

Audit of Accounts Report – Cwm Taf Morgannwg University Health Board

Audit year: 2020-21

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Audit of Accounts Report

Introduction

- We summarise the main findings from our audit of the Cwm Taf Morgannwg University Health Board's (the Health Board's) 2020-21 Performance Report, Accountability Report and Financial Statements in this report. We have already discussed these reported issues with the relevant senior officers.
- Auditors can never give complete assurance that financial statements are correctly stated. Instead, we work to a level of 'materiality'. This level of materiality is set to try to identify and correct misstatements that might otherwise cause a user of the financial statements into being misled.
- We set this level at £13.1 million for this year's audit.
- There are some areas of the financial statements that may be of more importance to the reader and we have set a lower materiality level for these, as follows:
 - remuneration report typically £1,000, and adjusted lower where a disclosure is in the wrong remuneration banding;
 - related party transactions and balances £10,000 for pecuniary interests and/or positions of influence held by independent members and senior officers, and their close family and dependants;
 - field hospitals £5 million; and
 - clinicians' pension tax any transactions (no transactions for 2020-21).
- 5 We have substantially completed this year's audit.
- In our professional view, we have complied with the ethical standards that apply to our work; remain independent of yourselves; and our objectivity has not been compromised in any way. There are no relationships between that we believe could undermine our objectivity and independence.

Impact of COVID-19 on this year's audit

- The COVID-19 pandemic has continued to have a significant impact on all aspects of our society. You have a statutory requirement to prepare financial statements and it is testament to the commitment of your finance team that you have succeeded in doing so, for a second year, in the face of the challenges posed by COVID-19. We are very grateful to the professionalism of the team in supporting us to complete our audit in such difficult circumstances.
- 8 COVID-19 has continued to affect our audit and we summarise in **Exhibit 1** the main impacts. The exhibit is provided for information purposes only, to help you understand COVID-19's impact on this year's audit process.

Exhibit 1 – the main impact of Covid-19 on this year's audit

Timetable	 The Welsh Government's deadlines for health bodies to submit their 2020-21 Performance Report, Accountability Report and Financial Statements are: the draft Financial Statements by 30 April; and the draft Performance Report and Accountability Report by 7 May. The Health Board met the above deadlines.
	 The Welsh Government's deadline for audit completion and the submission of the audited documents is 11 June. The Auditor General for Wales is scheduled to certify his audit report on 15 June. Thereafter, we instruct the Senedd to lay the certified document. The laying tends to take place for all health bodies
	on the same day, with the preferred date being determined by the Welsh Government to coincide with its press notice.
Electronic signatures	On the approval and signing of the Performance Report, Accountability Report and Financial Statements, this year we will again accept electronic signatures and the electronic transfer of files.
Audit evidence	We received all audit evidence in electronic format. We have used various techniques to ensure its validity. Where we have been unable to obtain our usual audit access, such as our physical inspection of a sample of plant and equipment assets, similar to last year we used alternative audit methodologies to obtain sufficient audit evidence.

Proposed audit opinion

- We require you to provide us with a Letter of Representation based on that set out in **Appendix 1**. The letter contains certain confirmations that we are required to obtain from you under auditing standards.
- Once you have provided us with your Letter of Representation, we intend to issue an unqualified audit opinion on the 2020-21 financial statements. Our proposed audit report is set out in **Appendix 2**. We issue a qualified audit opinion, as opposed to our intended unqualified audit opinion, where we have material concerns about aspects of your financial statements.
- 11 The audit report includes an 'emphasis of matter' reference. Such references are used to draw users' attention to certain disclosures in the financial statements. We make such references where we judge a disclosure to be of such importance that

they are fundamental to users' understanding of the financial statements. Paragraph 12 provides more information on the emphasis-of-matter reference that we have made.

Significant issues

There is a disclosure in your financial statements that we are drawing to users' attention in our audit report

Within the audit report at **Appendix 2** we draw attention to Note 21.1 of the financial statements, which describes the impact of a Ministerial Direction issued on 18 December 2019 to the Permanent Secretary of the Welsh Government. The opinion is not modified in respect of this matter.

