effectiveness in the use of public money and assets
    - suitability and effectiveness of corporate governance arrangements
    - financial position and arrangements to secure sustainability

and additionally for local authority auditors:

- effectiveness of arrangements to achieve Best Value
- suitability of arrangements for preparing and publishing statutory performance information.

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<sup>3</sup> Appendices 1, 3 and 4 provide more detail on the statutory reporting arrangements for public audit in Scotland.

## General principles

28. Exhibit 4 summarises the general principles that underpin all the audit work carried out by all auditors under this Code.

### Exhibit 4 - General principles



29. This Code is designed such that adherence to it will result in an audit that exhibits these principles.

#### Independent

30. When undertaking audit work all auditors should be, and be seen to be, independent. This means auditors should be objective, impartial and comply fully with relevant ethical standards. Auditors will report in public and make recommendations on what they find without being influenced by fear or favour.

#### Proportionate and risk based

31. Audit work should be proportionate and risk based. Auditors need to exercise professional scepticism and demonstrate that they understand the environment in which public policy and services operate. Work undertaken should be tailored to the circumstances of the audit and the audit risks identified. Audit findings and judgements made must be supported by appropriate levels of evidence and explanations.

#### Quality focussed

32. Auditors should ensure that audits are conducted in a manner that will demonstrate that the relevant ethical and professional standards are complied with and that there are appropriate quality control arrangements in place as required by statute and professional standards.

### **Coordinated and integrated**

33. It is important that auditors coordinate their work with internal audit, Audit Scotland, other external auditors and relevant scrutiny bodies to recognise the increasing integration of service delivery and partnership working within the public sector. This should remove unnecessary duplication and also provide a clear programme of scrutiny activity for audited bodies.

### **Public focussed**

34. The work undertaken by external audit is carried out for the public and in its interest. The use of public money means that public audit must be planned and undertaken from a wider perspective than in the private sector and include aspects of public stewardship and Best Value. It will also recognise that public bodies may operate and deliver services through partnerships, arm's length organisations or other forms of joint working with other public, private or third sector bodies. The Accounts Commission has recently updated its Following the Public Pound Code to reflect its interest in this area. Auditors have a right to information held by audited bodies, group entities and others to ensure that they are able to follow, review and assess how public money is being spent and to report on this in the public interest.

### **Transparent**

35. Auditors, when planning and reporting their work, should be clear about what, why and how they audit. To support transparency the main audit outputs should be of relevance to the public.

### **Adds value**

36. It is important that auditors recognise the implications of their audit work, including their wider scope responsibilities, and that they clearly demonstrate that they add value in the work that they do. This means public audit going beyond a simple description of arrangements that exist in an audited body, to provide clear judgements and conclusions on how well the audited body has demonstrated the effectiveness of its arrangements.

# Scope of public audit

## Background

37. Public audit as described in this Code is a combination of specific legal requirements, best practices as applied to public interest entities in the private sector and requirements arising from this Code designed to ensure that public audit adds value for audited bodies, the public and their elected representatives.

### Exhibit 5 - Bases of public audit

Requirements	Examples
Statutory	<ul style="list-style-type: none"> <li>Opinions on the financial statements and regularity</li> <li>National performance audits and Best Value audits</li> </ul>
Best practice	<ul style="list-style-type: none"> <li>Opinions on management commentaries, remuneration reports and governance statements</li> </ul>
Adds value	<ul style="list-style-type: none"> <li>Public reporting of audit findings</li> <li>Wider scope reporting</li> </ul>

38. Audit work is carried out in an integrated way with work undertaken to provide evidence for one objective being used to inform others.

## Responsibility for audit

39. On behalf of the Auditor General and the Accounts Commission, Audit Scotland leads and coordinates the delivery of public audit in Scotland in consultation with key stakeholders to ensure that it is focussed, integrated and proportionate.
40. Auditors appointed by the Auditor General for Scotland or the Accounts Commission are responsible for giving an opinion on the financial statements and reporting on other related matters. Audit Scotland provides technical support to appointed auditors in respect of these responsibilities to inform their professional judgement.
41. Appointed auditors will work in partnership with Audit Scotland specialists in performance audit and Best Value audit in discharging their wider scope responsibilities. These specialists have a key role in developing and delivering national performance and Best Value audit work.
42. For all sectors, except local government, performance audit reports are approved by the Auditor General and many of them are considered by Scottish Parliament, particularly the Public Audit Committee. The Accounts Commission receives reports prepared by the



Controller of Audit on the audit and performance of local authorities. These reports are usually published together with the stated findings of the Accounts Commission.

43. The appointed auditors for each audit will report annually to those charged with governance on the results of their work covering both the financial statements and the wider scope audit.
44. Within each five year audit appointment period there will be at least one report on Best Value for each council concluding on their performance relating to Best Value characteristics and improvements. These reports will be informed by the work carried out by the appointed auditors in the intervening years.

### **Audit of financial statements and related matters**

45. For the purposes of the Code the scope of the financial statements audit work is set by International Standards on Auditing (UK and Ireland) and Ethical Standards for Auditors as issued by the Financial Reporting Council. All appointed auditors are required to comply with these standards.
46. Appointed auditors are required to give an opinion on the financial statements as to:
  - whether they give a true and fair view of the financial position of audited bodies and their expenditure and income
  - whether they have been properly prepared in accordance with relevant legislation, the applicable accounting framework and other reporting requirements
  - the regularity of the expenditure and income (not required for local government).
47. In some areas the application of the International Standards on Auditing (ISA) are extended to meet the additional requirements of public sector audit.
48. ISA include certain requirements relating to the auditor's consideration of fraud. The nature of public sector organisations means that there are additional fraud risks which should be considered and that therefore extend what is covered by ISA 240. These include taxation receipts, welfare benefits, grants and other claims made by individuals and organisations on the public purse.
49. Appointed auditors should consider the risks and the controls put in place by audited bodies to ensure that all revenue is identified and collected and that payments are made correctly. Appointed auditors should use their professional judgement when assessing all the risks within individual audited bodies and whether they are relevant or rebuttable.
50. In line with Companies Act 2006 requirements that apply in the private sector, appointed auditors are also required to give opinions on remuneration reports, annual governance statements, and the consistency on management commentaries.

