TORBAY COUNCIL

Friday, 21 August 2026

AUDIT COMMITTEE

A meeting of **Audit Committee** will be held on

Tuesday, 1 September 2026

commencing at **2.00 pm**

The meeting will be held in the Banking Hall, Castle Circus entrance on the left corner of the Town Hall, Castle Circus, Torquay, TQ1 3DR

Members of the Committee

Councillor Penny (Chair)

Councillor Brook (Vice-Chair)

Councillor Fellows

Councillor Long

Councillor Maddison

Vacancy - Conservative Group

Independent Person Mr Kristian Hawkes

A Healthy, Happy and Prosperous Torbay

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Governance Support, Town Hall, Castle Circus, Torquay, TQ1 3DR

Email: governance.support@torbay.gov.uk - www.torbay.gov.uk

AUDIT COMMITTEE
AGENDA

1. **Apologies**
To receive any apologies for absence, including notifications of any changes to the membership of the Committee.

2. **Minutes** (Pages 5 - 10)
To confirm as a correct record the Minutes of the meeting of the Audit Committee held on 27 May 2026.

3. **Declarations of interests**

(a) To receive declarations of non pecuniary interests in respect of items on this agenda

For reference: Having declared their non pecuniary interest members may remain in the meeting and speak and, vote on the matter in question. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

(b) To receive declarations of disclosable pecuniary interests in respect of items on this agenda

For reference: Where a Member has a disclosable pecuniary interest he/she must leave the meeting during consideration of the item. However, the Member may remain in the meeting to make representations, answer questions or give evidence if the public have a right to do so, but having done so the Member must then immediately leave the meeting, may not vote and must not improperly seek to influence the outcome of the matter. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

(**Please Note:** If Members and Officers wish to seek advice on any potential interests they may have, they should contact Governance Support or Legal Services prior to the meeting.)

4. **Urgent Items**
To consider any other items that the Chairman decides are urgent.

5. **2025/26 Draft Statement of Accounts - Update** (Verbal Report)
To receive a verbal update from the Head of Corporate Finance on the 2025/26 Draft Statement of Accounts.

6. **Torbay Council Audit Progress Report, Regaining Assurance Progress Report and Sector Update** (Pages 11 - 34)
To consider a report that set out the progress made by Grant Thornton on delivering their responsibilities as the Council's external auditors.

7. **Regaining Assurance Strategy for Torbay Council** (Pages 35 - 46)
To consider a report that sets out the plan to rebuild audit assurance at Torbay Council following the disclaimer of opinion

issued under the statutory backstop for the years ended 31 March 2025, 31 March 2024 and 31 March 2023.

8.	**Progress against the Recommendations of the Auditor's Annual Report 2024/25** To note an update on the progress made on the recommendations set out in the Auditor’s Annual Report 2024/25.	(Pages 47 - 50)
9.	**Risk Management Update** To note the report on the above.	(To Follow)
10.	**Risk Assurance Report for Our Integrated Adult Social Care Services** To note a report on the above.	(Pages 51 - 58)
11.	**HR Investigations and Whistleblowing** To note a report that provides a high-level summary of the number of HR investigations and Whistleblowing investigations in the year 1 July 2025 to 30 June 2026.	(Pages 59 - 76)
12.	**Audit Committee Work Plan 2026/2027** To note the report.	(Pages 77 - 78)

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TORBAY COUNCIL

Minutes of the Audit Committee

27 May 2026

-: Present :-

Councillor Penny (Chair)

Councillors Brook (Vice-Chair), Fellows and Long

Independent Person Mr Kristian Hawkes

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1. Minutes

The Minutes of the meeting of the Audit Committee held on 25 March 2026 were confirmed as a correct record and signed by the Chair.

2. Declarations of interests

No declarations of interest were made.

3. Terms of Reference

The Committee noted their Terms of Reference, which had been approved at the Adjourned Annual Council meeting held on 14 May 2026.

4. External Audit - The Audit Plan for Torbay Council

The Committee noted the report on the External Audit Plan for the 2025/2026 audit period, which was presented by Julie Masci, of Grant Thornton. The report outlined the key audit risks and significant risk areas within the financial statements, together with Value for Money considerations, progress against previous recommendations and details of the proposed audit fees.

During the discussion, Members considered progress in meeting audit timelines and the rebuilding of timely financial reporting, the continued reliance on agency staff to complete the Statement of Accounts and the need to strengthen internal capacity, and progress against previous audit recommendations. Members further noted that the only significant weakness identified in the Value for Money conclusion related to the external SEND inspection.

Members also sought an update on the Torbay Economic Development Company (TEDC) transition, including outstanding property matters affecting the closure of the company. The Director of Finance advised that there were 5 properties still within the control of TEDC preventing the full closure, once the tenancies expired, they would transfer to the Council and TEDC would be closed.

5. Internal Audit - Annual Report 2025-2026

Members noted the Internal Audit Annual Report for 2025/2026. The Deputy Head of Devon Assurance Partnership reported that the overall assurance opinion remained reasonable, that a number of limited assurance reports had been issued and that follow-up work would be undertaken in these areas.

Members discussed whether there were any common themes behind limited assurance opinions such resourcing and funding pressures, and the importance of identifying root causes.

Members attention was drawn to the audit report on the cost of Temporary Accommodation, and the complexity of funding streams. Members requested the item be added to their work programme in order to gain reassurance that recommendations were being implemented.

Members also queried the number of audit days and sought to understand how this had been determined. As part of the development of the Internal Audit Plan for 2027/2028, the Director of Finance and the Head of Devon Assurance Partnership were requested to prepare a report on the allocation of Internal Audit resources for Torbay Council.

6. Draft Annual Governance Statement 2025/2026

The Committee considered the Draft Annual Governance Statement (AGS) for 2025/2026, which set out the Council's governance framework and the extent to which it complied with the principles of good governance. The report outlined the effectiveness of governance arrangements during the year, highlighted key areas for improvement, and identified actions to further strengthen governance, transparency and accountability.

Members were advised that the Statement referenced ongoing improvement activity across the Council and the importance of embedding good governance practices within decision-making processes and partnerships.

During the discussion, Members raised concerns regarding the use of call-in waivers and emphasised the importance of transparency and appropriate Member oversight in such cases. Members also discussed governance arrangements within partnerships and sought assurance that these were sufficiently robust and clearly reflected within the Statement. Concerns were expressed regarding the tone and framing of references to Member behaviour.

Resolved:

That the draft Annual Governance Statement for 2025/2026 be agreed and included in the draft Statement of Accounts and be forwarded to the External Auditors for comment subject to the following amendments:

1. Principle G: Implementing good practice in transparency, reporting and audit to deliver effective accountability, last paragraph of this section to be amended to include the overall opinion of Devon Assurance Partnership and include the number of times that Call-in has been waived;

2. The 'Conclusion', last paragraph be amended to read:

   By delivering these improvements, we will further strengthen our governance arrangements and **further** ensure that the Council remains resilient, transparent and accountable, **aiming** ~~**continuing**~~ to provide effective services and positive outcomes for the communities of Torbay; and

3. Reference to public audit standards be amended to global audit standards.

7. Treasury Management Outturn 2025/26 Report

Members considered the Treasury Management Outturn Report for 2025/2026, which provided a summary of the Council's treasury management activities for the year ended 31 March 2026, including borrowing and investment activity, performance against the approved Treasury Management Strategy, and compliance with the Chartered Institute of Public Finance and Accountancy (CIPFA) Code and prudential indicators.

Members were advised that treasury management activity comprised the management of the Council's cash flows, borrowing and investments, with a strong emphasis on the control of financial risks, including exposure to interest rate movements and the security of invested funds. The report set out the Council's borrowing position, which continued to reflect the use of internal borrowing through the utilisation of cash balances in place of external borrowing, thereby reducing financing costs but increasing exposure to future refinancing risk.

During the discussion, Members raised queries regarding apparent inconsistencies between figures presented in Tables 2.1 and 4 of the report, particularly in relation to the number of corporate bonds held, and it was agreed that these figures would be clarified prior to consideration by Council. Members noted that corporate bond investments had performed well over the year.

Clarification was also sought regarding references to the CCLA, and Members were advised that this referred to CCLA Investment Management Ltd, which provided investment services to local authorities.

Members further explored the Council's approach to borrowing and were advised that the Council had not undertaken new external borrowing in recent years, instead utilising internal cash balances to fund capital expenditure.