Uncorrected misstatements

There are no non-trivial misstatements identified in the financial statements, which remain uncorrected.

Corrected misstatements

There were initially misstatements in the financial statements that have now been corrected by management. However, we believe that these should be drawn to your attention and they are set out with explanations in **Appendix 3**.

Other significant issue arising from the audit

- During the audit we consider a number of matters relating to the performance report, accountability report and financial statements, and we report any significant issues arising to you. Two significant issues have arisen this year which we set out below.
- The first significant issue relates to our audit of the Health Board's current liabilities, being amounts recorded at each month-end as being due for payment to third parties within one year. Over the past year both we and officers have reported to the Audit and Risk Committee on the Health Board's problems with its high level of old liabilities and their validity.
- During 2020-21 officers undertook considerable remedial work, and as set out in our 2021 Audit Plan we have completed a significant level of additional audit testing. We did this additional testing at 31 August 2020 (Month 5) and 28 February 2021 (Month 11). We also tested the year-end position as usual.
- We found that the results of our audit testing, and the validity of the Health Board's liabilities, had improved as we progressed through our testing of the three month-

- ends. We have concluded that our overall audit results support the intended unqualified audit opinion that we mention at paragraph 10.
- The second significant issue relates to our audit of the remuneration report, which has been far more time consuming this year due to a number of significant process and documentation issues arising.
- In terms of the above two matters, and other matters where relevant, we will be providing you with further commentary on our findings and audit recommendations, as detailed in the paragraph below.

Recommendations

21 Following audit certification by the Auditor General we will issue a separate report setting out all our key findings, audit recommendations and management's responses. That report will be considered at a future meeting of the Audit and Risk Committee.

Final Letter of Representation

Auditor General for Wales Audit Wales 24 Cathedral Road Cardiff CF11 9LJ

9 June 2021

Representations regarding the 2020-21 financial statements

This letter is provided in connection with your audit of the financial statements (including that part of the Remuneration Report that is subject to audit) of Cwm Taf Morgannwg University Local Health Board (the Health Board) for the year ended 31 March 2021 for the purpose of expressing an opinion on their truth and fairness, their proper preparation and the regularity of income and expenditure.

We confirm that to the best of our knowledge and belief, having made enquiries as we consider sufficient, we can make the following representations to you.

Management representations

Responsibilities

As Chief Executive and Accountable Officer I have fulfilled my responsibility for:

- Preparing the financial statements in accordance with legislative requirements and the Treasury's Financial Reporting Manual. In preparing the financial statements, I am required to:
 - observe the accounts directions issued by Welsh Ministers with the approval of HM Treasury, including the relevant accounting and disclosure requirements and apply appropriate accounting policies on a consistent basis;
 - make judgements and estimates on a reasonable basis;
 - state whether applicable accounting standards have been followed and disclosed and explain any material departures from them; and
 - prepare them on a going concern basis on the presumption that the services of the Health Board will continue in operation.
- Ensuring the regularity of any expenditure and other transactions incurred.
- The design, implementation, and maintenance of internal controls to prevent and detect error.

Information provided

We have provided you with:

- Full access to:
 - all information of which we are aware that is relevant to the preparation of the financial statements such as books of account and supporting documentation, minutes of meetings and other matters;
 - additional information that you have requested from us for the purpose of the audit; and
 - unrestricted access to staff from whom you determined it necessary to obtain audit evidence.
- The results of our assessment of the risk that the financial statements may be materially misstated as a result of fraud.
- Our knowledge of fraud or suspected fraud that we are aware of and that affects the Health Board and involves:
 - management;
 - employees who have significant roles in internal control; or
 - others where the fraud could have a material effect on the financial statements.
- Our knowledge of any allegations of fraud, or suspected fraud, affecting the financial statements communicated by employees, former employees, regulators or others.
- Our knowledge of all known instances of non-compliance or suspected non-compliance with laws and regulations whose effects should be considered when preparing the financial statements.
- The identity of all related parties and all the related party relationships and transactions of which we are aware.
- Our knowledge of all possible and actual instances of irregular transactions.

Financial statement representations

All transactions, assets and liabilities have been recorded in the accounting records and are reflected in the financial statements.

