



Audit & Governance Committee Wednesday, 9 November 2016

ADDENDA

11. Appointment of External Auditors (Pages 1 - 10)

Report by the Chief Finance Officer (**AG11**)

Under the provisions set out in Section 100B(4) of the Local Government Act 1972 (as amended) the Chairman of the meeting is of the opinion that the following report can be taken after Item 7 on the Agenda as urgent business in order to meet the required deadline.

In July 2016 the Committee considered a report that set out the options available for the appointment of External Auditors, with new arrangements to be in place for the first appointment by 31 December 2017. The Committee resolved to explore the Sector Led Body option in more detail subject to a comparison of costs.

The Secretary of State has given the role of appointing Auditors under a National Scheme to Public Sector Audit Appointments (PSAA), as the “sector led body”. This report aims to provide the Committee with further information on the offer from PSAA and the comparative costs of the alternative options.

The Chairman of the Committee agreed to add this item to the agenda as an urgent item

The Committee is RECOMMENDED to agree for the Chairman of the Committee to present a report to The Council on 13 December 2016, recommending opting in to the National Scheme for the appointment of External Auditors.

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Divisions: All

AUDIT & GOVERNANCE COMMITTEE – 9 NOVEMBER 2016

Appointment Of External Auditors

Report by the Chief Finance Officer

Introduction

1. In July 2016 the Committee considered a report that set out the options available for the appointment of External Auditors, with new arrangements to be in place for the first appointment by 31 December 2017.
2. The Committee resolved to explore the Sector Led Body option in more detail subject to a comparison of costs.
3. The Secretary of State has given the role of appointing Auditors under a National Scheme to Public Sector Audit Appointments (PSAA), as the “sector led body”. Following the submission of an expression of interest to PSAA, the County Director has now received a formal invitation to “opt in” to the National Scheme. Should it be decided to opt in, a formal acceptance must be submitted by 9 March 2017. The relevant regulations require that the decision to opt in to the National Scheme must be agreed by The Council. Attached as Annex 1 to this report is the letter received by the County Director and information on National Scheme.
4. This report aims to provide the Committee with further information on the offer from PSAA and the comparative costs of the alternative options. It should be noted there can be little certainty over costs as it involves future events; however, it is possible to make some informed judgements as you would expect that better value for money would be achieved through opting in to a National Scheme. Over 250 local authorities have expressed an interest in opting in so having this scale would allow a national procurement exercise similar to that previously conducted by the Audit Commission, which should produce more competitive prices and therefore a lower cost to the Council.
5. In addition to the cost of running a procurement process, there should also be consideration given to the capacity and expertise needed for this. PSAA are familiar with procuring and contract managing audit arrangements, whereas the Council is not.
6. It is recommended that the Council opts in to the National Scheme, so should that be the consideration of the Committee, a report will be prepared for Council on 13 December 2016.

PSAA Offer

7. Details of the National Scheme are set out in Annex 1.
8. Key points to note are that by using the scheme avoids the need to:
 - establish an audit panel with independent members;
 - manage your own auditor procurement and cover its costs;
 - monitor the independence of your appointed auditor for the duration of the appointment;
 - deal with the replacement of any auditor if required; and
 - manage the contract with your auditor.
9. If we were to run a local procurement exercise the Local Government Association (LGA) estimates the costs of establishing an audit panel and running a procurement to be around £15k. There would also be costs in each year of the contract for contract management, and should the panel be required to convene for meetings; although it would not be expected these would be material costs.
10. It is expected that the PSAA option, would provide expertise for this type of procurement and contract management, including quality assurance, in addition to the financial benefits expected to be gained from running a national procurement exercise. What is undefinable at present is the overhead cost they would receive for providing this service. Their model is run similar to that of the previous Audit Commission, whereby they will recover costs through the audit fee that would applied on scale basis across all the parties who have opted in. Also included in their offer is they are a not for profit organisation, and should they make any surplus once costs have been recovered they will refund the Local Authorities. Full details of their costing model are set out on page 4 of Annex 1, under the section headed "Fee Scales".

Legal implications

11. Section 7 of the Local Audit and Accountability Act 2014 (the Act) requires a relevant authority to appoint a local auditor to audit its accounts for a financial year not later than 31 December in the preceding year. Section 8 governs the procedure for appointment including that the authority must consult and take account of the advice of its auditor panel on the selection and appointment of a local auditor. Section 8 provides that where a relevant authority is a local authority operating executive arrangements, the function of appointing a local auditor to audit its accounts is not the responsibility of an executive of the authority under those arrangements;
12. Section 12 makes provision for the failure to appoint a local auditor: the authority must immediately inform the Secretary of State, who may direct the

authority to appoint the auditor named in the direction or appoint a local auditor on behalf of the authority.

13. Section 17 gives the Secretary of State the power to make regulations in relation to an 'appointing person' specified by the Secretary of State. This power has been exercised in the Local Audit (Appointing Person) Regulations 2015 (SI 192) and this gives the Secretary of State the ability to enable a Sector Led Body to become the appointing person.