Resolved:

That the Audit Committee recommend to Council:

That the Treasury Management decisions made during 2025/2026 be noted, subject to clarification of inconsistencies within Tables 2.1 and 4 of the report.

8. Annual Report - Requests to Waive Contract Procedures

The Committee noted the Annual Report on requests to waive Contract Procedure Rules. Members were advised that this was the first time such a report had been presented to the Committee, following a recommendation from External Audit to strengthen transparency and governance oversight in this area.

The report outlined the Council's Contract Procedure Rules, which govern how the Council procures goods, works and services, and explained the circumstances under which these rules may be waived. It detailed the number, nature and justification of waivers approved during the reporting period and highlighted the controls in place to ensure that waivers were used appropriately and in accordance with agreed procedures.

Members noted that the introduction of the report represented an important step in improving governance arrangements and visibility of procurement decisions. It was further noted that there had been a significant reduction in the number of waiver requests compared to previous years, reflecting improved compliance and strengthened procurement practices across the Council.

During the discussion, Members considered the extent of Member oversight in relation to waivers and were advised that decisions to approve waivers were operational in nature. Members also discussed how performance in this area could be measured and suggested that future reports include trend data to provide further context and enable ongoing monitoring.

9. Counter Fraud & Error 2025-26

The Committee noted the Counter Fraud and Error Report for 2025/2026. The report set out the activity undertaken across the year to prevent, detect and respond to fraud and error across the Council and its partnerships, structured around the recognised "five lines of defence" model.

Members were advised that good progress had been made during the year in strengthening counter-fraud arrangements. The report clarified the distinction between fraud and error to ensure greater consistency in reporting and understanding across services. It also highlighted the outcomes of proactive work, including the National Fraud Initiative, which had delivered financial savings and improved data integrity.

Specific reference was made to work undertaken in relation to single person discounts, where intelligence-led activity had generated additional revenue. The Committee also noted the findings of the resilience assessment, which indicated that counter-fraud arrangements were well embedded across the organisation and continuing to develop positively.

During the discussion, Members commended the positive progress made and the tangible financial benefits achieved. Members sought assurance regarding the follow-up of a previously issued limited assurance audit in May 2025 and were advised that this work would be revisited to ensure that identified improvements had been implemented.

10. Work Programme

The Committee considered the proposed Work Programme for 2026/2027. Members requested that a deep dive into Temporary Accommodation costs be scheduled for October.

Chair

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Grant Thornton

Torbay Council

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Audit progress report; regaining assurance progress report; and sector updates

August 2026

Agenda Item 6

Agenda

Audit Progress Report

Introduction

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This paper provides the Audit Committee with a report on progress in delivering our responsibilities as your external auditors.

The paper also includes a series of sector updates in respect of emerging issues which the Committee may wish to consider.

Members of the Audit Committee can find further useful material on our website, where we have a section dedicated to our work in the public sector. Here you can download copies of our publications:
Local government | Grant Thornton

If you would like further information on any items in this briefing or would like to register with Grant Thornton to receive regular email updates on issues that are of interest to you, please contact either your Engagement Lead or Engagement Manager.

Progress as at August 2026

Financial Statements Audit

Our Audit Plan for the 2025/26 year was formally presented at the May Committee and to date, there are no significant changes to this plan that members need to be made aware of.

The Council published their draft accounts in line with the statutory deadline of 30th June 2026. To date, we have performed our reconciliation work between the General Ledger and Trial Balance and ensuring these key financial data-sets are consistent with the disclosures within the draft accounts. We have made a start on our journal entries testing strategy, Property, Plant and Equipment testing strategy and our income and expenditure cut-off testing procedures. These are areas which have historically generated larger amounts of testing and therefore getting a head start on these is important ahead of our final audit period from mid-September to the end of November.

We have also been in conversation with Management regarding prior period adjustments made in the 2025/26 accounts to ensure disclosures are reasonable and reflective of material errors. We will review these in more detail once we move into our final audit phase.

Conversations have started in relation to the regaining assurance requirement for the 2022/23 missed audit period and how the Council is able to support this piece of work. A separate paper has been provided with more detail on this matter to be presented at this Audit Committee meeting, as well as summarised information on this from page 10-14 of this paper.

Value for Money

Our Value for Money specialists have started working through the procedures as required by the NAO Code to produce their Auditor's Annual Report. This work programme is in line with the information reported in our Audit Plan and there are no changes to the scope of these procedures that members need to be aware of to date. We will issue our report to Management and Members by the 30th November 2026 and will formally present this report alongside our Audit Findings Report at the December Committee meeting.

Progress as at August 2026 (continued)

Other areas

Our Grants audit team have concluded their certification work on the 2023/24 Housing Benefit claim and plans to complete the 2024/25 certification work are in discussion with relevant officers.

Meetings

Since commencement of our work in respect of the audit year 2025/26 we continue to meet regularly with the Section 151 officer and other key finance officers to ensure we are sighted on any emerging issues relating to the Council and to maintain a clear channel of communication between us and the Authority.

Audit Fees

PSAA published their scale fees for 2025/26: 2025/26 audit fee scale - PSAA

For Torbay Council these fees are £347,158. These fees are derived from the procurement exercise carried out by PSAA in 2022. They reflect both the increased work auditors must now undertake as well as the scarcity of audit firms willing to do this work.

Audit Deliverables

Below are some of the audit deliverables planned for 2025/26

2025/26 Deliverables	Planned Date	Status
Audit Plan We are required to issue a detailed audit plan to the Audit Committee setting out our proposed approach in order to give an opinion on the Council's 2025/26 financial statements.	May 2026	Delivered
Audit Findings Report The Audit Findings Report will be reported to the Audit Committee.	November 2026	Not yet due
Auditor's Report This includes the opinion on your financial statements.	November 2026	Not yet due
Auditor's Annual Report This report communicates the key outputs of the audit, including our commentary on the Council's value for money arrangements.	November 2026	Not yet due

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Audit Deliverables

Below are some of the audit deliverables planned for 2025/26

2024/25 and 2025/26 Audit related deliverables	Planned Date	Status
Housing Benefit Subsidy – certification This is the report we submit to Department of Work and Pensions based upon the mandated agreed upon procedures we are required to perform.	TBC	TBC

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After the backstop, regaining assurance

Grant Thornton

After the Backstop

We ask Audit Committees should challenge their councils on the effectiveness of work to rebuild external audit assurance.

On 26th March 2026, the government published the names of 22 councils and one combined authority that missed the local audit backstop deadline on 27th February 2026.

The number that missed the 27th February 2026 deadline was more than 50% lower than one year before, on 28th February 2025, when 53 local government bodies missed the deadline.

However, PSAA data demonstrates that restoring assurance following the issuance of a disclaimer of opinion is a gradual process that requires time and sustained effort:

- 47.3% of all opinions that met the February 2025 backstop date were disclaimed.
- This number only fell to 41.1% one year later for all opinions that met the February 2026 backstop date.

Rebuilding assurance over English local government accounts remains a work in progress for many. With responsibilities and opportunities for the sector expanding rapidly, councils need to continue working with auditors to secure the financial transparency expected of pivotal players in government.

The next statutory backstop dates fall on:

- 31st January 2027, for the publication of audited 2025/26 financial statements; and
- 30 November 2027 for the publication of audited 2026/27 financial statements.

We have agreed with the Authority to complete the 2025/26 financial statements audits by the end of November 2026 in preparation for the 2026/27 financial statements audit.

We set out recommendations for Audit Committees in our recent report: Local audit reset: What comes after the backstop? | Grant Thornton

- Recruit independent members with appropriate skills and experience.
- Hold management and auditors to account.
- Report to full Council on an annual basis with their assessment of the accounts preparation and audit process.
- Understand the approach to be taken to rebuilding audit assurance where previous accounts were disclaimed:
- Ensure appropriate consideration is given to future financial management where local government reorganisation applies.

Regaining assurance

Local audit recovery update

A major challenge for auditors in regaining assurance, and returning to an unqualified audit opinion, is that without undertaking audit work in respect of old year transactions, where these were not subject to audit procedures, there will be uncertainty as whether reserves have been properly accounted for.

The National Audit Office (NAO) published guidance in September 2024 for auditors, as part of its Local Audit Reset and Recovery Guidance (LARRIG) series. This sets out key considerations that may assist auditors in regaining assurance at audited bodies where the audit report has been disclaimed due to the backstop.