The methods, the data and the significant assumptions used in making accounting estimates, and their related disclosures are appropriate to achieve recognition, measurement or disclosure that is reasonable in the context of the applicable financial reporting framework.

Related party relationships and transactions have been appropriately accounted for and disclosed.

Disclosures in the Remuneration Report are accurate and complete.

All events occurring subsequent to the reporting date which require adjustment or disclosure have been adjusted for or disclosed.

All known actual or possible litigation and claims whose effects should be considered when preparing the financial statements have been disclosed to the auditor and accounted for and disclosed in accordance with the applicable financial reporting framework.

Representations by the Board

We acknowledge that the representations made by management, above, have been discussed with us.

We acknowledge our responsibility for the preparation of true and fair financial statements in accordance with the applicable financial reporting framework. The financial statements were approved by the Board on 9 June 2021.

We confirm that we have taken all the steps that we ought to have taken in order to make ourselves aware of any relevant audit information and to establish that it has been communicated to you. We confirm that, as far as we are aware, there is no relevant audit information of which you are unaware.

Signed by: Signed by:

Paul Mears Marcus Longley

Chief Executive Chair

9 June 2021 9 June 2021

The proposed certificate of the Auditor General for Wales to the Senedd

The Certificate of the Auditor General for Wales to the Senedd

Opinion on financial statements

I certify that I have audited the financial statements of Cwm Taf Morgannwg University Health Board for the year ended 31 March 2021 under Section 61 of the Public Audit (Wales) Act 2004. These comprise the Statement of Comprehensive Net Expenditure, the Statement of Financial Position, the Cash Flow Statement and Statement of Changes in Taxpayers' Equity and related notes, including a summary of significant accounting policies. The financial reporting framework that has been applied in their preparation is applicable law and international accounting standards as interpreted and adapted by HM Treasury's Financial Reporting Manual.

In my opinion the financial statements:

- give a true and fair view of the state of affairs of Cwm Taf Morgannwg University
 Health Board as at 31 March 2021 and of its net operating costs for the year then
 ended;
- have been properly prepared in accordance with international accounting standards as interpreted and adapted by HM Treasury's Financial Reporting Manual: and
- have been properly prepared in accordance with the National Health Service (Wales) Act 2006 and directions made there under by Welsh Ministers.

Opinion on regularity

In my opinion, in all material respects, the expenditure and income in the financial statements have been applied to the purposes intended by the Senedd and the financial transactions recorded in the financial statements conform to the authorities which govern them.

Basis of opinions

I conducted my audit in accordance with applicable law and International Standards on Auditing in the UK (ISAs (UK)) and Practice Note 10 'Audit of Financial Statements of Public Sector Entities in the United Kingdom'. My responsibilities under those standards are further described in the auditor's responsibilities for the audit of the financial statements section of my report. I am independent of the Board in accordance with the ethical requirements that are relevant to my audit of the financial statements in the UK

including the Financial Reporting Council's Ethical Standard, and I have fulfilled my other ethical responsibilities in accordance with these requirements. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my opinions.

Emphasis of Matter

I draw attention to Note 21.1 of the financial statements, which describes the impact of a Ministerial Direction issued on 18 December 2019 to the Permanent Secretary of the Welsh Government. My opinion is not modified in respect of this matter. Further detail is set out in my attached Report.

Conclusions relating to going concern

In auditing the financial statements, I have concluded that the use of the going concern basis of accounting in the preparation of the financial statements is appropriate.

Based on the work I have performed, I have not identified any material uncertainties relating to events or conditions that, individually or collectively, may cast significant doubt on the body's ability to continue to adopt the going concern basis of accounting for a period of at least twelve months from when the financial statements are authorised for issue.

My responsibilities and the responsibilities of the directors with respect to going concern are described in the relevant sections of this report.

Other Information

The other information comprises the information included in the annual report other than the financial statements and my auditor's report thereon. The Chief Executive is responsible for the other information contained within the annual report. My opinion on the financial statements does not cover the other information and, except to the extent otherwise explicitly stated in my report, I do not express any form of assurance conclusion thereon. My responsibility is to read the other information and, in doing so, consider whether the other information is materially inconsistent with the financial statements or knowledge obtained in the course of the audit, or otherwise appears to be materially misstated. If I identify such material inconsistencies or apparent material misstatements, I am required to determine whether this gives rise to a material misstatement in the financial statements themselves. If, based on the work I have performed, I conclude that there is a material misstatement of this other information, I am required to report that fact.

