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Dear Gavin

Statement from those Charged with Governance – gaining assurance from management

Further to your letter of 11 April 2014, please find the Audit and Governance Committee's response to your questions, below.

1) Oversight of management processes in relation to fraud and error

Management discharges its responsibilities via systems of internal control, including Financial Regulations, Contract Procedure Rules and the Employee Code of Conduct, and via disciplinary procedures where fraud is highlighted as a dismissible event. The organisation also has in place appropriate counter fraud policies which clearly outline to staff the commitment to the elimination of fraud and the steps that they should take in the event of fraud being suspected.

The organisation commissions local counter fraud specialists from the council's shared service provider, Veritau Limited, to undertake an annual counter fraud plan of work on its behalf. The Director of Corporate and Business Support Services meets on a regular basis with the Head of Internal Audit (Veritau) to discuss progress.

The council's Counter Fraud and Corruption Policy and the annual counter fraud plan cover the following main areas:

- the creation of an anti-fraud culture

- deterrence
- prevention
- detection
- investigation
- sanction
- redress

The Audit and Governance Committee receives reports on counter fraud risks, approves the annual counter fraud plan and receives regular updates on counter fraud activity.

2) Oversight of processes for identifying and responding to risks of fraud and breaches of internal control

All reported cases of suspected fraud are investigated by Veritau. Details of the counter fraud work undertaken by Veritau and the outcome of investigations into suspected fraud are reported to the Audit and Governance Committee.

Management also commissions internal audit services from Veritau. The company is required to report on the council's systems for financial accounting and financial management as part of its annual internal audit plan. This includes reporting potential errors or control weaknesses which may result in financial misstatement. The assurance gained contributes to the preparation of the Annual Governance Statement.

The Audit and Governance Committee receives assurance from management through:-

- receipt and approval of the annual internal audit plan
- receipt of regular update reports from the Head of Internal Audit detailing the results of internal audit and counter fraud work, including the audit of the financial accounting and financial management systems of the organisation
- receipt of the annual report of the Head of Internal Audit which provides an overall opinion on the council's control environment, including the arrangements to prevent and detect fraud.

The Audit and Governance Committee also receives and considers regular reports from its external auditors.

Specific weaknesses in internal control are summarised in the periodic monitoring reports and annual report brought to the committee by the Head of Internal Audit.

3) Assurance that relevant laws and regulations have been complied with

The council has developed and implemented a system of assurances based on:

- Objective setting – whereby the council’s strategic objectives are identified and assigned to individual directors or assistant directors
- Risk assessment – whereby each director or assistant director identifies and prioritises the risks related to achieving those strategic objectives
- A Local Code of Corporate Governance – which is consistent with the principles of the CIPFA/SOLACE ‘Delivering Good Governance in Local Government’ framework and the council’s own Business Model
- Annual Governance Statement (AGS) – which sets out the council’s governance framework. The key elements of the governance framework consist of strategic planning processes, political and managerial structures and processes, management and decision making processes, policies and guidance, financial management, compliance arrangements, risk management, internal audit, counter fraud activities, performance management, consultation and communication methods and partnership working arrangements. A review of the governance framework is undertaken as part of the process to prepare the AGS. All significant governance issues are highlighted in the published AGS.

The council’s Cabinet is responsible for decision making within the policy and budget framework set by Full Council. The corporate management team has responsibility for implementing council policies and decisions, providing advice to members and for co-ordinating the use of resources and the work of the Council directorates. The Cabinet and corporate management team monitor and review council activities to ensure corporate compliance with governance, legal and financial requirements.

Specific policies, regulations and written guidance exist to support the council’s corporate governance arrangements. The Officer Governance

Group is responsible for monitoring the effectiveness of these arrangements and for the maintenance of appropriate systems of assurance. Assurance is obtained from the work of internal and external audit, inspection agencies and other relevant bodies.

The Audit and Governance Committee acts as the responsible body charged with governance on behalf of the council. In doing so the Committee provides independent assurance on the adequacy of the risk management framework and the associated control environment, and independent scrutiny of the council's financial and non-financial performance to the extent that it affects the Council's exposure to risk. It also oversees the council's financial reporting processes and approves the Statement of Accounts.