Equalities Implications

14. None

RECOMMENDATION

15. **The Committee is RECOMMENDED to agree for the Chairman of the Committee to present a report to The Council on 13 December 2016, recommending opting in to the National Scheme for the appointment of External Auditors.**

Lorna Baxter
Chief Finance Officer

Contact Officer: Ian Dyson, Assistant Chief Finance Officer (Assurance)
November 2016

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27 October 2016

Email: appointingperson@psaa.co.uk

Peter Clark
Oxfordshire County Council
County Hall
New Road
Oxford Oxfordshire OX1 1ND

Copied to: Lorna Baxter, S151 - Chief Finance Officer, Oxfordshire County Council
Nick Graham, Chief Legal Officer, Oxfordshire County Council

Dear Mr Clark

Invitation to opt into the national scheme for auditor appointments

As you know the external auditor for the audit of the accounts for 2018/19 has to be appointed before the end of 2017. That may seem a long way away, but as there is now a choice about how to make that appointment, a decision on your authority's approach will be needed soon.

We are pleased that the Secretary of State has expressed his confidence in us by giving us the role of appointing local auditors under a national scheme. This is one choice open to your authority. We issued a prospectus about the scheme in July 2016, available to download on the [appointing person](#) page of our website, with other information you may find helpful.

The timetable we have outlined for appointing auditors under the scheme means we now need to issue a formal invitation to opt into these arrangements. The covering email provides the formal invitation, along with a form of acceptance of our invitation for you to use if your authority decides to join the national scheme. We believe the case for doing so is compelling. To help with your decision we have prepared the additional information attached to this letter.

I need to highlight two things:

- we need to receive your formal acceptance of this invitation by 9 March 2017; and
- the relevant regulations require that, except for a body that is a corporation sole (a police and crime commissioner), the decision to accept the invitation and to opt in needs to be made by the members of the authority meeting as a whole. We appreciate this will need to be built into your decision making timetable.

If you have any other questions not covered by our information, do not hesitate to contact us by email at appointingperson@psaa.co.uk.

Yours sincerely



Jon Hayes, Chief Officer

Appointing an external auditor

Information on the national scheme

Public Sector Audit Appointments Limited (PSAA)

We are a not-for-profit company established by the Local Government Association (LGA). We administer the current audit contracts, let by the Audit Commission before it closed.

We have the support of the LGA, which has worked to secure the option for principal local government and police bodies to appoint auditors through a dedicated sector-led national procurement body. We have established an advisory panel, drawn from representative groups of local government and police bodies, to give access to your views on the design and operation of the scheme.

The national scheme for appointing local auditors

We have been specified by the Secretary of State for Communities and Local Government as the appointing person for principal local government bodies. This means that we will make auditor appointments to principal local government bodies that choose to opt into the national appointment arrangements we will operate for audits of the accounts from 2018/19. These arrangements are sometimes described as the 'sector-led body' option, and our thinking for this scheme was set out in a prospectus circulated to you in July. The prospectus is available on the [appointing person](#) page of our website.

We will appoint an auditor for all opted-in authorities for each of the five financial years beginning from 1 April 2018, unless the Secretary of State chooses to terminate our role as the appointing person beforehand. He or she may only do so after first consulting opted-in authorities and the LGA.

What the appointing person scheme will offer

We are committed to making sure the national scheme will be an excellent option for auditor appointments for you.

We intend to run the scheme in a way that will save time and resources for local government bodies. We think that a collective procurement, which we will carry out on behalf of all opted-in authorities, will enable us to secure the best prices, keeping the cost of audit as low as possible for the bodies who choose to opt in, without compromising on audit quality.

Our current role means we have a unique experience and understanding of auditor procurement and the local public audit market.

Using the scheme will avoid the need for you to:

- establish an audit panel with independent members;
- manage your own auditor procurement and cover its costs;
- monitor the independence of your appointed auditor for the duration of the appointment;
- deal with the replacement of any auditor if required; and
- manage the contract with your auditor.

Our scheme will endeavour to appoint the same auditors to other opted-in bodies that are involved in formal collaboration or joint working initiatives, if you consider that a common auditor will enhance efficiency and value for money.

We will also try to be flexible about changing your auditor during the five-year appointing period if there is good reason, for example where new joint working arrangements are put in place.

Securing a high level of acceptances to the opt-in invitation will provide the best opportunity for us to achieve the most competitive prices from audit firms. The LGA has previously sought expressions of interest in the appointing person arrangements, and received positive responses from over 270 relevant authorities. We ultimately hope to achieve participation from the vast majority of eligible authorities.

High quality audits

The Local Audit and Accountability Act 2014 provides that firms must be registered as local public auditors with one of the chartered accountancy institutes acting in the capacity of a Recognised Supervisory Body (RSB). The quality of registered firms' work will be subject to scrutiny by both the RSB and the Financial Reporting Council (FRC), under arrangements set out in the Act.