I have nothing to report in this regard.

Report on other requirements

Opinion on other matters

In my opinion, the part of the remuneration report to be audited has been properly prepared in accordance with the National Health Service (Wales) Act 2006 and directions made there under by Welsh Ministers.

In my opinion, based on the work undertaken in the course of my audit:

- the information given in the Governance Statement for the financial year for which
 the financial statements are prepared is consistent with the financial statements
 and the Governance Statement has been prepared in accordance with Welsh
 Ministers' guidance; and
- the information given in the Performance Report and Accountability Report for the financial year for which the financial statements are prepared is consistent with the financial statements and the Performance Report and Accountability Report has been prepared in accordance with Welsh Ministers' guidance.

Matters on which I report by exception

In the light of the knowledge and understanding of the Board and its environment obtained in the course of the audit, I have not identified material misstatements in the Performance Report and Accountability Report.

I have nothing to report in respect of the following matters, which I report to you, if, in my opinion:

- adequate accounting records have not been kept, or returns adequate for my audit have not been received from branches not visited by my team;
- the financial statements and the audited part of the Remuneration Report are not in agreement with the accounting records and returns;
- information specified by HM Treasury or Welsh Ministers regarding remuneration and other transactions is not disclosed; or
- I have not received all the information and explanations I require for my audit.

Responsibilities

Responsibilities of Directors and the Chief Executive for the financial statements

As explained more fully in the Statements of Directors' and Chief Executive's Responsibilities, the Directors and the Chief Executive are responsible for the preparation of financial statements which give a true and fair view and for such internal control as the Directors and Chief Executive determine is necessary to enable the preparation of

financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, the Directors and Chief Executive are responsible for assessing the board's ability to continue as a going concern, disclosing as applicable, matters related to going concern and using the going concern basis of accounting unless deemed inappropriate.

Auditor's responsibilities for the audit of the financial statements

My objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes my opinion. Reasonable assurance is a high level of assurance but is not a guarantee that an audit conducted in accordance with ISAs (UK) will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these financial statements.

Irregularities, including fraud, are instances of non-compliance with laws and regulations. I design procedures in line with my responsibilities, outlined above, to detect material misstatements in respect of irregularities, including fraud.

My procedures included the following:

- Enquiring of management, the head of internal audit and those charged with governance, including obtaining and reviewing supporting documentation relating to Cwm Taf Morgannwg University Health Board policies and procedures concerned with:
 - identifying, evaluating and complying with laws and regulations and whether they were aware of any instances of non-compliance;
 - detecting and responding to the risks of fraud and whether they have knowledge of any actual, suspected or alleged fraud; and
 - the internal controls established to mitigate risks related to fraud or noncompliance with laws and regulations.
- Considering as an audit team how and where fraud might occur in the financial statements and any potential indicators of fraud. As part of this discussion, I identified potential for fraud in the following areas: revenue recognition, posting of unusual journals and (add as appropriate to the audit).
- Obtaining an understanding of Cwm Taf Morgannwg University Health Board's framework of authority, as well as other legal and regulatory frameworks that the Cwm Taf Morgannwg University Health Board operates in, focusing on those laws and regulations that had a direct effect on the financial statements or that had a fundamental effect on the operations of Cwm Taf Morgannwg University Health Board.

In addition to the above, my procedures to respond to identified risks included the following:

- reviewing the financial statement disclosures and testing to supporting documentation to assess compliance with relevant laws and regulations discussed above;
- enquiring of management, the Audit and Risk Committee and legal advisors about actual and potential litigation and claims;
- · reading minutes of meetings of those charged with governance and the Board; and
- in addressing the risk of fraud through management override of controls, testing
 the appropriateness of journal entries and other adjustments; assessing whether
 the judgements made in making accounting estimates are indicative of a potential
 bias; and evaluating the business rationale of any significant transactions that are
 unusual or outside the normal course of business.