### **Wider scope audit**

51. Legislation creates further responsibilities for the audit of the public sector in Scotland which form the basis for the wider scope of public audit in Scotland. These are:

- The Public Finance and Accountability (Scotland) Act 2000 gives the Auditor General the right to initiate examinations into the economy, efficiency and effectiveness with which audited bodies and certain other bodies have used their resources to discharge their functions. The results of such examinations may be presented to the Scottish Parliament and considered by its Public Audit Committee.
  - The Police and Fire Reform (Scotland) Act 2012 gives the Auditor General the right to initiate examinations into the arrangements made by the Scottish Police Authority; the Chief Constable of Police Service of Scotland; and the Scottish Fire and Rescue Service to secure Best Value.
  - The Local Government (Scotland) Act 1973 requires the Accounts Commission to undertake or promote comparative and other studies designed to make recommendations for:
    - the securing by local authorities of Best Value
    - improving economy, efficiency and effectiveness in the provision of services by local authorities
    - improving the financial or other management of such authorities.
  - The Local Government (Scotland) Act 1973 places a duty on the auditors of local government bodies to be satisfied that proper arrangements have been made for securing Best Value and complying with responsibilities relating to community planning.
  - The Local Government Act 1992 requires auditors of local government bodies to review and report on the arrangements that specified audited bodies have made to prepare and publish performance information in accordance with directions issued by the Accounts Commission.
52. This Code recognises the increasingly high expectations the public has about the role of audit in the stewardship of public funds. It defines the wider scope of public audit as going beyond the financial statements to include work that contributes to audit judgements and conclusions on the appropriateness, effectiveness and impact of corporate governance and performance management arrangements and financial sustainability.
53. The planned audit work should, however, be risk based and proportionate to the nature and size of an audited body. Where the application of the full wider scope is judged by auditors not to be appropriate to an audited body then annual audit work on the wider scope should be undertaken that enables conclusions to be made on the:
- appropriateness of the disclosures in the governance statement
  - financial sustainability of the body and the services that it delivers over the medium to longer term.

If, in the case of such a small body, an appointed auditor identifies that there is particular risk or public interest in a wider scope issue beyond these areas then the auditor must contact Audit Scotland to discuss the issue and agree an appropriate response.

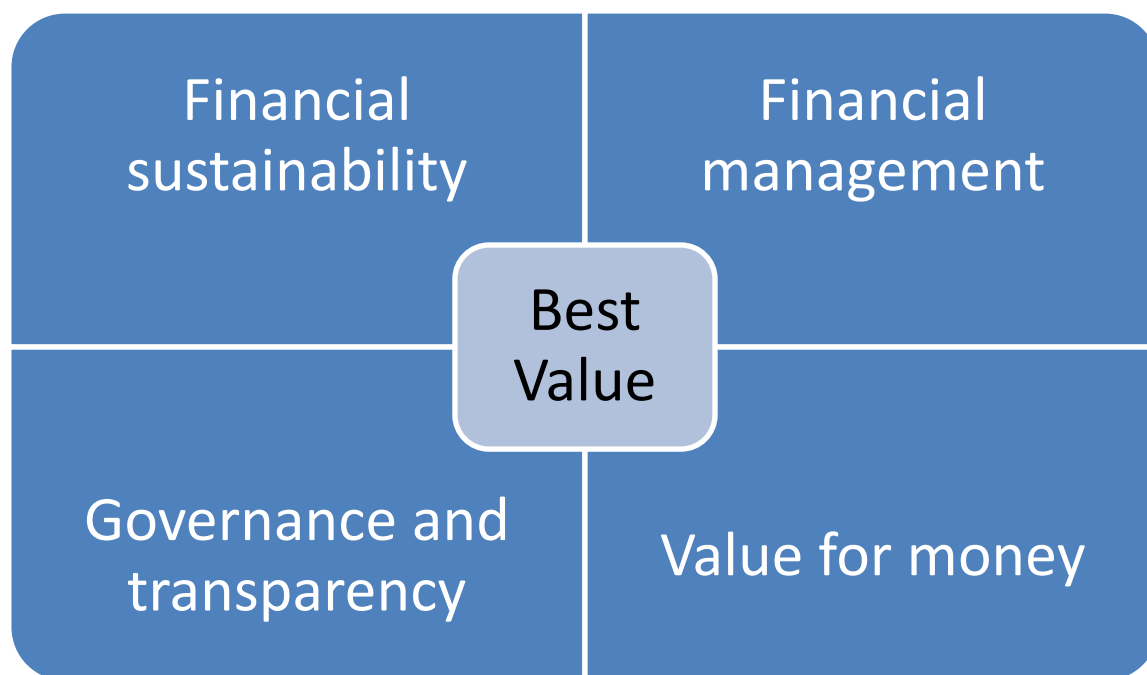
## Audit dimensions

54. The Auditor General, the Accounts Commission and Audit Scotland have agreed four audit dimensions that frame the wider scope audit work into identifiable audit areas. The statutory financial statements audit will be the foundation and source for the majority of the audit work necessary to support the judgements and conclusions made by appointed auditors on these dimensions.
55. All appointed auditors must consider these audit dimensions when scoping, planning, performing, and reporting their work. These are provided at Exhibit 6:

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### Exhibit 6

Four audit dimensions to be used when planning and reporting the audit.