The LARRIG provides principles as well as indicative procedures which, with the application of professional judgement, enable the auditor to regain assurance in respect of opening balances. These include a framework for auditors to:

- Assess risk at an entity wide level
- Assess risk at a line item level including in respect of specific balances and reserves
- Determine a response to risk, including appropriate testing of prior year transactions.

For many authorities a reasonable pathway exists through the application of the auditing standards to where the auditor may issue an opinion that is based upon sufficient appropriate audit evidence. The guidance is clear that the timeframe in which this can be achieved will vary depending on the circumstances of individual engagements. It is also clear that there will be authorities where it may not be possible to recover assurance solely through the application of the auditing standards.

The first priority at all audited bodies which have previously been backstopped is to gain assurance regarding in year transactions and closing balances for the current audit year. Timely preparation of draft accounts and high quality supporting working papers is fundamental to the success of audit closedown. We look for all local authorities to prioritise this in enabling the sector to return to balance.

The Ministry of Housing, Communities and Local Government has received an assessment of the Council's capacity for rebuilding assurance. This has been shared with PSAA and is also enclosed on this Audit Committee agenda.

Regaining assurance

Previous years' audits

For the year 2022/23 the authority audit opinion was disclaimed under the backstop and for Audit periods since then, a disclaimer opinion has been applied due to lack of assurance over opening balances due to this missed audit period. We were appointed your auditor for the year ended 31 March 2024 and the impact of this disclaimed audit report has been that we have no assurance over your 2023/24 opening balances and any Income & Expenditure reserve movements since the 2021/22 period. Previous audits of the Authority's financial statements have been protracted and challenging, particularly the 2023/24 audit, which identified several prior period errors in the unaudited 2022/23 financial statements. The 2024/25 audit also highlighted a few areas over which assurance could not be gained and this was reflected in our audit report for this period.

On 30 September 2024, the Accounts and Audit (Amendment) Regulations 2024 came into force. This legislation introduced a series of backstop dates for local authority audits, requiring audited financial statements to be published by certain dates. As a result of these backstop dates, a disclaimer of opinion was issued for the 2022/23 financial year on 11 December 2024.

As a result, for 2025/26:

- We have limited assurance over the opening balances for 2025/26; and
- No assurance over the closing income & expenditure reserves balance also due to the uncertainty over their opening amount.

The Authority has received grant funding of £81,320 under a Section 31 Grant Determination to support the build-back of assurance. The government has set out its expectation that local authorities and audit firms work closely together to enable this build back to happen. Our agreed plan to work with you to regain assurance is detailed overleaf.

Regaining assurance (continued)

2025/26 and future years

The Authority is required to publish audited financial statements for the 2025/26 financial year by 31 January 2027. As part of our audit planning, we have agreed to complete your audit by 30 November 2026.

Our aim for the 2025/26 audit has been to start rebuilding assurance, with our focus being on in-year transactions and closing balances as well as rebuilding assurance over audit areas not completed in 2024/25. Following the conclusion of the 2025/26 audit, we aim to begin work on regaining assurance over balances within the 2022/23 audit period in the intervening period before the 2026/27 audit commences. We have discussed and agreed the strategy and trajectory for rebuilding assurance, with the Section 151 Officer and Head of Corporate Finance. We will continue to work in accordance with this plan, with the Authority's ongoing support and cooperation.

As a result of the disclaimer of opinion issued for the previous 3 financial years, and due to a lack of assurance over in year transactions and closing balances for the 2022/23 audit, we do not expect to be able to undertake sufficient work to support an unmodified audit opinion on the 2025/26 financial statements in advance of the backstop date.

If we can continue to complete planned work on in-year transactions and closing balances, with no issues arising, over this year and the coming years we could regain assurance over many balances and transactions in the financial statements. We plan to commence this build back of assurance after the close of the 2025/26 audit and before the finalisation of the 2027/28 audit. We set out a simplified illustration of how this assurance might build within our accompanying regaining assurance strategy report.

Sector Updates

Devolution and local government reorganisation

Audit Committee are encouraged to review our good practice checklist and reach out for latest technical updates.

Latest key developments to be aware of:

- 25th March 2026 – Government decisions published on unitary structures for four of the six Devolution Priority Programme (DPP) areas. Next steps published for the remaining two areas. Written statements - Written questions, answers and statements - UK Parliament
- 29th April 2026 – Royal Assent given to the English Devolution and Community Empowerment Act, enhancing powers and responsibilities for strategic authorities; establishing combined authorities; and strengthening local audit arrangements. English Devolution Bill receives Royal Assent - GOV.UK
- 7th May 2026 – First shadow elections held in East and West Surrey. Surrey Local Elections May 2026 results – Surrey LGR Hub

Key future dates to be aware of:

Three councils have been reported as mounting legal challenges to reorganisation. Subject to the outcome of their challenges, remaining key dates to be aware of are:

- April 2027 – Surrey shadow authorities' vesting day.
- May 2027 – Shadow elections - all DPP areas except Sussex and Brighton; and reorganised new local government bodies.
- April 2028 – Vesting day for all DPP areas except Sussex and Brighton; and reorganised new local government bodies.
- May 2028 – Shadow elections Sussex and Brighton Devolution Priority Programme areas.

Recommended reading:

- A good practice checklist for councils embarking on LGR can be found in our report: Learning from the new unitary councils.
- Audit Committees can request updated technical guidance reflecting latest developments from their Engagement Lead.

Latest changes to laws and regulations

For information: Recent legal and regulatory changes that Audit Committees need to be aware of.

Changes that Audit Committees need to be aware of:	Dates	Further information
English Devolution and Community Empowerments Act	29th April 2026 – Royal Assent	Enhanced powers and responsibilities for local government, and new local audit arrangements
Renter Rights Act	1st May 2026 – Officially took effect	Introduces new duties for local authorities to take enforcement action for beaches and tenancy law by private landlords
Social Housing Renewal Bill	13th May 2026 – King's Speech	Changes to eligibility requirements, discount rules and exemptions planned for Right to Buy
Overnight Visitor Levy Bill	13th May 2026 – King's Speech	Mayors and potentially other local leaders to be able to change new tourist taxes
Education for AI Bill	13th May 2026 – King's Speech	Planned changes to arrangements for young people with Special Educational Needs and Disabilities
Public Office (Accounting Bill)	13th May 2026 – King's Speech	Introduces new duties of candour for local authorities and other public bodies
Town and Country Planning (local Planning) (England) Regulations 2026	25th March 2026 – Statutory Instruments	New system introduced for Local Plans
Combined Authorities (overview and Scrutiny Committees, Access to Information and Audit Committees) (Amendment) Order 2026	14th May 2026 – Statutory Instruments	Provides a formal mechanism for setting commissioner allowances in Combined Authorities and Combines County Authorities
Sporting Events Bill	14th May 2026 – Impact Assessment and DCMS Memorandum	Proposes new enforcement powers for local authorities in ticketing protection

Lessons from Auditor's Annual Reports on Managing Dedicated Schools Grant Deficits

For information: Residual SEND related risks to be aware of, despite proposed reform.

Our latest report on Lessons from Auditors' Annual Reports, published on 20th May 2026, highlights lessons for Managing Dedicated Schools Grant Deficits.

- New commitments by the government to fund up to 90% of Dedicated Schools Grant deficits on 31st March 2026, if Councils can agree SEND reform plans for their area with the Department for Education (due by 19th June 2026);
- The financial risks that councils will face once statutory override ends on 31st March 2028;
- Difficulties encountered so far by councils in effective planning for the management of DSG deficits;
- The benefits of working proactively with psychologists, teachers and families to make the most of current arrangements; and
- The importance of maintaining quality and efficiency in SEND service.