I also communicated relevant identified laws and regulations and potential fraud risks to all audit team and remained alert to any indications of fraud or non-compliance with laws and regulations throughout the audit.

The extent to which my procedures are capable of detecting irregularities, including fraud, is affected by the inherent difficulty in detecting irregularities, the effectiveness of the Cwm Taf Morgannwg University Health Board's controls, and the nature, timing and extent of the audit procedures performed.

A further description of the auditor's responsibilities for the audit of the financial statements is located on the Financial Reporting Council's website www.frc.org.uk/auditorsresponsibilities. This description forms part of my auditor's report.

Responsibilities for regularity

The Chief Executive is responsible for ensuring the regularity of financial transactions. I am required to obtain sufficient evidence to give reasonable assurance that the expenditure and income have been applied to the purposes intended by the Senedd and the financial transactions conform to the authorities which govern them.

Report

Please see my Report on pages x to x, in respect of the Ministerial Direction issued on 18 December 2019 to the Permanent Secretary of the Welsh Government.

Adrian Crompton

Auditor General for Wales

15 June 2021

24 Cathedral Road Cardiff CF11 9LJ

The proposed report of the Auditor General for Wales to the Senedd

Report of the Auditor General to the Senedd

Introduction

Under the Public Audit Wales Act 2004, I am responsible for auditing, certifying and reporting on Cwm Taf Morgannwg University Health Board's (the LHB's) financial statements. I am reporting on these financial statements for the year ended 31 March 2021 to draw attention to one key matter for my audit, regarding the implications of the ministerial direction on senior clinicians' pensions. I have not qualified my 'true and fair' opinion in respect of any of this matter.

Ministerial direction on senior clinicians' pensions

NHS Pension scheme and pension tax legislation is not devolved to Wales. HM Treasury's changes to the tax arrangements on pension contributions in recent years included the reduction in the annual allowance limit from over £200,000 in 2011-12 to £40,000 in 2018-19. As a result, in cases where an individual's pension contributions exceed certain annual and / or lifetime pension contribution allowance limits, then they are taxed at a higher rate on all their contributions, creating a sharp increase in tax liability.

In a Written Statement on 13 November 2019, the Minister for Health and Social Services had noted that NHS Wales bodies were: 'regularly reporting that senior clinical staff are unwilling to take on additional work and sessions due to the potentially punitive tax liability'. In certain circumstances this could lead to additional tax charges in excess of any additional income earned.

On 18 December 2019, the First Minister (mirroring earlier action by the Secretary of State for Health and Social Care for England) issued a Ministerial Direction to the Permanent Secretary to proceed with plans to commit to making payments to clinical staff to restore the value of their pension benefits packages. If NHS clinicians opted to use the 'Scheme Pays' facility to settle annual allowance tax charges arising from their 2019-20 NHS pension savings (i.e. settling the charge by way of reduced annual pension, rather than by making an immediate one-off payment), then their NHS employers would meet the impact of those tax charges on their pension when they retire.

The Ministerial Direction was required because this solution could be viewed by HMRC to constitute tax planning and potentially tax avoidance, hence making the expenditure irregular. Managing Welsh Public Money (which mirrors its English equivalent) specifically states that 'public sector organisations should not engage in tax evasion, tax avoidance or tax planning'.

A Ministerial Direction does not make regular what would otherwise be irregular, but it does move the accountability for such decisions from the Accounting Officer to the Minister issuing the direction.

The solution applies only to annual allowance tax charges arising from an increase in the benefits accrued in the NHS Pension Scheme during the tax year ended 5 April 2020. For the tax year ended 5 April 2021, the Chancellor increased the thresholds for the tapered annual allowance and, as a result, it is anticipated that the risk to the supply of clinical staff has been mitigated.

The LHB currently has insufficient information to calculate and recognise an estimate of the potential costs of compensating senior clinical staff for pension benefits that they would otherwise have lost, by using the 'Scheme Pays' arrangement. As a result, no expenditure is recognised in the financial statements but as required the LHB has disclosed a contingent liability in note 21 of its financial statements.