56. In the local government sector, the appointed auditor's annual conclusions on these four audit dimensions will contribute to an overall assessment and assurance on Best Value. Across the five year audit appointment these conclusions will provide an indication of whether the audited body is demonstrating that it is securing Best Value through the continuous improvement in the performance of its functions. Supplementary guidance will provide further details on this.
57. The following section describes each dimension and the high level audit work to be considered by appointed auditors when undertaking their annual audit.

### Financial sustainability

58. Appointed auditors consider going concern as part of their annual audit of the financial statements. This is a relatively short term concept looking forward 12 to 18 months from the

end of the financial year. Financial sustainability looks forward to the medium and longer term to consider whether the body is planning effectively to continue to deliver its services or the way in which they should be delivered.

59. Audit work would include reviewing, concluding and reporting on areas such as:
- the effectiveness of the financial planning systems in identifying and addressing risks to financial sustainability across the shorter and longer terms
  - the appropriateness of the arrangements put in place to address any identified funding gaps and whether the body can demonstrate that these arrangements are working
  - can the body demonstrate the affordability and effectiveness of funding and investment decisions it has made.

## Financial management

60. Financial management is concerned with financial capacity, sound budgetary processes and whether the control environment and internal controls are operating effectively.
61. Audit work would include reviewing, concluding and reporting on areas such as:
- whether the audited body has arrangements to ensure systems of internal control are operating effectively
  - can the body demonstrate the effectiveness of the budgetary control system in communicating accurate and timely financial performance
  - whether the financial capacity and skills are appropriate
  - whether the body has established appropriate and effective arrangements for the prevention and detection of fraud and corruption.

## Governance and transparency

62. Governance and transparency is concerned with the effectiveness of scrutiny and governance arrangements, leadership and decision making, and transparent reporting of financial and performance information.
63. Audit work would include reviewing, concluding and reporting on areas such as:
- can the body demonstrate that the governance arrangements are appropriate and operating effectively (including services delivered by, or in partnership with, others such as ALEOs)
  - whether there is effective scrutiny, challenge and transparency on decision making and financial and performance reports
  - the quality and timeliness of financial and performance reporting.

## Value for money

64. Value for money is concerned with using resources effectively and continually improving services.

65. Audit work would include reviewing, concluding and reporting on areas such as whether:
- the body can provide evidence that it is demonstrating value for money in the use of resources
  - the body can demonstrate that there is a clear link between money spent and outputs and the outcomes delivered
  - outcomes are improving
  - there a sufficient focus on improvement and the pace of it.

## **Integration of the audit dimensions into the annual audit**

66. The audit dimensions should be considered by appointed auditors when:
- identifying significant audit risks at the risk assessment and audit planning stage
  - reporting the work done on obtaining assurances over these risks and dimensions
  - making recommendations for improvement.
67. Where appointed auditors have identified significant wider scope risks during the planning process these should be included in a plan, having regard to the appropriate audit dimensions, together with the audit work that will be undertaken to address these risks.
68. All annual audit reports should include a summary on each dimension that states any work done in the year by the appointed auditor and the assurances, risks and any good practice that they have identified. A simple description of the arrangements in place is not sufficient. Appointed auditors should provide clear judgements and conclusions on the effectiveness and appropriateness of the arrangements in place based on any work that they have done. If there are still significant risks, appointed auditors should make recommendations for improvement.
69. By reporting against the dimensions in their annual audit reports, auditors will have discharged their wider scope responsibilities under this Code.

## **Application of the wider scope audit**

70. Audit Scotland will use the audit outputs to support the development of performance audits; to inform further work; to report to the Parliament and the Accounts Commission; and to share good practice.

# Planning and performing the annual audit

## Introduction

71. Auditors should plan and perform their audit work in accordance with International Standards on Auditing (UK & Ireland), this Code and additional guidance prepared by Audit Scotland. This guidance will be informed, as appropriate, by the following:

- Accounts Commission Strategy
- Auditor General priorities
- Audit Scotland's Corporate Plan.

## Planning

72. Audit planning is an on-going process which evolves in response to changes in audit risk and emerging audit findings, as well as the context in which audited bodies are operating.
73. As part of the annual audit planning process appointed auditors should prepare an annual audit plan that documents how they intend to meet their responsibilities, in the light of their assessment of risks and wider scope responsibilities. These plans should be communicated to those charged with governance.

## Annual audit plans and the wider scope

74. The principles of ISA 330 are extended to meet the expectations of public audit when planning the audit and must be applied to the appointed auditors assessed risk of bodies not having appropriate arrangements in place in respect of the wider scope requirements.
75. Auditors should coordinate their planned audit work with internal audit, performance and Best Value programmes to ensure that it is effective and proportionate. Auditors should consider completing audit work covering elements of the four audit dimensions on an annual basis.
76. For local government auditors there is also a requirement to participate in the Shared Risk Assessment process. This involves contributing to a joint local scrutiny plan for a council each year, in partnership with other scrutiny bodies.
77. Annual audit plans should categorise auditor judgements over significant risks, by reference to the wider scope dimensions, and clearly demonstrate that the wider scope responsibilities have been considered at the planning stage of the audit.
78. Where significant risks to financial statements and audit dimensions are identified at the planning stage, auditors must indicate the work planned in the year to address these risks in the audit plan.

79. Local government auditors are also required to satisfy themselves that the local authority has made proper arrangements for securing Best Value.
80. To support appointed auditors to discharge their wider scope responsibilities, supplementary guidance will be provided by Audit Scotland. This guidance may also include guidance on materiality that refines ISA 320 to meet the requirements of public audit.

