

Public Audit Committee

5th Meeting, 2024 (Session 6), Thursday, 8 February 2024

The 2022/23 audit of the Water Industry Commission for Scotland

Introduction

1. At its meeting today, the Committee will take evidence from the Auditor General for Scotland on [The 2022/23 audit of the Water Industry Commission for Scotland](#), which was published on 20 December 2023.
2. The Auditor General has prepared a note on the key messages from the report, which can be found at **Annexe A**. The full report can be found at **Annexe B**.
3. The Committee will decide any further action it wishes to take after the evidence session today.

**Clerks to the Committee,
5 February 2024**

Annexe A

BRIEFING PAPER BY THE AUDITOR GENERAL FOR SCOTLAND

The 2022/23 audit of the Water Industry Commission for Scotland

1. The Auditor General has prepared a report under section 22 of the Public Finance and Accountability (Scotland) Act 2000 on the 2022/23 audit of the

Water Industry Commission for Scotland. The report was published on 20 December 2023.

2. The report identifies significant weaknesses in the governance and financial management arrangements at the Commission. It raises concerns that the current culture within the Commission does not have sufficient focus on ensuring the achievement of value for money in the use of public funds.

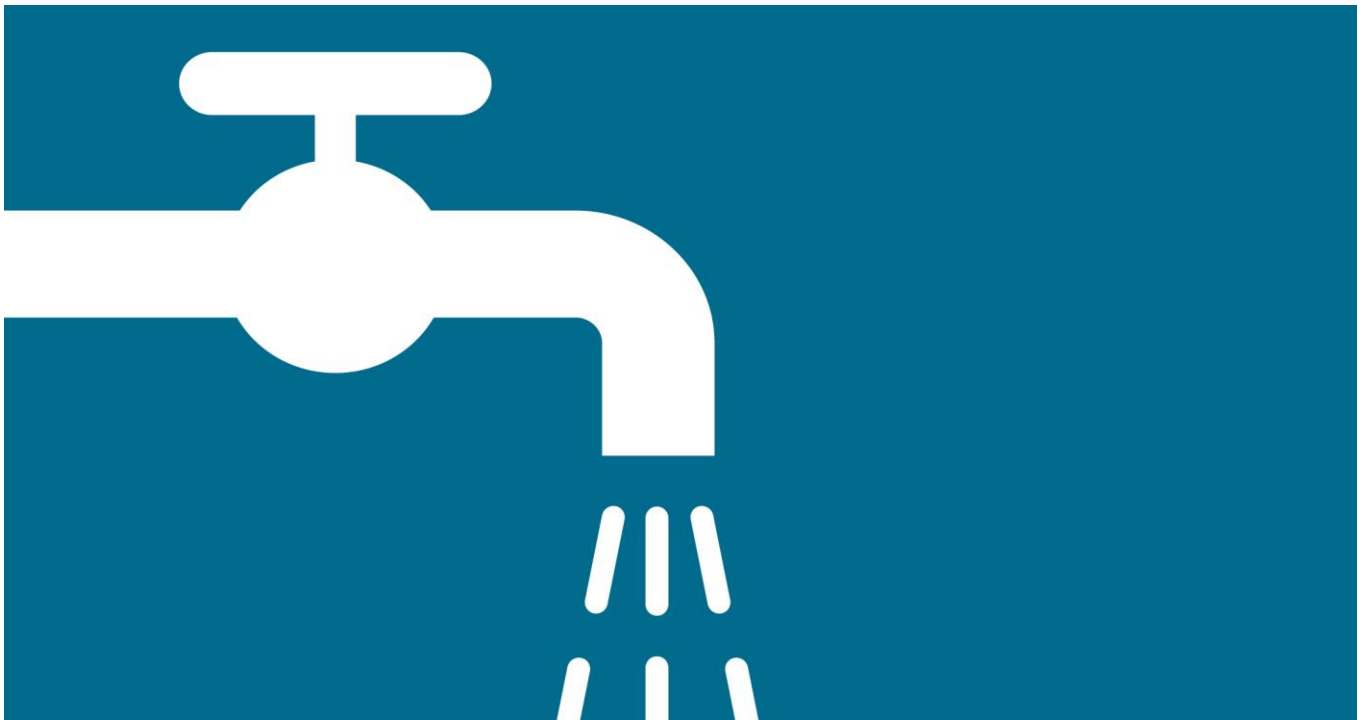
3. Key messages from the report are:

- The financial management and governance issues found at the Commission fall far short of what is expected of a public body. Immediate action is required to address the issues and promote a culture of Best Value across the organisation.
- The Commission incurred two items of expenditure during 2022/23 that required approval from the sponsor team in the Water Policy Division of the Scottish Government. This approval was only received retrospectively following audit intervention.
- This included retrospective approval of expenditure for the Chief Operating Officer's participation in an advanced management course, over a number of months, at Harvard Business School in Boston at a total cost of £77,350.
- The auditor also identified further widespread issues with the expenses reimbursement process; including claims not supported by itemised receipts, claims exceeding the approved subsistence rates, and, on occasion, the reimbursement of the purchase of alcohol.

4. The Auditor General's report notes that the findings of the auditor highlight unacceptable behaviour, by senior officials within the Commission, in the use of public funds. The Chief Executive of the Commission resigned with effect from 31 December 2023 following the publication of the Section 22 report. The Commission is in the process of appointing an interim Chief Executive. The management of the Commission has accepted the findings and recommendations from the auditor and has committed to specific actions to address them as a matter of urgency.

5. The auditor will continue to monitor the situation and the Auditor General will report further in public as necessary.

The 2022/23 audit of the Water Industry Commission for Scotland



AUDITOR GENERAL 

Prepared for the Public Audit Committee by the Auditor General for Scotland
Made under section 22 of the Public Finance and Accountability (Scotland) Act 2000

December 2023

The 2022/23 audit of the Water Industry Commission for Scotland

Introduction

1. I have received the audited annual report and accounts and the independent auditor's report for the Water Industry Commission for Scotland (the Commission) for 2022/23. I am submitting these financial statements and the auditor's report under section 22(4) of the Public Finance and Accountability (Scotland) Act 2000, together with this report that I have prepared under section 22(3) of the Act.

2. The auditor issued an unqualified opinion on the Commission's financial statements for 2022/23. I have prepared this report to draw the Scottish Parliament's attention to significant weaknesses in the governance and financial management arrangements identified by the auditor. I am concerned that the current culture within the Commission does not have sufficient focus on ensuring the achievement of value for money in the use of public funds.

Key messages

- The Commission incurred two items of expenditure during 2022/23 that required Scottish Government approval. This was only received from the sponsor team retrospectively following audit intervention.
- This included retrospective approval of expenditure for the Chief Operating Officer's participation in an advanced management course, over a number of months, at Harvard Business School in Boston at a total cost of £77,350.
- The auditor identified widespread issues with the expenses reimbursement process; including claims not supported by itemised receipts, exceeding the approved subsistence rates, and, on occasion, the reimbursement of the purchase of alcohol.

- The financial management and governance issues found at the Commission fall far short of what is expected of a public body. Immediate action is required to address the issues and promote a culture of Best Value across the organisation.
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Background

3. The Commission is the economic regulator of Scottish Water. It is a non-departmental public body with a statutory duty to promote the interests of Scottish Water's customers to ensure long-term value and excellent levels of service for customers and communities. It also works to ensure that the industry is internationally recognised and sustainable through its role in supporting the Scottish Government's Hydro Nation ambition.

4. The Commission employs 26 staff and incurred expenditure of £4.036 million during 2022/23 (with 67 per cent relating to staff costs). It received income of £5.288 million during the year, including levy income of £2.279 million from Scottish Water and £1.718 million from licensed providers, and £1.185 million from international work related to the Scottish Government's Hydro Nation strategy. This resulted in the Commission reporting an operating surplus of £1.251 million for the year ended 31 March 2023.

5. As a non-departmental public body, the Commission is supported by a sponsor team in the Water Policy Division of the Scottish Government.

The Commission demonstrated poor governance over the approval of expenditure, including insufficient engagement with its Scottish Government sponsor division

6. In 2022/23, the Chief Operating Officer attended a training course at Harvard Business School in Boston at a total cost, including flights, of £77,350. Scottish Government approval is required for any service above £20,000 that has not been awarded via a competitive tender exercise.