All NHS bodies will be held harmless for the impact of the Ministerial Direction, however in my opinion any transactions included in the LHB's financial statements to recognise this liability would be irregular and material by their nature. This is because the payments are contrary to paragraph 5.6.1 of Managing Public Money and constitute a form of tax planning which will leave the Exchequer as a whole worse off. The Minister's direction alone does not regularise the scheme. Furthermore, the arrangements are novel and contentious and potentially precedent setting.

I have not modified my regularity opinion in this respect this year because as set out above, no expenditure has been recognised in the year ended 31 March 2021. I have however placed an Emphasis of Matter paragraph in my audit report to highlight this issue and, have prepared this report to bring the arrangement to the attention of the Senedd.

Adrian Crompton

Auditor General for Wales

15 June 2021

Summary of corrections made

During our audit we identified the following misstatements that have been corrected by management, but which we consider should be drawn to your attention due to their relevance to your responsibilities over the financial reporting process.

Exhibit 2: summary of the corrections made

Value of correction	Nature of correction	Reason for correction
£5.571 million	Note 18 - Trade and other payables Increase in 'Local Authorities' of £5.571 million, an increase in 'Other creditors' of £0.092 million, a reduction in 'Non-NHS Accruals' of £4.164 million and a reduction in 'Non-NHS payables' of £1.499 million.	To correct the mis- classification of payables balances.
£5.471million	Note 27 - Movement in working capital and Note 28 - Other cashflow adjustments Inclusion of expenditure of £5.471 million in Note 27 on the line 'Other adjustments' and inclusion of income of £5.471 million in Note 28 on the line 'COVID assets received credited to revenue but non-cash'.	To reflect presentational changes requested by the Welsh Government.
£4.236 million	Note 20 – Provisions An increase in the cashflow figure for 'Thereafter' with a corresponding reduction	To correct the classification of the expected cashflows between years for this standalone Note.

Value of correction	Nature of correction	Reason for correction
	in the cashflow figure for 'Between1 April 2022 & 31 March 2026'. This is a re-classification within a standalone note and does not affect the Health Board's outturn for the year.	
£2.806 million £2.916 million	Note 8 – Operating Leases A decrease in the amount disclosed as payments recognised as an expense of £2.806 million. An increase in the amount disclosed as minimum lease payments over 5 years of £2.916 million These are amendments within a standalone note and do not affect the Health Board's outturn for the year.	To correct the disclosed figures arising from incorrect working papers.
Narrative	Note 21 – Contingent Liabilities Revised wording to reflect the financial position with the clinicians' pensions tax (Scheme Pays).	To make the necessary disclosure on this important and material matter. Please see the audit report at Appendix 3.
Narrative	Note 30 – Related Party Transactions Additional and amended disclosures of related parties.	To reflect additional transactions identified and other amendments. These are material amendments.

Value of correction	Nature of correction	Reason for correction
Narrative	Remuneration Report Additional narrative in relation to the NHS bonus payment of £735 to all staff.	To disclosure the bonus payment.
Narrative	Remuneration report Amendment to existing footnote in respect of A Lawrie.	To strengthen the accuracy of the disclosure.
Narrative	Note 9.6 - Remuneration Relationship The number of employees earning more than the highest paid Executive Director increased by one.	To correct the omission of one employee from the disclosure.
Narrative	Remuneration Report Inclusion of G Dix pension information	To correct information not available at the time of the audit.
Narrative	Remuneration report Additional narrative to explain the retire and return of the Director of Finance.	To strengthen the accuracy of the disclosure.
Narrative	Various Notes Various minor presentational and corrective amendments. These include: revised wording from Welsh Government for Note 2.3 – 'Duty to prepare a 3 year plan' and Note 29 –	To correct minor presentational errors and reflect other proposed wording.

Value of correction	Nature of correction	Reason for correction
	 'Events after the reporting period.'; These also include minor amendments to Note 32 – 'Pooled budgets' and Note 33 – 'Operating segments'; and Additional footnote included For Note 3.2 – Expenditure on healthcare from 	



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We welcome correspondence and telephone calls in Welsh and English. Rydym yn croesawu gohebiaeth a galwadau ffôn yn Gymraeg a Saesneg.