## The auditor's opinion on the financial statements and related matters

81. Appointed auditors are required to provide an opinion on the audited body's financial statements. These opinions will cover:
  - whether the financial statements give a true and fair view of the state of affairs of the audited body and its expenditure and income for the period audited
  - whether the financial statements have been prepared properly in accordance with the applicable financial reporting framework and relevant legislation.
82. Opinion on regularity:
  - In sectors other than local government, the regularity of expenditure and income.
83. Opinion on other matters:
  - whether a specified part of the remuneration report has been properly prepared
  - whether the management commentary (or equivalent report) is consistent with the financial statements
  - whether the information given in the governance statement complies with regulations or Scottish Ministers' guidance.
84. Reporting by exception:
  - if other information accompanying the financial statements is materially inconsistent with the financial statements or apparently materially incorrect based on, or materially inconsistent with, the knowledge acquired by auditors in the course of performing the audit
  - if adequate accounting records have not been kept
  - if the financial statements and the part of the remuneration report to be audited are not in agreement with the accounting records
  - if the auditor has not received all the information and explanations required for the audit
  - if there is a failure to achieve a prescribed financial objective.

# Reporting the audit

## Introduction

85. Audit reporting is the visible end result of the audit process. Public audits are reported in public, and are for both the audited body and the Controller of Audit or the Auditor General for Scotland.
86. Audit plans, the principal audit outputs arising from audit plans and any other outputs on matters of public interest will be published on Audit Scotland's website.

## Outputs from the audit to those charged with governance

87. The following outputs are to be produced annually for each audit appointment:
  - Annual audit plan
  - Independent auditor's report(s)
  - Annual audit report.
88. The Independent auditors report and annual audit reports are required by the Code to be communicated to those charged with governance and to also be addressed to the Controller of Audit in the case of local authorities and the Auditor General for Scotland in all other cases.

## Annual audit plan

89. The annual audit plan will contain an overview of the planned scope and timing of the audit to be carried out in accordance with Auditing Standards, this Code, and guidance from Audit Scotland.
90. It will clearly identify the audit work that is planned to be done to meet the wider code requirements of public sector audit as well as the audit of the financial statements and other related matters. It should include the respective responsibilities of audited bodies and appointed auditors.
91. Audit plans are addressed to the audited body and should be presented to the audit committee or equivalent. The plan should contain information relating to the appointed auditor's approach to significant risks and internal control and refer to the concept of materiality and the materiality figures used. The annual audit plan will include the name of the engagement lead and confirm the independence of the appointed auditor. Plans should be reviewed throughout the audit and the audit approach updated as necessary.

## Independent auditor's report

92. The independent auditor's report must set out the results of the appointed auditor's work on the financial statements in accordance with the Technical Guidance Note on model independent auditor's reports that is prepared annually by Audit Scotland.



93. The auditor's report must be signed with the name of the engagement lead. Where the appointed auditor is a firm, it should be signed for and on behalf of the firm.

## Annual audit report

94. The annual audit report will include the content to be reported to those charged with governance at the completion of an audit, the conclusions on work carried out to provide assurance on the wider scope dimensions, and recommendations for improvement where there are still risks. The annual ISA 260 report to those charged with governance may be included in the annual audit report or be separately reported.
95. Appointed auditors will discharge their responsibilities in this area by providing clear conclusions in the annual audit report on the wider scope audit work, as framed by the four audit dimensions.
96. These conclusions should provide clear narrative that explains to the reader what the appointed auditor found in respect of the effectiveness and appropriateness of the arrangements that audited bodies have in place around the four audit dimensions, including Best Value characteristics where applicable. Simply describing the arrangements that are in place at an audited body would not meet this responsibility.
97. The enhancements made to auditor reporting for listed companies in the private sector by ISA 700 are extended to apply to all annual audit reports prepared under this Code.

## Other outputs

98. The following other outputs may require to be produced in the course of audits:
- Certificates for grant claims.
  - Assurance statements for whole of government account returns or other consolidation schedules.
  - Reports on summary financial information.
99. These other outputs are to be prepared in accordance with the appropriate Technical Guidance Notes produced by Audit Scotland.
100. Auditors may also produce management reports, where relevant.

## Principles of reporting

101. It is important that audit reports are clear and can be understood by those charged with governance and members of the public who have an interest. All reports produced are to be:
- written in plain language, minimising jargon and technical terms
  - relevant to the needs of the audited body
  - focussed on drawing clear conclusions and making recommendations for improvement, where appropriate
  - issued promptly at the appropriate point in the audit process.

**102.** All reports should be written so that the reader understands the:

- nature and scope of the work
- significant issues arising
- nature and reasons for any weaknesses identified
- actions that are recommended to secure improvement.

**103.** Recommendations arising from audit work should:

- be useful, specific and practicable and focused on the public interest
- take account of the expected costs and challenges of implementation
- include management responses including target dates and responsibility for action
- be followed up at appropriate intervals.

# Other matters/activities

## Guidance

- 104.** Audit Scotland will issue guidance in support of this Code and appointed auditors must have regard to it. On an annual basis planning guidance will be issued covering the expected audit outputs for each audit year. Supplementary guidance will be issued as appropriate to support appointed auditors to fulfil their responsibilities.

## Technical support

- 105.** Audit Scotland provides technical support and guidance to all appointed auditors. While appointed auditors act independently, and are responsible for their own conclusions and opinions, Audit Scotland has a role in ensuring that those conclusions and opinions are reached on the basis of informed judgement. Audit Scotland will consult with appointed auditors on the preparation of technical guidance and appointed auditors are expected to contribute. Consistency in similar circumstances is important and therefore appointed auditors should consider such guidance. However, appointed auditors must advise and discuss with Audit Scotland promptly of any intended significant departures from the technical guidance.

## Information returns

- 106.** Audit Scotland requires appointed auditors to complete information returns during the audit appointment. These returns are used for a number of purposes including benchmarking, risk assessment and performance audit work and programme development.

## Fraud returns

- 107.** Appointed auditors are required to report information on cases of fraud and irregularities in accordance with guidance from Audit Scotland. Appointed auditors should also review information about frauds disseminated by Audit Scotland and consider whether any action is required in relation to their own audit appointments.