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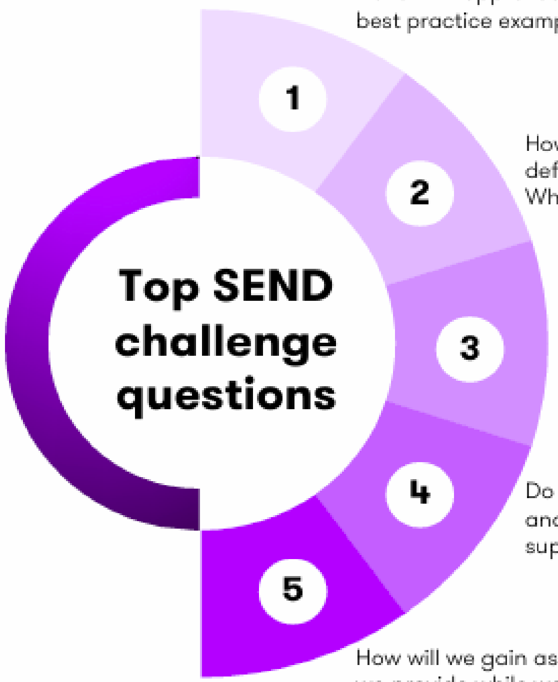
With the arrival of the Education for All Bill, Audit Committee members are encouraged to ask their councils:



1. Have we completed a SEND reform plan? Have DFE approved it and does it draw on best practice examples to date?
2. How are we preparing to fund the residual DSG deficits that we will be left with on 31 March 2028? What will the impact be on reserves?
3. How successful have we been at implementing DSG management plans in the past? What lessons did we learn?
4. Do we have the right relationships we need to influence and manage demand for EHCPs? Do we maximise the support that other partners might be able to give?
5. How will we gain assurance over the quality of SEND services we provide while we are trying to make savings? Are we receiving best value for the services we fund?

CIPFA Bulletin 23 – Closure of the 2025/26 financial statements

CIPFA has issued Bulletin 23 (April 2026) to support authorities in preparing the 2025/26 Statement of Accounts. The bulletin covers key areas that authorities should consider for 2025/26.

Indexation of non-investment assets

The bulletin includes a useful list of answers to frequently asked questions on indexation for preparers of accounts.

Key reminders include:

- ❖ Authorities need to adopt a five-year revaluation cycle, with indexation in intervening years, replacing more frequent revaluations.
- ❖ It applies to most property, plant and equipment, excluding council dwellings, along with leased assets if measured at valuation.
- ❖ Indexation maintains asset values in line with market changes, and authorities should continue to review asset lives and indicators of impairment.
- ❖ CIPFA do not prescribe which indices authorities may use - authorities must select appropriate indices, justify choices, and use the latest available data.
- ❖ In rare cases where no index is available a desktop valuation is required in year three.

For a full copy of Bulletin 23, see [CIPFA Bulletin 23 – Closure of the 2025/26 financial statements | CIPFA]

More detailed guidance on indexation is available in CIPFA's [CIPFA Bulletin 22 Indexation application guidance | CIPFA]

Dedicated Schools Grant (DSG) high needs stability grant

The bulletin highlights that the grant is subject to conditions, including the requirement to obtain Department for Education approval of a local SEND reform plan.

Authorities will need to consider their specific facts and circumstances (which may vary) to determine the appropriate treatment within their own 2025/26 accounts, including:

- ❖ whether or not grant income should be recognised.
- ❖ whether disclosures are necessary (eg contingent assets, events after the reporting period).

Audit Committees can help by asking:

- ❖ What assurance is available that the indexation applied is appropriate for the authority's various assets within the scope of indexation, and is supported by sufficient external evidence and professional input?
- ❖ If applicable, does the treatment of high needs stability grant appropriately reflect the requirements of the CIPFA Code, including the timing of income recognition and transparency of disclosures?

Valuing people

For information: Audit Committees need to be mindful of workforce and people-related challenges facing the sector.

The Public Services People Manager's Association held their latest Annual Conference in Birmingham in April this year and heard thoughts on whether the time is right for Chief People Officer to become a statutory role, equivalent to Monitoring and s151 Officer.

With challenges around skills retention, and with local government reorganisation creating uncertainty and instability for those employed across the sector, the timing for this debate could perhaps never be better.

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Local Government Association workforce data shows that:

- ❖ More than 1 million people are directly employed by councils across England, at a cost of £35.8 billion per annum; and
- ❖ More than one million additional people are employed in council-commissioned Adult Social Care through the private sector.

In addition to those formally employed across the local government sector, the Health Foundation recently estimated that 1 in 6 adults in the UK carry out unpaid care work, providing essential top up for public services that are the statutory responsibility of local authorities.

CQC is currently consulting on proposed changes to its regulatory process. The intention is to replace 34 "Quality Statements" with 24 "Key Lines of Enquiry", looking at how local authorities deliver care and, amongst other things, lending greater weight to how local authorities work professionally with the unpaid carers whose work supports statutory provision.

Carers UK held an inaugural State of Caring conference in May 2026 hearing, amongst other things, about the tipping point unpaid carers can reach if not given the right support. CQC's change of emphasis seems a well-timed recognition of the reality of how significant elements of social care are provided across England today.

Neighbourhood health frameworks

Audit Committees need to ask their councils what steps are being taken to prepare for changes in the way they work with the NHS.

A new policy paper on Neighbourhood health frameworks was published on 17th March 2026 – setting out plans to create a new "neighbourhood health service". This:

- ❖ Builds on ambitions first set out by the government in 2025 to move the focus of health care from hospital treatment to community prevention; and
- ❖ sets out expectations for neighbourhood level partnership working across the health and care system from 2027/28 onwards (with the NHS, local authorities and community and voluntary partners).

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As the NHS is embarking on a period of restructuring, and local government is reorganising at the same time, councils will need to be clear about what their responsibilities are; how they will agree local neighbourhood health objectives with partners; and how they will measure progress.

Audit Committees can help by asking officers:

- ❖ What are the risks for our council, and how are these mitigated?
- ❖ How do we identify key public health partners and agree strategic objectives with them?
- ❖ How will we measure neighbourhood health achievements?

Fit for purpose - partnerships and procurement

Audit Committees need to ask their councils how robust their leisure partnerships and procurement are.

Whilst high profile government announcements in May on the Olympics and stadium regeneration highlighted the economic importance of sport for regeneration in local areas, councils are already doing an excellent job using leisure contracts to deliver health and social care impacts in their areas.

SOLACE and Alliance Leisure held a roundtable in April 2026 highlighting the role that local authority leisure centres are starting to play in the NHS ten-year plan's health prevention agenda, including:

- Co-locating libraries and community services with leisure centres; and
- Providing clinical deliveries such as health checks and rehabilitation at leisure centres.

To make the most of the opportunities their leisure estate provides, councils need to be develop and maintain effective relationships not only with the NHS and community and voluntary groups, but also with the commercial contract partners that manage and operate the centres.

In April, one of England's largest outsourced leisure centre operators (Fusion Lifestyle), appointed administrators following multiple financial distresses built up in the wake of the Covid-19 pandemic; rising energy costs; and reduced government funding. Affected councils have had to take their leisure services back in house while they look for alternative providers.

Financial pressure is common across the sector, and there is a risk of disruption elsewhere in England.

Audit Committees can help by asking officers:

- Are our services for residents and schools at risk?
- When was the last time we checked the financial health of our contract operators?
- Do we have a register of community and voluntary sector partners that we are co-delivering social and health prevention impacts with?
- When was the last time our leisure estates strategy was updated? Are we optimising the use of the estates that we have?
- How are we measuring the performance of our leisure estates and leisure contracts?
- Where applicable, what oversight is the health scrutiny committee exercising?

Audit Committee resources

Commentary from Grant Thornton on recovering the accounts preparation and audit timetable:

Local audit reset: What comes after the backstop? | Grant Thornton

Latest guidance and learning from Grant Thornton on local government reorganisation and devolution:

Navigating the future: The dual challenge of local Government reorganisation and devolution | Grant Thornton

Dual delivery - How can areas successfully reorganise local government and implement devolution at the same time?

Learning from the new unitary councils

Grant Thornton learning on procurement and contract management:

Local government procurement and contract management

Audit Committee and organisational effectiveness in local authorities (CIPFA):

https://www.cipfa.org/services/support-for-audit-committees/local-authority-audit-committees

LGA Regional Audit Forums for Audit Committee Chairs

These are convened at least three times a year and are supported by the LGA. The forums provide an opportunity to share good practice, discuss common issues and offer training on key topics. Forums are organised by a lead authority in each region. Please email ami.beeton@local.gov.uk LGA Senior Adviser, for more information.

CIPFA Application Note: Global Internal Audit Standards in the UK Public Sector

Global Internal Audit Standards in the UK Public Sector | CIPFA

CIPFA Good Governance

Delivering Good Governance in Local Government Addendum

The Three Lines of Defence Model (IAA)

https://www.theiia.org/globalassets/documents/resources/the-iias-three-lines-model-an-update-of-the-three-lines-of-defense-july-2020/three-lines-model-updated-english.pdf

Risk Management Guidance / The Orange Book (UK Government):

https://www.gov.uk/government/publications/orange-book

Grant Thornton

Grant Thornton

Regaining Assurance Strategy for Torbay Council

July 2026

Grant Thornton

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27 July 2026

Dear Members of the Audit Committee

Regaining Assurance Strategy for Torbay Council

This report sets out our plan to rebuild audit assurance at Torbay Council (the Authority) following the disclaimer of opinion issued under the statutory backstop for the years ended 31 March 2025, 31 March 2024 and 31 March 2023. This plan has been agreed with management and will be communicated to the Ministry of Housing, Communities and Local Government (MHCLG) in July 2026. Our 2025/2026 audit plan contained a high-level update on the authority's latest audit report and strategy for regaining assurance. This report gives further detail on the strategy to regain assurance.