The Audit and Governance Committee's terms of reference include the requirement to monitor the effective development and operation of risk management and corporate governance as well as to consider the council's compliance with its own and other relevant published regulations, controls, operational standards and codes of practice. The Committee is also responsible for keeping under review the council's Financial Regulations, Contract Procedure Rules, working protocols and codes of conduct and behaviour.

I am not aware of any instances of non-compliance with relevant laws or regulations that would affect the financial statements.

4) Litigation

All known claims or liabilities known have been properly accounted for and provision made, where appropriate, including potential Business Rate appeals.

5) Assessment of going concern assumption

Through its role in overseeing the operation of risk management arrangements, the Audit and Governance Committee receives regular reports from officers on significant risks (including financial risks) faced by the council. No risks have come to light through this process that would cast doubt on the council's ability to operate as a going concern. The committee will also receive the draft financial statements and will be able to challenge officers on the underlying assumptions, including the ability of the council to operate as a going concern.

Signed by the Chair of the Audit & Governance Committee on behalf of those charged with governance:

Cllr Ruth Potter

30 July 2014

Appendix 1

No	Question	Response
1	<p>Are you aware of any instances of actual, suspected or alleged fraud during the period 1 April 2013 – 31 March 2014?</p>	<p>Yes. Records of suspected fraud, and outcomes of investigations are maintained by Veritau, on behalf of the council.</p>
2	<p>Do you suspect fraud may be occurring, within City of York Council?</p> <ul style="list-style-type: none"> • Have you identified any specific fraud risks within City of York Council? • Do you have any concerns that there are areas within City of York Council that are at risk of fraud? • Are there particular locations within City of York Council where fraud is more likely to occur? 	<p>Yes. On an annual basis, the council undertakes a risk assessment of service areas, and identifies areas where there are potential fraud risks. This is used to prioritise counter fraud activity. The latest fraud risk assessment presented to the Audit and Governance Committee was in February 2014.</p>
3	<p>Are you satisfied that internal controls, including segregation of duties, exist and work effectively?</p> <ul style="list-style-type: none"> • If not where are the risk areas? • What other controls are in place to help prevent, deter or detect fraud? 	<p>Yes. A summary of arrangements are set out in my responses to the questions above.</p>
4	<p>How do you encourage staff to report their concerns about fraud?</p> <ul style="list-style-type: none"> • What concerns about fraud are staff expected to report? 	<p>The council has effective whistleblowing arrangements in place. A confidential reporting line is available through Veritau, the council's counter fraud provider. The council expects all non-trivial matters to be reported.</p>
5	<p>From a fraud and corruption perspective, what are considered to be high risk posts within City of York Council?</p> <ul style="list-style-type: none"> • How are the risks relating to these posts identified, assessed and managed? 	<p>The control environment that operates within the Council ensures that appropriate systems are in place to ensure separation of duties and authorisation of contracts and expenditure. Therefore no individual posts are considered high risk.</p>
6	<p>Are you aware of any related party relationships or transactions that could give rise to instances of fraud?</p> <ul style="list-style-type: none"> • How do you mitigate the risks associated with fraud related to 	<p>A full review of related party relationships has been undertaken and no issues have been identified as being of concern.</p>

	related party relationships and transactions?	
7	<p>Are you aware of any entries made in the accounting records of City of York Council that you believe or suspect are false or intentionally misleading?</p> <ul style="list-style-type: none"> • Are there particular balances where fraud is more likely to occur? • Are you aware of any assets, liabilities or transactions that you believe were improperly included or omitted from the accounts of City of York Council? • Could a false accounting entry escape detection? If so, how? • Are there any external fraud risk factors which are high risk of fraud? 	<p>No. The final accounts have been prepared in accordance with proper practice. Detailed working papers are available and an analytical review completed.</p>
8	<p>Are you aware of any organisational, or management pressure to meet financial or operating targets?</p> <ul style="list-style-type: none"> • Are you aware of any inappropriate organisational or management pressure being applied, or incentives offered, to you or colleagues to meet financial or operating targets? 	<p>No. The Council reports its financial position to Cabinet on a regular basis which has highlighted areas of concern and actions being taken to mitigate those areas.</p>