## Correspondence – Issues of concern

- 108.** People or organisations write to Audit Scotland because they have concerns about an issue within a public body that falls under the remit of the Auditor General for Scotland or the Accounts Commission. An issue of concern may be something such as a breakdown in financial management or governance arrangements.
- 109.** The key factor in determining whether Audit Scotland examines an issue is the relevance of the issue to Audit Scotland's role and functions. Audit Scotland and appointed auditors will make this judgement using their professional and technical knowledge. They will also take into consideration the costs of carrying out such work to ensure that they use resources efficiently.

110. All correspondence relating to issues of concern should be directed to and managed by the Audit Scotland Correspondence Team in the first instance, who will liaise with auditors as appropriate. In investigating issues of concern, auditors should have regard to any guidance issued by Audit Scotland.

## Whistleblowing

111. The Auditor General; the Accounts Commission; Audit Scotland; and appointed auditors are prescribed persons under the Public Interest Disclosure Act. These bodies can consider any relevant concerns from whistle blowers and may investigate further.

## Data matching

112. Audit Scotland may conduct data matching for the purposes of preventing and detecting fraud. Scottish public bodies are supported in their counter fraud activities through participation in the National Fraud Initiative. This is a data matching exercise which matches data within and between other public bodies to identify potentially fraudulent transactions or claims and errors.

## Requests for auditors' views

113. Audited bodies often seek appointed auditors' views on the regularity, accounting treatment or performance management implications of transactions, or proposed courses of action, before embarking upon them. Appointed auditors should be as helpful as possible, but should bear in mind that:
- their independence must not be prejudiced by being involved in audited bodies' decision making
  - they are not financial or legal advisers to audited bodies
  - they should not act in any way that might compromise their ability to report on a matter, or to exercise the powers conferred by statute on them, the Auditor General, the Controller of Audit, the Accounts Commission or Audit Scotland.
114. Audited bodies and their management are responsible for deciding whether to embark on transactions or courses of action. Responses made by appointed auditors should not be taken by audited bodies as suggesting that proposed transactions or courses of action will be exempt from challenge in future, whether by auditors or others entitled to object to them.

## Responsibilities to third parties

115. While the results of audits will be made available to the public, the appointed auditors' duty of care in respect of the audit of the bodies covered by this Code extends only to:
- for local government bodies, the audited body, the Accounts Commission, the Controller of Audit and Audit Scotland
  - for all other bodies, the audited body, the Auditor General, Audit Scotland and the Scottish Parliament (under statute, most audited financial statements require to be laid before the Parliament).

116. Although reports may be addressed to members or managers, they are prepared solely for the use of the bodies referred to above. Appointed auditors do not undertake to have responsibilities to members, directors, accountable officers, managers or the Scottish Ministers in their individual capacities, or to third parties.

# Appendix 1

## Appointed Auditors' statutory duties and reporting

### For bodies falling within the Auditor General's remit

Appointed auditors' statutory duties are derived from appointment by the Auditor General under the Public Finance and Accountability (Scotland) Act 2000. Appointed auditors' reports (ie, the auditor's independent report in relation to the financial statements) must set out the auditor's findings on:

- whether the expenditure and receipts<sup>4</sup> shown in the financial statements were incurred or applied in accordance with:
  - any enactment by virtue of which the expenditure was incurred or the income received
  - the Budget Act(s) for the financial year, or any part of the financial year, to which the financial statements relate
  - Sections 4 to 7 of the 2000 Act, relating to the Scottish Consolidated Fund (the Fund)
- where sums have been paid out of the Fund for the purpose of meeting such expenditure, whether the sums were applied in accordance with Section 65 of the Scotland Act 1998
- whether the expenditure and receipts shown in the financial statements were incurred or applied in accordance with any applicable guidance (whether as to propriety or otherwise) issued by the Scottish ministers
- whether the financial statements comply with any applicable direction by virtue of any enactment.

Appointed auditors must send the financial statements, including the auditor's report, to the Auditor General who may prepare a report on the financial statements under Section 22 of the 2000 Act. Further details on section 22 reporting are summarised at Appendix 4.

### For local government bodies

Appointed auditors' statutory duties for local government bodies are contained principally within Part VII of the Local Government (Scotland) Act 1973. These are to:

- audit the financial statements and place a certificate (i.e., independent auditor's report) on the statements stating that the audit has been conducted in accordance with Part VII of the Act
- satisfy themselves that:

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<sup>4</sup> The relevant accounting frameworks require most audited bodies under the Auditor General's remit to prepare financial statements on an accruals basis and the independent auditors' report usually refers to income rather than receipts.

- financial statements have been prepared in accordance with all applicable statutory requirements
- proper accounting practices have been observed in the preparation of the financial statements
- the body has made proper arrangements for securing Best Value and is complying with its community planning duties <sup>5</sup>
- a local authority has made adequate arrangements for collecting, recording and publishing prescribed performance information
- hear any objection to the financial statements lodged by an interested person.

Appointed auditors should also be familiar with the responsibilities in Section 102 of the Local Government (Scotland) Act 1973, summarised in Appendix 3.

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<sup>5</sup> The Accounts Commission has approved arrangements under Section 53 of the Local Government in Scotland Act 2003 so that appointed auditors work alongside specialist staff in Audit Scotland to discharge auditor responsibilities in this area and in providing overall conclusions on a local government body's arrangements in a public report by the Controller of Audit. A new more integrated approach is developing in this regard and supplementary guidance will be issued in due course.

# Appendix 2

## Public right of inspection and objection under the Local Government (Scotland) Act 1973.

The wider public interest dimension to the audit of public money is explained throughout the Code. For the audit of the financial statements of local government bodies, appointed auditors are required to have regard to the right of citizens to:

- inspect a local authority's accounts, books and records and take copies or extracts thereof
- lodge with the auditor a written objection to those accounts, together with a statement of the grounds thereof
- appear before and be heard by the auditor with respect to that objection.