As auditor we are responsible for performing the audit, in accordance with International Standards on Auditing (UK), which is directed towards forming and expressing an opinion on the financial statements that have been prepared by management with the oversight of those charged with governance. The audit of the financial statements does not relieve management or those charged with governance of their responsibilities for the preparation of the financial statements.

Julie Masci

Director
For Grant Thornton UK LLP

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Contents

Key messages

Audit Report

We anticipate our audit report will be modified.

Following disclaimed audit reports for the years 2022/23 to 2024/25, we do not expect to be able to support an unmodified opinion on the 2025/26 financial statements. Our audit focus is on 2026 in-year transactions and closing balances as well as rebuilding assurance over audit areas not completed in 2024/25, with sign-off targeted for 30 November 2026.

Authority

Delivery depends on the Authority

Successful build-back requires high-quality draft accounts, comprehensive working papers, timely audit access and continued focus on internal controls. We have discussed and agreed the strategy and trajectory for rebuilding assurance with the Section 151 Officer and Head of Corporate Finance. The fee will be agreed and reported to the Audit Committee in due course. £81,320 of Section 31 grant funding has been provided to resource the work.

Trajectory

Three-year plan to unmodified by 2027/28

Aligned to NAO LARRIG guidance, with phased build-back of assurance over opening balances, reserves, property and other assets and liabilities across the 2025/26, 2026/27 and 2027/28 audits.

MHCLG capacity assessment

We have assessed the Authority as Category B

An assessment is required by 31 July 2026 covering build-back timing, opinion trajectory and key risks. More detail is available on page 6.

Background

What and why

As part of the regaining assurance process we are engaging with MHCLG and PSAA as key stakeholders in monitoring and supporting the agenda across the sector.

MHCLG and PSAA have made a joint request for us to provide information for each body subject to the build-back process. The requested information includes a capacity assessment for each body, to be produced with input from both the audit team and the audited body.

The assessment is intended to give MHCLG and PSAA a more granular understanding of: progress of build-back work to date; planned timing of future work; the year in which a qualified opinion and an unmodified opinion are likely to be achieved; key audit risks; the audited body's capacity to support the build-back; and any significant constraints, including restrictions on the auditor's capacity.

Process

The following pages set out our response.

The information will be used by MHCLG to:

- Better understand the nature and impact of key risks and constraints on the build-back process
- Identify and/or evaluate any significant problems that would benefit from further policy intervention and develop appropriate solutions.
- To develop reliable estimates of the overall cost and timescale of the build-back process and support the review of the build-back grant funding model in autumn 2026.
- To support the government's stewardship of local authorities (including in relation to Local Government Reorganisation) and other bodies by identifying bodies for which an ISA-compliant build-back is unlikely to be possible by the end of 2027/28 and the reasons for this.

Overall assessment and key risks

Under the MHCLG capacity assessment framework, we have provisionally assessed this audit as Category B. The framework categorises audits as follows:

A	B	C	D
Capable of an ISA-compliant approach within the build-back period, relatively straightforward.	Capable of an ISA-compliant approach, but with significant operational difficulties.	Not capable of an ISA-compliant approach by 2027/28 due to practical constraints (adequate systems in principle).	Not capable of an ISA-compliant approach by 2027/28 due to major systemic problems.

Principal factors supporting our assessment

Technical challenges

The Council is managing the impact of expected Local Government Reorganisation ahead of April 2028, while also addressing a full gap in audit coverage for 2022/23. This missing period is compounded by the departure of key staff who were involved at the time, resulting in a loss of institutional knowledge, which could become a barrier to the rebuilding of assurance over statutory reserves from 2022/23 onwards. In addition, the 2023/24 audit identified further prior period adjustments, adding complexity to the process of rebuilding a robust and reliable audit trail. More recent audits show an improving picture and the Council will need to assure itself over the quality of the 2022/23 records to support rebuilding assurance on PPE and reserves during this period.

Audited body capacity

The audited body's capacity to deliver rebuilding assurance procedures is constrained despite some more recent strengthening of technical capability. The Council has recruited skilled staff, however there remains a reliance on interim appointments, limiting continuity and long-term ownership. The Council experienced previous delays in publishing draft accounts and difficulties in producing robust working papers. These issues culminated in the 2024/25 audit, where we were unable to fully complete some areas of the audit due to poor underlying accounting records and insufficient audit trail.

Expected audit report trajectory

Our planning estimate of when our audit report is expected to transition from disclaimed to qualified, and from qualified to unmodified, is set out below. These are planning estimates only; they cannot be taken as a commitment or guarantee as to the opinion eventually issued for a given year.

2024/25	2025/26	2026/27	2027/28
Disclaimed	Disclaimed	Qualified	Unqualified
Disclaimed opinion issued on 25 February 2026.	A disclaimer of opinion expected. Focus on in-year transactions and closing balances. Sign-off targeted for 30 November 2026, ahead of the 31 January 2027 backstop date.	Transition to qualified opinion anticipated reflecting partial build-back of prior-year balances which will include Reserves and PPE balances.	Unmodified opinion anticipated, subject to satisfactory completion of the build-back work programme and absence of any new significant issues.

What the opinion types mean

Unmodified (clean): the financial statements give a true and fair view, in all material respects.

Qualified ("except for"): true and fair, except for one or more identified areas where we could not obtain sufficient evidence or where we disagree with the accounting treatment.

Disclaimer of opinion: we could not obtain sufficient evidence to form any opinion — effectively, no audit assurance.

Build-back work programme

The table below summarises when we plan to undertake build-back work for each audit area. It is consistent with the information we will submit to MHCLG within the capacity assessment by 31 July 2026.

Audit area	Timing and approach
Statutory reserves	Staged substantive testing across 2025/26 to 2027/28 audits, with a focus on the 2022/23 period aligned to NAO LARRIG guidance.
Property assets	2025/26 through 2027/28 audits — rolling valuation programme and testing of historic additions/disposals.
Long-term debtors	Review of Council's disclosures based on review performed during 2025/26 and PPAs proposed for 2024/25.
Lease disclosures	Largely covered through 2025/26 testing of disclosures and re-consideration for 2024/25 including PPAs proposed.
Other audit work (journals, payroll, grants, disclosures)	Substantively covered each audit year from 2025/26 onwards.

We will refresh this timetable and in subsequent Audit Findings Reports if material changes arise.

Regaining assurance

The below is a simplified illustration of how our build back work programme might build assurance over the coming years' audits:

2025/26 audit process

	24/25	25/26	
CIES	G	G	Assurance over transactions for opening and closing.
PPE	R	R	Normal rolling programme, no plans to expedite in 25/26, but this could be expedited for the 26/27 year.
Pensions	G	G	Triennial valuation of pension completed and reported.
Other assets & liabilities	A	G	Assurance over all material balances (opening and closing) at 31/03/26.
Reserves	R	R	No assurance over reserve balances at 31/03/24 and no build back performed so no assurance over closing balances.

2026/27 audit process

	25/26	26/27	
CIES	G	G	Assurance over transactions for opening and closing.
PPE	R	A	If Council agrees to cover all 22/23 valued assets in 26/27, and we test these sufficiently, then this will return to green
Pensions	G	G	Assurance over balances for opening and closing.
Other assets & liabilities	G	G	Assurance over all material balances (opening and closing) at 31/03/26.
Reserves	R	A	Potential build back in January 2027 for 22/23 in year CIES and therefore GF balances

2027/28 audit process

	26/27	27/28	
CIES	G	G	Assurance over transactions for opening and closing.
PPE	A	G	Council plans to cover some unaudited 22/23 assets in 26/27 with balance in 27/28
Pensions	G	G	Assurance over balances for opening and closing.
Other assets & liabilities	G	G	Assurance over all material balances (opening and closing) at 31/03/26.
Reserves	A	G	Remaining build back of usable and capital reserves completed during 2027/28 audit

R	No assurance
A	Partial assurance
G	Adequate assurance

Next steps and timetable

The key milestones in the regaining assurance programme are set out below.