We will:

- only contract with audit firms that have a proven track record in undertaking public audit work;
- include obligations in relation to maintaining and continuously improving quality in our contract terms and in the quality criteria in our tender evaluation;
- ensure that firms maintain the appropriate registration and will liaise closely with RSBs and the FRC to ensure that any quality concerns are detected at an early stage; and
- take a close interest in your feedback and in the rigour and effectiveness of firms' own quality assurance arrangements.

We will also liaise with the National Audit Office to help ensure that guidance to auditors is updated as necessary.

Procurement strategy

In developing our procurement strategy for the contracts with audit firms, we will have input from the advisory panel we have established. The panel will assist PSAA in developing arrangements for the national scheme, provide feedback to us on proposals as they develop, and helping us maintain effective channels of communication. We think it is particularly important to understand your preferences and priorities, to ensure we develop a strategy that reflects your needs within the constraints set out in legislation and in professional requirements.

In order to secure the best prices we are minded to let audit contracts:

- for 5 years;
- in 2 large contract areas nationally, with 3 or 4 contract lots per area, depending on the number of bodies that opt in; and
- to a number of firms in each contract area to help us manage independence issues.

The value of each contract will depend on the prices bid, with the firms offering the best value being awarded larger amounts of work. By having contracts with a number of firms, we will be able to manage issues of independence and avoid dominance of the market by one or two firms. Limiting the national volume of work available to any one firm will encourage competition and ensure the plurality of provision.

Auditor appointments and independence

Auditors must be independent of the bodies they audit, to enable them to carry out their work with objectivity and credibility, and in a way that commands public confidence.

We plan to take great care to ensure that every auditor appointment passes this test. We will also monitor significant proposals for auditors to carry out consultancy or other non-audit work, to protect the independence of auditor appointments.

We will consult you on the appointment of your auditor, most likely from September 2017. To make the most effective allocation of appointments, it will help us to know about:

- any potential constraints on the appointment of your auditor because of a lack of independence, for example as a result of consultancy work awarded to a particular firm;
- any joint working or collaboration arrangements that you think should influence the appointment; and
- other local factors you think are relevant to making the appointment.

We will ask you for this information after you have opted in.

Auditor appointments for the audit of the accounts of the 2018/19 financial year must be made by 31 December 2017.

Fee scales

We will ensure that fee levels are carefully managed by securing competitive prices from firms and by minimising our own costs. Any surplus funds will be returned to scheme members under our articles of association and our memorandum of understanding with the Department for Communities and Local Government and the LGA.

Our costs for setting up and managing the scheme will need to be covered by audit fees. We expect our annual operating costs will be lower than our current costs because we expect to employ a smaller team to manage the scheme. We are intending to fund an element of the costs of establishing the scheme, including the costs of procuring audit contracts, from local government's share of our current deferred income. We think this is appropriate because the new scheme will be available to all relevant principal local government bodies.

PSAA will pool scheme costs and charge fees to audited bodies in accordance with a fair scale of fees which has regard to size, complexity and audit risk, most likely as evidenced by audit fees for 2016/17. Pooling means that everyone in the scheme will benefit from the most competitive prices. Fees will reflect the number of scheme participants – the greater the level of participation, the better the value represented by our scale fees.

Scale fees will be determined by the prices achieved in the auditor procurement that PSAA will need to undertake during the early part of 2017. Contracts are likely to be awarded at the end of June 2017, and at this point the overall cost and therefore the level of fees required will be clear. We expect to consult on the proposed scale of fees in autumn 2017 and to publish the fees applicable for 2018/19 in March 2018.

Opting in

The closing date for opting in is 9 March 2017. We have allowed more than the minimum eight week notice period required, because the formal approval process for most eligible bodies, except police and crime commissioners, is a decision made by the members of an authority meeting as a whole.

We will confirm receipt of all opt-in notices. A full list of authorities who opt in will be published on our website. Once we have received an opt-in notice, we will write to you to request information on any joint working arrangements relevant to your auditor appointment, and any potential independence matters that would prevent us appointing a particular firm.

If you decide not to accept the invitation to opt in by the closing date, you may subsequently make a request to opt in, but only after 1 April 2018. The earliest an auditor appointment can be made for authorities that opt in after the closing date is therefore for the audit of the accounts for 2019/20. We are required to consider such requests, and agree to them unless there are reasonable grounds for their refusal.

Timetable

In summary, we expect the timetable for the new arrangements to be:

- Invitation to opt in issued 27 October 2016
- Closing date for receipt of notices to opt in 9 March 2017
- Contract notice published 20 February 2017
- Award audit contracts By end of June 2017
- Consult on and make auditor appointments By end of December 2017
- Consult on and publish scale fees By end of March 2018

Enquiries

We publish frequently asked questions on our [website](#). We are keen to receive feedback from local bodies on our plans. Please email your feedback or questions to: appointingperson@psaa.co.uk.

If you would like to discuss a particular issue with us, please send an email to the above address, and we will make arrangements either to telephone or meet you.

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