Written objections require to be lodged directly with the local auditor.<sup>6</sup> Appointed auditors should advise the Controller of Audit promptly of any objections or submissions received directly. If requested by the objector, the local authority or any officer of the authority who may be concerned, the appointed auditor must give the relevant party an opportunity to appear before, and be heard by, the appointed auditor with respect to the objection.

Appointed auditors should have regard to any additional guidance issued by Audit Scotland when dealing with objections to the accounts of a local authority.

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<sup>6</sup> Audit Scotland may also consider correspondence received at any time about the finances of an audited body or an issue which is relevant to auditors' functions. See the Other Matters section



# Appendix 3

## Statutory reports under Section 102 of the Local Government (Scotland) Act 1973 and auditor rights of access.

### Section 102(1)

Under Section 102(1) of the Local Government (Scotland) Act 1973 the Controller of Audit may, and if required by the Accounts Commission must, submit reports to the Commission about:

- the accounts of local authorities
- any matters arising from the accounts or the audit of local authorities that the Controller considers should be considered by a local authority or brought to the attention of the public
- the performance of a local authority of their duties relating to Best Value and accountability and community planning as set out in the Local Government in Scotland Act 2003.

Section 102(2) requires any report under Section 102(1) to be copied to any local authority named in the report and to any other persons that the Controller thinks fit.

### Section 102(3)

Having considered any matter arising out of the audit of the accounts of a local authority, and having made such enquiries as the Controller sees fit, in certain circumstances the Controller may, under Section 102(3), make a special report to the Accounts Commission. A report may be made where the Controller is of the opinion that:

- an item of account is contrary to law
- there has been a failure on someone's part to bring into account a sum which ought to have been brought into account
- a loss has been incurred or deficiency caused by the negligence or misconduct of a person, or by the failure of an authority to carry out a duty imposed on them by any enactment
- a sum which ought to have been credited or debited to one account of an authority has been credited or debited to another account and the authority has not taken, or is not taking, steps to remedy the matter.

A fundamental feature of the process which might give rise to a report to the Accounts Commission is the role which auditors play in bringing circumstances which could give rise to a report for the attention of the Controller. For example, should the auditors of a local government body identify a matter which could potentially lead to a report under Section 102(3), immediate contact should be made with Audit Scotland. The need to draw early

attention to the matter takes priority over the need to have prepared a detailed report or for the auditor to have formed a definitive view on the matter.

Immediate notification to Audit Scotland should normally be followed by the submission of a detailed report.

### **Section 100 Auditor's right of access to documents.**

Section 100 covers auditor's rights of access to documents in the local government sector.

An auditor shall have a right of access at all reasonable times to all such documents relating to the accounts of a local authority that they judge necessary to examine for the purpose of auditing those accounts.

Auditors shall be entitled to require from any officer of that authority or any other person holding or accountable for any such document such information and explanation as they think necessary.

# Appendix 4

## **Statutory reports of the Auditor General under the Public Finance and Accountability (Scotland) Act 2000 and auditor rights of access.**

### **Section 22 Reports**

Under Section 22 of this Act, the Auditor General can prepare a report on matters arising from the audit of the accounts of a public body for which they are responsible for auditing. This type of report is known as a Section 22 report.

### **Reasons for the Auditor General preparing a Section 22 report.**

Reporting under Section 22 of this Act enables the Auditor General to bring to the attention of the Scottish Parliament and the public, matters of public interest arising from the audit of the wide range of public bodies for which they have audit responsibility. These matters of public interest are generally focused on specific issues or concerns that have been raised by the appointed auditor and highlighted in their annual audit report on a public body. The Auditor General may also decide to prepare a Section 22 report so that progress with issues raised in a previous Section 22 report can be publicly reported.

### **Examples of issues that may be highlighted in Section 22 reports.**

The issues highlighted in Section 22 reports can vary and a range of factors are considered when deciding whether to prepare a Section 22 report including:

- the auditor's opinion on the accounts, eg the auditor may have highlighted particular issues by qualifying their opinion on the financial statements or adding an 'emphasis of matter' paragraph
- materiality, ie the significance of the issue in terms of its value or its impact
- relevance, eg whether the issue is relevant elsewhere within the public body or across public bodies, whether the issue is of future relevance in that other public bodies may have similar problems or may pursue a similar course of action
- timing, eg how long it has been since the matter arose or whether the issue is a continuing concern
- reporting, eg whether the issue has been reported in public before.

### **Arrangements for preparing a Section 22 report.**

During the annual audit of a public body, the appointed auditor will draw any significant issues arising to the attention of the public body concerned as well as to the Auditor General. The auditor will also comment on significant issues in their annual audit report which is submitted to the Auditor General once the audit is complete. Working closely with the auditor, the Auditor General will make a judgement on whether Audit Scotland should prepare a Section 22 report.

The appointed auditor and Audit Scotland work together in drafting the Section 22 report. The appointed auditor will check with the public body that the content of the draft report is factually accurate and the Auditor General signs off the final draft. The accounts and the final Section 22 report are then laid before the Scottish Parliament.

The Auditor General briefs the Scottish Parliament's Public Audit Committee on the Section 22 report. The Committee may decide to take evidence from the relevant Accountable Officer.

### **Section 23 - Economy, efficiency and effectiveness examinations**

Under this section of the Act the Auditor General may initiate examinations into the economy, efficiency and effectiveness with which bodies and office-holders have used their resources in discharging their functions.

The range of bodies where the Auditor General can carry out such examinations includes all those where they have responsibility for the annual audit but can also include bodies or office holders, specified in an order, where in a financial year:

- more than a quarter of the income was received from public funds or
- the amount of the income received from public funds exceeded £500,000.

In determining whether an examination under this section is to be carried out, the Auditor General must take into account any proposals made by the Parliament. However, it is for the Auditor General personally to initiate an examination under this section and to decide who is to carry out the examination.

### **Section 24 - Access to documents and information**

Section 24 of the act ensures that the auditor, under sections 21 and 22, or examiner, under section 23, has the necessary rights of access to documents and information to enable them to discharge their responsibilities.