April 2026
Completion of 2025/26 interim audit work and risk assessment.

30 June 2026
Submission of draft 2025/26 financial statements.

31 July 2026
MHCLG capacity assessment submitted, with Authority's comments where available.

30 November 2026
Issue the audit report for the year ended 31 March 2026.

January 2027
Completion of the 2025/26 build-back work programme.

31 January 2027
2025/26 backstop date for publication of audited financial statements.

February 2027
Commencement of 2026/27 audit and next phase of build-back.

2027/28 audit
Target year for return to unmodified opinion, subject to satisfactory progress.

Progress against the Recommendations of the Auditor's Annual Report 2024/25

This report provides an update on progress against the recommendations set out in the Auditor's Annual Report 2024/25. The Auditor's Annual Report (AAR), issued by Grant Thornton, was presented to the Committee at its meeting on 18 February 2026.

At that meeting, it was agreed that a further report would be brought back to the Committee providing an update on the implementation of the two key recommendations and four improvement recommendations contained within the AAR.

The table below summarises the original management actions presented alongside the AAR in February 2026 and provides a progress update as at August 2026.

Summary of Value for Money recommendations raised in 2024/25

Key recommendations raised in 2024/25	Management Actions (updated)	Progress Update – August 2026
The Council must ensure there is sufficient capacity and capability to ensure that financial reports including the statement of accounts, are prepared adequately with sufficient quality assurance for review.	Actions: We have built capacity within the Corporate Finance team however, due to unforeseen absenteeism, we have not completed the Accounts as effectively as we would have liked. We will continue to use specialist agency staff to address specific knowledge / skills gaps until such time as we are fully resourced within the team. Responsible Officer: Head of Corporate Finance.	We continue to rely on specialist agency staff to provide additional capacity and technical expertise in key areas of financial reporting and statement of accounts preparation. This support has strengthened the team's resilience and has contributed to the successful delivery of the 2025/26 draft Statement of Accounts by the statutory deadline. While this represents a significant improvement, the Council recognises the need to reduce its reliance on temporary resources. During the remainder of 2026/27, a knowledge and skills transfer will be implemented to ensure that specialist expertise is embedded within the permanent team. This will include

		targeted training, documented procedures and the transfer of technical responsibilities.
We recommend the Council provides the Children and Young People's Overview and Scrutiny Sub-Board and Cabinet with an update to the progress made by the Council, and key partners, in driving forward required improvements in SEND. A regular cycle of member updates should also be agreed to ensure appropriate member oversight in place to support meaningful and sustainable SEND service improvement.	Actions: Whereas we accept this recommendation, the Council is well aware of the issue and we are already delivering the improvements, and member engagement, as required Responsible Officer: Director of Children's Services	Our original management response still stands.
Improvement recommendations raised in 2024/25		
We recommend the Council places a significant organisational focus on the continued development and implementation of interventions that will support the management and mitigation of the DSG budget deficits. This should include progressing the planned locality model as part of the children's social care financial sustainability plan, and wider interventions, agreed as part of the safety valve programme.	Actions: We have been closely monitoring and reporting on the status of our safety valve programme throughout its duration. Despite early success, similar to the vast majority of Councils across the Country, recent targets have been challenging. We have subsequently adapted our plan, incorporating further strategic interventions, and have reported these regularly through Directors and Senior Politicians. We therefore feel that this recommendation has already been addressed.	The Government are under-writing 90% of accumulated DSG deficits and have issued revised guidance with regards to access this funding. The Council has submitted the required plan to address on-going deficits which is awaiting government approval. We have also made financial provision for the remaining 10% of accumulated DSG deficit.

	Responsible Officer: Director of Children's Services	
We recommend the Council identifies specific savings plans and targets as part of its annual budget setting process to ensure the proactive and transparent management of MTFS budget gaps.	Actions: We do not accept this recommendation. We have taken a deliberate strategic decision not to set savings targets against individual Sustainability Plans, instead compiling a programme of strategic plans aimed at driving out organisational efficiencies to deliver the totality of the sums required to address the gaps as detailed in our MTFP. This decision has resulted in positive culture change whereby Senior Officers and Members 'own' the Corporate Sustainability Plan programme. Only when we can demonstrate a reduction in spend in a specific area, (as a result of actions delivered through sustainability plans), will we subsequently adjust budgets.	Our original management response still stands. That said, with the financial challenges that the Council is now facing, with an accumulated drop in Government funding of £12m across 2027/28 and 2028/29, we are considering setting tangible financial savings targets, linked to clear action plans, in preparing the 2027/28 revenue budget.
We recommend the Council undertakes specific scenario planning in respect of its adult social care funding arrangements defined under the current Section 75 Agreement, updates Members with regards to outputs, and incorporates these as part of the Council's medium-term financial planning.	Actions: As mentioned during the VFM review, it is impossible for the Council to conduct any meaningful scenario planning in this area until we are able to establish a robust and accurate baseline of the financial liability apportionment between Torbay Council and Health with regards to the current caseload. We have commissioned some independent work to help inform our initial assessment of liability and we are beginning to work through the existing (2,700) caseload to get a clearer view as to	The original management response still stands. The Integrated Care Organisation has provided 12 months' notice on the provision of Adult Social Care Services, (having previously delivered this service for circa 12 years), which means that Torbay Council will take on management responsibility for the provision of ASC from April 2027.

	what level of cost over-run relates to statutory Adult Social Care Services. Scenario planning can only occur after this initial piece of work has been completed. Responsible Officer: Director of Adults and Communities	We are systematically reviewing all 2,700 existing recipients of care services in Torbay to determine the extent of Health related services compared to statutory social care services. This exercise has to be completed in advance of any future scenario modelling.
We recommend the Council reports, at least annually, details relating to procurement waivers, to those charged with governance.	Actions: Agreed. We will formally report procurement waivers on an annual basis. Responsible Officer: Head of Commercial Services	This recommendation has been implemented, and the waivers report was presented to the Audit Committee in May 2026. The Council will continue to report procurement waivers to audit committee at least annually and will enhance future reporting to reflect the feedback received from members.

TORBAY COUNCIL

Meeting: Audit Committee **Date:** 1st September 2026

Wards Affected: ALL

Report Title: Risk Assurance Report for Our Integrated Adult Social Care Services

Is the decision a key decision? No

When does the decision need to be implemented? N/A

Cabinet Member Contact Details: Councillor Tranter, Cabinet Member for Adult and Community Services, Public Health and Inequalities, Hayley.tranter@torbay.gov.uk
Councillor J Thomas, Cabinet Member for Tourism, Culture and Events and Corporate Services, jacqueline.thomas@torbay.gov.uk

Director Contact Details: Anna Coles, Director of Adult and Community Services, anna.coles@torbay.gov.uk

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1. Introduction

1.1 During 2022/23 Audit Committee approved the inclusion of Appendix A - Risk Governance Process for Our Integrated Adult Social Care Service within the Council's Risk Management Framework.

1.2 The Appendix A process was put in place as the statutory responsibility for Adult Social Care Services (ASC) sits with the Council, however, the Council has had an Section 75 agreement in place since 2005 with Torbay and South Devon NHS Foundation Trust (TSDFT) to deliver the operational services on the Council's behalf.

1.3 With the termination of the Section 75 Agreement, this assurance step will no longer be needed from the 1st April 2027 as all audits will be carried out under the Councils usual processes. However, will remain in place during 2026/27 as part of the final year.

1.4 As these services represent a significant spend for the Council (approximately 30% of the Council's overall net budget for 2026/27), our risk processes state that the Director of Adults and Community Services will bring to Audit Committee an annual assurance report.

1.5 As set out in Appendix A. Audits of the Council's Adult Social Care (ASC) governance services are conducted by Devon Assurance Partnership. Audits conducted on Torbay and South Devon NHS Foundation Trust's operational ASC services are carried out by ASW Assurance.

1.6 This report provides a summary of both auditors' views and audit plans for 2025/26, together with planned areas of assurance activity for 2026/27.

2. ASW Assurance (Torbay and South Devon NHS Foundation Trust's) Statement

2.1 ASW have concluded their audits for 2025/26 and provided the Council with the following statement:

A statement of assurance for internal audit and counter fraud, has been provided by the Director of Audit and Assurance Services at ASW Assurance; the provider of internal audit, counter fraud and consultancy services to Torbay and South Devon NHS Foundation Trust; in relation to services provided to the Trust for 2025/26.