7. Further, the Commission purchased a £100 gift voucher for each member of staff as a Christmas gift at a total cost of £2,600 (a similar arrangement was in place in 2021/22 when the total cost was £2,900). This exceeded the Commission's delegated limit of £75 for gifts and should have been approved by the Scottish Government. Due to the nature of this payment to each member of staff, it also represented a non-salary reward and should have been treated as a taxable benefit. This was not the case and the associated £1,133 of tax and national insurance payments were paid by the Commission to His Majesty's Revenue and Customs (HMRC).

8. No approval was sought from the Scottish Government, or the Board, prior to the above payments being made. It was only once the issues were identified and reported by the auditor that retrospective approval was sought and received from the sponsor team within the Scottish Government, and the Board were advised that retrospective approval had been given.

9. I am concerned that this amount of public money was spent without due process being followed or a clear assessment being undertaken to demonstrate that this expenditure represented value for money. All expenditure should be incurred in accordance with the requirements of the Commission's Finance Policies and Guidelines, and the rules and guidance set out in the Scottish Public Finance Manual. If there is any doubt as to whether planned expenditure is permissible, approval should be sought from the sponsor division prior to the expenditure being incurred.

There were weaknesses in the financial control arrangements for the approval of expense claims

10. The Commission's Finance Policies and Guidelines outline the expectations and approved rates for expense claims. The auditor identified widespread issues with expense claims being submitted and approved without supporting itemised receipts, including items submitted by the Chief Executive, and exceeding the approved rates.

11. In their annual audit report, the auditor highlights a specific example where the cost per head claimed for a dinner, attended by the Chief Executive, exceeded £200 per person despite the approved non-city limit being £25. This, and other claims, also included the purchase of alcohol. Unusually for a public body, the Commission's existing policies do not explicitly prohibit the purchase of alcohol as a business expense. The Commission should introduce clear guidance on what is deemed to be acceptable in this regard.

12. Management should ensure that all expense claims are supported by itemised receipts and staff are only reimbursed at the approved subsistence rates set out in the Commission's Finance Policies and Guidelines. The use of approved rates ensures that value for money has been considered when incurring such expenditure.

13. The governance statement in the Commission's 2022/23 annual report and accounts includes the following disclosure: 'There have been no governance issues identified during the year that are significant in relation to WICS' overall governance framework. However, during the year, some weaknesses were identified in relation to WICS' travel and expenses policy. Following a revision of the policy in January 2023, the Accountable Officer is committed to building on the changes made to the policy and strengthening further our expenditure in this area. There were two items of expenditure identified that required retrospective approval by the Scottish Government. Again, the Accountable Officer is taking action to address the weaknesses that led to the oversight of appropriate approval.'

Lack of adequate arrangements resulted in public funds being used to settle personal tax costs

14. A PAYE settlement agreement (PSA) with HMRC allows an organisation to make one annual payment to cover all the tax and national insurance due on minor, irregular or impracticable expenses or benefits for its employees.

15. Following a review by management, payments dating back to 2018/19 were identified that should have been treated as taxable benefits to staff. The Commission made a payment of £3,384 in October 2023 to settle its 2022/23 obligation (this included the £1,133 detailed at [paragraph 7](#) above). The Commission has submitted a voluntary disclosure for the period 2018/19 to 2021/22 but has estimated that a further payment of £5,435 will be required for those years.

16. The Commission needs to ensure that adequate arrangements are in place to attribute taxable benefits to relevant staff so that they incur the related income tax and national insurance contributions.

Conclusions

17. The auditor concluded that the Commission is not currently demonstrating the highest standards of financial management and propriety in its business activities. Value for money should be a key consideration for all expenditure incurred by public bodies and the findings of the auditor highlight unacceptable behaviour, by senior officials within the Commission, in the use of public funds.

18. I recognise that management has accepted the findings and recommendations from the auditor and has committed to specific actions to address them as a matter of urgency.

19. I will continue to monitor progress on these matters and report further in public as necessary.

The 2022/23 audit of the Water Industry Commission for Scotland



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