# Glossary

<b>Audit</b>	Work carried out by auditors to meet any of the requirements of the Code.
<b>ALEOs</b>	<p>Arm's-length external organisations.</p> <p>Companies, trusts and other bodies that are separate from a local authority but are controlled or influenced by them. The local authority could do this, for example:</p> <ul style="list-style-type: none"> <li>• by having a representative on the organisation's board</li> <li>• by the council being the organisation's main funder or shareholder</li> <li>• in both these ways.</li> </ul> <p>ALEOs can take many forms. They include:</p> <ul style="list-style-type: none"> <li>• companies limited by guarantee or shares</li> <li>• community enterprises, such as industrial and provident societies trusts</li> <li>• Scottish Charitable Incorporated Organisations.</li> </ul> <p>Examples of the services they deliver include leisure, transportation, property development, and more recently, care services. ALEOs are often set up as non-profit making organisations such as charities to benefit the public in areas such as health, education, recreation and equal opportunities.</p>
<b>Appointed auditors</b>	External auditors of public bodies appointed by the Accounts Commission under Section 97 of the Local Government (Scotland) Act 1973 or the Auditor General under Section 21 of the Public Finance and Accountability (Scotland) Act 2000. These include appointed auditors in Audit Scotland's Audit Services Group and appointed private firms.
<b>Audited body (or body)</b>	A body (or account) for which the Auditor General or the Accounts Commission is responsible for appointing an auditor, comprising the members of the body (eg, elected members of a local authority or executive and non-executive directors of NHS bodies), an accountable officer, management and other officers, as appropriate.
<b>Auditors</b>	Appointed auditors and Audit Scotland specialists collectively.
<b>Best Value</b>	<p>Local authorities' duty to secure best value:</p> <p>(1) It is the duty of a local authority to make arrangements which secure best</p>

	<p>value.</p> <p>(2) Best value is continuous improvement in the performance of the authority's functions.</p> <p>(3) In securing best value, the local authority shall maintain an appropriate balance among:</p> <ul style="list-style-type: none"> <li>• (a ) the quality of its performance of its functions;</li> <li>• (b) the cost to the authority of that performance; and</li> <li>• (c) the cost to persons of any service provided by it for them on a wholly or partly rechargeable basis.</li> </ul> <p>(4) In maintaining that balance, the local authority shall have regard to:</p> <ul style="list-style-type: none"> <li>• (a) efficiency;</li> <li>• (b) effectiveness;</li> <li>• (c) economy; and</li> <li>• (d) the need to meet the equal opportunity requirements.</li> </ul> <p>(5) The local authority shall discharge its duties under this section in a way which contributes to the achievement of sustainable development.</p> <p>(6) In measuring the improvement of the performance of a local authority's functions for the purposes of this section, regard shall be had to the extent to which the outcomes of that performance have improved.</p>
<b>Best Value audit</b>	Auditors have responsibility under legislation to provide public assurance on the extent to which local government bodies are meeting their statutory duties. New audit approach is detailed in the relevant supplementary guidance.
<b>Code (the)</b>	The Code of Audit Practice issued by Audit Scotland with the approval of the Auditor General and the Accounts Commission.
<b>Controller of Audit</b>	The officer appointed by the Accounts Commission under Section 97(4) of the Local Government (Scotland) Act 1973. The Controller of Audit has statutory reporting functions, in particular those referred to in Appendix 3 of the Code.
<b>Ethical Standards</b>	Ethical Standards issued by the FRC.
<b>Financial Reporting Council (FRC)</b>	The body responsible in the UK for issuing auditing and ethical standards and other guidance to auditors. Its objectives are to establish high standards of auditing that meet the developing needs of users of financial information and to ensure public confidence in the auditing process.

<b>Financial statements</b>	Annual or periodic financial statements, abstract(s) of accounts or the account in the prescribed form on which the auditor expresses an opinion.
<b>Fraud</b>	Intentional distortion of financial statements and accounting records and/or misappropriation of assets involving deception to obtain an unjust and illegal financial advantage.
<b>ISAs</b>	<p>International Standards on Auditing (UK and Ireland). The following ISAs are referenced in this Code:</p> <ul style="list-style-type: none"> <li>• 240 - The auditor's responsibilities relating to fraud in an audit of financial statements</li> <li>• 260 - Communication with those charged with governance</li> <li>• 320 - Materiality in planning and performing an audit</li> <li>• 330 - The auditors responses to assessed risk</li> <li>• 700 - The auditors report on financial statements</li> </ul>
<b>Local government bodies</b>	Councils, joint boards, committees and other associated bodies, established under the Local Government (Scotland) Act 1973, as amended or replaced by the Local Government (Scotland) Act 1994.
<b>Other (joint) scrutiny bodies</b>	<p>Inspectorates and other public sector organisations that have a role in assessing aspects of organisational performance, compliance with professional standards and the competence of professional staff.</p> <p>In local government, the relevant organisations are listed in Schedule 14 of the Public Services Reform (Scotland) Act 2010 alongside the Accounts Commission. They have a duty to cooperate with each other and, where appropriate, with the Scottish ministers, under the Act.</p>
<b>Regularity (of expenditure and income)</b>	Whether, subject to the concept of materiality, expenditure and income has been incurred or applied in accordance with (i) any applicable enactment by virtue of which the expenditure was incurred or the income received and guidance issued by the Scottish ministers; (ii) the Budget Act or Acts for the financial year, or any part of the financial year, to which the financial statements relate, and (iii) Sections 4 to 7 of the Public Finance and Accountability (Scotland) Act 2000. Strictly, the legislation refers to receipts rather than income. Where the accounting framework requires audited bodies to account for income this is the term more commonly used in independent auditors' reports.
<b>Shared risk assessment</b>	A process involving a joint approach using key information about a body to plan scrutiny activity that is proportionate and based on risk. SRA is undertaken by a joint scrutiny network and leads to the preparation of an