This assurance statement consists of the following elements:

Internal Audit Assurance Statement, including:

- Head of Internal Audit Annual opinion, including the audit and assurance work we completed in support of the Opinion for 2025/26.
- Information on the Third-Party Assurance report in relation to IT General Controls in respect of the Electronic Staff Record (ESR).
- Internal audit recommendations.

Counter Fraud Service Assurance Statement, including information on:

- The annual Counter Fraud work plan which covered the 13 components of the Government Functional Standard 013: Counter Fraud as well as the outcome of the Trusts mandatory Counter Fraud Functional Standard Return declaration.

The Opinion on the internal control, governance and risk management arrangements for the Trust provides 'Satisfactory' Assurance. There were two specific audits carried out in relation to the Adult Social Care Services. These were:

- Debt Management: Adult Social Care; and
- Adult Social Care – Contracting and Marketing.

Following provision of the Risk Assurance Report for Our Integrated Adult Social Care Services in September 2025, Members asked that Amanda Lowe of ASW attend a later meeting to provide further detail on the findings of the audits undertaken by ASW. Amanda Lowe was then welcomed to the February 2026 meeting.

ASW Assurance Audit Plan 2026-27- for ASC specifically.

Follow-up of Deprivation of Liberty Safeguards (DoLS) – Supervisory Body Function TSD19/25a
Following ASW's attendance at Torbay Council Audit Committee we have now built into the 2026-27 Audit Plan a follow-up on the previous audit (review issued in April 2025) that highlighted limited assurance. The review will commence in Quarter 1 and will focus on the actions previously agreed and on progress on addressing backlog applications as reported at the time. Term of reference to be agreed.

Direct Payments
Following the conclusion of previous Counter Fraud investigations, we will establish if identified learning has been taken in order to support compliance with Trust Policy covering assessment, eligibility, agreement and review.

Work to commence toward the end of Quarter 2 to enable any improved practice to be embedded.

Notice on the S75 Agreement – Due Diligence on Transfer
We will review management arrangements to transfer ASC services to Torbay Council, ensuring key aspects of the transfer are addressed such as:

- The process is properly governed, approved, and documented,
- Legal and statutory responsibilities are met,
- Staff transfers comply with TUPE and
- Service continuity and safeguarding have been maintained.

3. Torbay Council Audit activity through Devon Assurance Partnership (DAP)

1. 2025-26 Plan.

   a. ASC Transformation became 'ASC Transformation – System Implementation' (draft report awaiting final sign off)

   b. ASC Client Debt follow up was deferred to a future year due to the ongoing discussions regarding the S75 agreement at the time. It was not included in the 2026-27 Plan.

2. Audit Activity for 2026-27

   a. ASC Transformation Plan (Q1-4 - audit work is ongoing)
   b. ASC Supervision and Appraisal (Q1 - audit work is ongoing)
   c. Reablement Offer (Q3)

4. Risk Governance Process for Our Integrated Adult Social Care Service

4.1 With the introduction of the Section 75 Executive Committee meeting, the Director of Adults and Community Services will also present this report to the group, supporting a clear line of sight between Torbay Council, Torbay and South Devon NHS Foundation Trust and the Section 75 governance arrangements during 2026/27.

4.2 In ASC, the Assurance Board is the Council-led governance forum that gives senior oversight of whether adult social care risks, controls and improvement actions are being properly identified, managed and evidenced — this board is particularly important during the current year, whilst services are still being delivered through the Section 75 arrangement with TSDFT and we work to transition services back to the Council.

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5. Recommendation(s) / Proposed Decision

That the Audit Committee note the report.

Appendices

Appendix A: Risk Governance Process for our Integrated Adult Social Care Service

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Risk Governance Process For
Our Integrated Adult Social Care Service

This document is an appendix to the council's risk management framework. It sets out the processes that provide the risk assurance of our Adult Social Care services in Torbay.

Introduction

Torbay Council holds the statutory duty to ensure that Adult Social Care is in place in Torbay. This consists of duties under The Care Act 2014, The Mental Capacity Act 2005 and the Mental Health Act 1983/2007. The Director of Adult Social Services (DASS) holds the statutory duty for Adult Social Care (ASC) in Torbay.

A Section 75 agreement is in place with Torbay and South Devon NHS Foundation Trust (TSDFT) who deliver operational services in relation to the Care Act 2014, the Mental Health Act 1983/2007, and the Mental Capacity Act 2005.

Practically, this means the delivery of Social Work Services, operational delivery of Safeguarding Adult Services, operational commissioning, and contract management of the social care market are delivered by TSDFT. Torbay Council retains responsibility for oversight of the Adult Social Care market and the wider delivery of wellbeing, information, and advice.

This arrangement was originally founded in 2005 and was refreshed in 2012 when Torbay and Southern Devon Health and Care Trust was established and novated to Torbay and South Devon NHS Foundation Trust on the 1st October 2015.

Nationally, Adult Social Care services are facing big challenges due to increasing demand, complexity of need and availability of resources. For Torbay Council, the Adult Social Care spend represents approximately 38% of the council's overall budget, therefore it is a significant spend and the risks must be carefully managed.

Risk Assurance

Both organisations follow their own risk management frameworks. Risks for Adult Social Care are included in both. The risk management framework in operation within each organisation is audited by each organisation's auditors: Torbay Council's auditors are Devon Assurance Partnership (DAP) and Torbay & South Devon NHS Foundation Trust's auditors are ASW Assurance.

As the Council's DASS holds the overall responsibility for Adult Social Care in Torbay, this post works in partnership with both DAP and ASW Assurance to ensure identified control systems and processes are reviewed providing assurance that risk is appropriately managed.

Organisation:		Responsible For:		Auditors:
Torbay Council	→	Governance	→	Devon Assurance Partnership
↕		↕		↕
Torbay & South Devon NHS Foundation Trust	→	Operational Services	→	ASW Assurance

Torbay Council

The council's Section 151 Officer holds the statutory responsibility for ensuring there are effective arrangements in place to manage the organisation's risks. The council's DASS takes responsibility for identifying, managing, and updating the Adult Social Care risks as per the council's risk management framework.

Each year, the DASS will be consulted by the Section 151 Officer to identify the areas that need to be included within the council's annual audit plan. This audit plan is delivered by the Devon Assurance Partnership. The council's Audit Committee have oversight of the entire audit plan for the council and DAP's annual report. After each audit the DASS is supplied a draft report of DAP's findings and recommendations. The report is finalised once the DASS has provided a response to the recommendations. Should the need arise, the DASS can make a request to the Section 151 Officer for additional audits.

Torbay and South Devon NHS Foundation Trust

The Board of Torbay and South Devon NHS Foundation Trust (TSDFT) is collectively accountable for maintaining a sound system of internal control and is responsible for putting in place arrangements for gaining assurance about the effectiveness of that overall system. This governance framework includes the committee structure, the structure and use of the Board Assurance Framework, and risk assessment and management processes.

TSDFT's internal auditors, ASW Assurance, include within an overall annual audit plan Adult Social Care related operational audit reviews, identified and approved through discussion with the DASS. The annual audit plan is agreed through the Risk Group prior to consideration and approval by the Audit and Risk Committee.

Section 75 Strategic Agreement

To formalise the above, the Section 75 Strategic Agreement between Torbay Council and Torbay and South Devon NHS Foundation Trust states that the Trust will:

- ✓ Along with the council put forward areas of Adult Social Care audit priorities;
- ✓ Consult with the Director of Adults Social Services (DASS) of Torbay Council on proposed internal audit coverage;
- ✓ Provide to the DASS copies of assignment reports that relate to control arrangements for Adult Services;
- ✓ Provide an annual statement to the DASS on the adequacy and effectiveness of the overall system of internal control for the Trust, and in particular, those areas directly affecting Adult Services.

Devon Assurance Partnership & ASW Assurance

In addition to the processes laid out in the Strategic Agreement. The auditors for both organisations have agreed to:

Joint Planning:

- Meet in January each year to consider how ASC is included in their audit plans for the forthcoming year. The auditors will meet again in June/July to discuss their assurance reports.
- Share between each other their proposed audit plans to inform the overall picture of ASC assurance sources.
- Discuss and consider both organisation's risks in relation to ASC to inform planning discussions (annual and in year) with the DASS.