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<b>(SRA)</b>	assurance and improvement plan, part of which may be the conduct of a Best Value audit.
<b>Specialists</b>	The performance audit and Best Value audit team in Audit Scotland that develops and undertakes the national wider scope audit work for the Auditor General and the Accounts Commission.
<b>Those charged with governance</b>	Those charged with governance are defined in auditing standards as 'those persons entrusted with the supervision, control and direction of an entity'. In most cases, for example, this might be a full council or board of management, an audit committee (where established) or another committee with delegated responsibility for receiving the financial statements.
<b>Whole of Government Accounts (WGA)</b>	The WGA initiative is to produce a set of consolidated financial statements for the entire UK public sector on commercial accounting principles. The larger public sector bodies in Scotland are required to submit a consolidation pack to the relevant Scottish Government directorate which is based on, but separate from, their statutory accounts.



**Question 1 – Does the Code provide a clear description of the status and application of the Code?**

The Code is extremely helpful in clarifying the responsibilities of auditors and the statutory and regulatory framework under which auditors operate.

**Question 2 – Are the general principles for auditors to follow in the Code the right ones?**

The general principles set out in the document appear fair and reasonable. Greater clarity is required around some of these however.

Coordinated and Integrated – the Council would fully support the need to avoid unnecessary duplication by scrutiny bodies, and recognises the significant progress that has been made. However we have seen no reduction in the overall number of audits and inspections, and would wish to receive some firm reassurance that this is being properly considered. Some recognition of other scrutiny bodies, and how Audit Scotland links to these, would help in the context of the overall Code

Public Focussed – whilst the Council totally supports the focus on public accountability, the principles make no reference to the role of elected members, and the assurance that external audit can provide to those charged with governance of the local authority.

**Question 3 – Is the Code clear on the circumstances when the reduced wider scope for smaller audited bodies applies?**

The Code is not particularly clear on this point. Local authorities are encouraged to use a range of delivery mechanisms to provide services, and need to be innovative in their approach. Some greater clarity about the audit role in these arrangements would be helpful, including examples.

Many of these bodies, for example where the local authority has established a separate company, will be subject to separate audit requirements under the Companies Act. The role of Audit Scotland needs to be clarified as part of audit work on the local authority's own governance arrangements.

**Question 4 – Are the appointed auditor's statutory duties in respect of the audit of financial statements clear?**

The duties are generally clear. However it would help the reader of the Code if some wider explanation could be offered of some of the technical terms and professional standards used within the Code, perhaps as an appendix?

**Question 5 – Are the appointed auditor's responsibilities in respect of the wider scope of public audit clear?**

Generally speaking the Code is quite “light” in outlining the wider scope of public audit, in contrast to the detail provided in respect of the audit of the financial statements.

The powers outlined are quite wide ranging, and it is not clear how the appointed auditor will fulfil this role. Again there is quite a wide range of technical terms used, and some examples of current and planned processes would be helpful to the reader of the Code.

**Question 6 – The Code identifies that further guidance will be provided in a number of key areas. Are there any other areas that need to be covered in supplementary guidance?**

This perhaps picks up on the points made in response to the previous two questions. The provision of further guidance would be helpful, however the document does not clarify the extent and scope of this further guidance.

What would be helpful would be some “best practice” guidance that would clarify audit expectations of what a “best practice” local authority would look like.

**Question 7 – Is the Code clear on the respective roles of Audit Scotland specialists and appointed auditors?**

The Code is clear on the roles of appointed auditors. It clarifies where specialists may be used, particularly around Performance and Best Value audits. The Code is not however clear on the background, experience, and professional qualifications of specialists.

**Question 7 – Are there any other areas of work described in the Code that we should consider stopping or doing less of? If so, what?**

Local authorities are under significant financial pressure, and audit fees represent a significant charge.

There needs to be greater clarity around fees before this question can be answered fully.

It is difficult to consider reducing any avenue of work that impacts on the statutory and regulatory requirements of audit, however fees should be more closely linked to risk assessments and the performance of authorities. At present there appears little scope for authorities to reduce fees irrespective of good performance.

In particular it would be helpful to understand the cost of the national technical support section of Audit Scotland. Consistency is important but the Council is aware of the changes in England with the Audit Commission, that has effectively removed this central support function and reduced fees accordingly.

The only other area that the Council would highlight is national value for money studies. Previous experience suggests that these have had varying degrees of

impact, and it would be helpful to understand the cost of these to inform a decision about whether these themselves provide added value.

**Question 10 – Please provide any other comments on this draft Code**

At Exhibit 2 on page 7 there appears a significant overlap between the Auditor General, Accounts Commission, and the Controller of Audit. The reason for this is not clear, and we wonder whether a more streamlined structure would benefit understanding and reduce costs.

Private firms do about  $\frac{1}{3}$  of all local government audits. It is not clear the basis on which this delivery model between Audit Scotland and Private Firms is made.

Paragraph 36, Adds Value – whilst the Council would agree with the principle, it is not clear how this role may be undertaken.

Paragraph 59, third bullet point – the Council would welcome clarity on how Audit Scotland will be able to evidence the effectiveness of funding and investment decisions, given the short term nature of Council grant funding.

Paragraph 114 – it is unclear by what is meant by “exempt from challenge in future”. There needs to be consistency from auditors and decisions should be challenged, if necessary, at the time they are made.

Letters of appointment are welcome. The Council would request that there is a proper rotation of auditors, and the balance between Private Firms and Audit Scotland as well as previous appointments taken into account when making future appointments.

The current use of fee ranges is unhelpful and the local negotiation of fees is time consuming and achieves very little. It is clear that there is very limited scope to negotiate these. Audit Scotland should therefore consider moving to a fixed fee basis. Greater clarity needs to be provided as to the basis of fees and their component elements.