ASW Assurance:

- At the start of each audit year ASW Assurance will set out the expected assurance reviews that will be required to be shared, upon completion, with the council's DASS, Section 151 Officer and DAP.
- ASW Assurance and TSDFT to agree a process for early/urgent identification and consideration of audit control concerns to the DASS.
- ASW Assurance and TSDFT to agree the format of the Annual Assurance Statement that is provided to the council's DASS, Section 151 Officer and DAP.
- ASW Assurance's Annual Assurance Statement to be agreed by TSDFT Deputy Chief Executive and Chief Finance Officer prior to sharing with the Council's DASS, Section 151 Officer and DAP.

Governance

All council risks associated with Adult Social Care will be managed in accordance with the council's risk policy and framework. The council's strategic, corporate and service risks are held, managed and reviewed using the council's risk management software SPAR.net. The council's strategic and corporate risk registers are reported to and reviewed by the Directors at their Directors Overview Meeting, Members of Cabinet and Audit Committee at least three times per year.

The TSDFT risks associated with Adult Social Care are managed in accordance with their risk management framework and policy. TSDFT's strategic, corporate and service risks to objectives are held, managed and reviewed using the Trust's risk management software Datix. Risks identified to the delivery of the Adult Social Care Services are reported to the Adult Social Care Operational Oversight Group and when necessary escalated to the specific Integrated Governance Group meeting for: Families Community and Place Based Care and potentially to the Trust's Risk Group.

When TSDFT mitigated risks score 16 or above, the council's DASS will be made aware. These risks, the controls they have in place and officer reviews/updates will be shared with the DASS until the mitigated risk score reduces down again below 16.

On receipt of ASW Assurance's Annual Assurance Statement, which provides an overall opinion on the Adult Social Care services provided by the Trust, the council's DASS will review the findings with the Section 151 Officer.

The DASS in conjunction with the council's Section 151 Officer will prepare a report for Audit Committee and when considered necessary also the Adult Social Care and Health Overview and Scrutiny Sub-Board. This report will include:

- Any notable outcomes or concerns that DAP or ASW Assurance have identified as part of their audit reports.
- Any responses made by the DASS in relation to audit report recommendations.
- The DASS's overarching opinion on any risks or assurances that need to be shared with the committees.
- The audit plan for the current year and thoughts on future audits required.
- ASW Assurance's latest Annual Assurance Statement.

This report will also be presented to the Section 75 Executive Committee for oversight and assurance.

TORBAY COUNCIL

Meeting: Audit Committee **Date: 1 September 2026**

Wards Affected: All

Report Title: HR Investigations and Whistleblowing

Cabinet Member Contact Details: Councillor Jacqueline Thomas Jacqueline.Thomas@Torbay.gov.uk

Director Contact Details: Matthew Fairclough-Kay – Matthew Fairclough-Kay@Torbay.gov.uk

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1. Purpose of Report

1.1 The purpose of this report is to provide a high-level summary of the number of HR investigations and Whistleblowing investigations in the year 1st July 2025 to 30th June 2026.

1.2 Exempt Appendix 1, sets out such an overview.

2. Reason for Proposal and its benefits

2.1 To provide a greater level of detail to Audit Committee.

2.2 The proposals in this report help us to deliver this ambition by:

- *thriving people; ensuring that our employees can raise concerns in an environment where they feel safe to do so and that the organisation and employee's learns from concerns that have been raised, and therefore we have a workforce that thrive*
- *Council fit for the future; ensuring that the organisation is compliant with employment law and legislation, that we are a learning organisation with a good reputation as an employer where people wish to come and our employment practice supports the council in being fit for the future through our People plan and workforce planning activity.*
- *the Council's responsibilities as corporate parents; ensuing that all our employment practices underpin our responsibility as a corporate parent and that all of our employees understand their obligations in this regard, regardless of role.*

3. Recommendation(s) / Proposed Decision

(i) That Audit Committee note the contents of Exempt Appendix 1, and give consideration to any further information or action that they require.

Appendices

Appendix 1: Overview of HR Investigations and WB Investigations
Appendix 2: WB Policy

Background Documents
None

Report Clearance

Supporting Information

1. Introduction

1.1 For Audit Committee to consider the contents of appendix 1.

2. Options under consideration

2.1 To consider the contents of appendix 1.

3. Financial Opportunities and Implications

None.

4. Legal Implications

4.1 Failure to follow due process in respect of HR investigations and WB concerns could result in Employment claims for the Council.

5. Engagement and Consultation

5.1 None required for the purpose of this report.

6. Purchasing or Hiring of Goods and/or Services

6.1 N/A

7. Tackling Climate Change

7.1 N/A

8**. Associated Risks**

8.1 N/A

Equality Impacts N/A

9.	Identify the potential positive and negative impacts on specific groups			
		Positive Impact	**Negative Impact & Mitigating Actions**	**Neutral Impact**
	Older or younger people			✓
	People with caring Responsibilities			✓
	People with a disability			✓
	Women or men			✓
	People who are black or from a minority ethnic background (BME) *(Please note Gypsies / Roma are within this community)*			✓
	Religion or belief (including lack of belief)			✓
	People who are lesbian, gay or bisexual			✓
	People who are transgendered			✓
	People who are in a marriage or civil partnership			✓
	Women who are pregnant / on maternity leave			✓

	Socio-economic impacts (Including impact on child poverty issues and deprivation)			✓
	Public Health impacts (How will your proposal impact on the general health of the population of Torbay)			✓
10..	**Cumulative Council Impact** (proposed changes elsewhere which might worsen the impacts identified above)	N/A		
11.	**Cumulative Community Impacts** (proposed changes within the wider community (inc the public sector) which might worsen the impacts identified above)	N/A		

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By virtue of paragraph(s) 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

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TORBAY COUNCIL

Whistleblowing Policy

Date April 2026

This document can be made available in other languages and formats.

For more information please contact hrpolicy@torbay.gov.uk

Contents

Introduction

All of us at one time or another has concerns about what is happening at work. Usually, these concerns are easily resolved. However, when they are about unlawful conduct, financial malpractice and similar wrongdoings, it can be difficult to know what to do.

Torbay Council aims to provide a safe and effective working environment, where individuals can raise genuine concerns about malpractice or unlawful conduct in the workplace. This policy is intended to empower employees to raise such concerns at an early stage and in the correct way. The Whistleblowing Policy is to be used for reporting concerns where the whistleblower holds a reasonable belief that the concern is within the public interest or where the organisation, and/or members of it, may be at risk.

Aims of the Policy

This policy aims to: -

- Inform all within the scope of this policy how to appropriately take issues of concern forward, using the correct policies and procedures;
- Provide a clear procedure for all within the scope of this policy to raise concerns and receive feedback on any action taken;
- Ensure that confidentiality of the disclosure is maintained unless safeguarding concerns or criminal activity are disclosed;
- Reassure whistleblowers that they will be protected from reprisals or victimisation for ‘Whistle-blowing’ in good faith and in accordance with this procedure.

Scope

This policy applies to all employees of Torbay Council, contractors, partner agencies, agency workers, apprentices/trainees and volunteers who wish to raise whistleblowing concerns, which they can do in line with this policy. Schools have their own local arrangements.

Separate arrangements exist for Elected Members which are covered within the ‘Code of Conduct for Members’ and ‘Local Protocol on Member and Officer Relations’ (available from Governance Support), provided they do not conflict with this Whistleblowing Policy or potentially prejudice a criminal or other investigation.

Complaints relating to Councillors can be addressed through the Members Code of Conduct, link as follows: -

Councillors' Behaviour, Interests and Standards Committee - Torbay Council.

What is Whistleblowing?

Someone “blows the whistle” when they tell their employer, regulator, customers, the police or media about a dangerous or illegal activity they are aware of through work. The disclosure must be made in the public interest, i.e. the disclosure affects people beyond the individual worker. It’s about whether the concern has a wider impact on others — such as colleagues, service users, customers, the public, or the environment. It should be noted that in most cases if the whistleblower goes to the media they will lose their whistleblowing law rights as explained on the Gov.UK website: https://www.gov.uk/whistleblowing/who-to-tell-what-to-expect

Whistleblowing legislation is in place to protect workers from dismissal or victimisation at work in the event that they disclose some sort of wrongdoing to the employer or another appropriate body.

The Public Interest Disclosure Act 1998 and the Employment Rights Act 1996 defines what types of disclosure qualify the person making them for protection against dismissal and detrimental treatment by their employer. These are known as 'protected' disclosures. The Employment Rights Act 2025 provides for sexual harassment to be added to the list of types of disclosure that qualify for protection under the whistleblowing provisions of the Employments Rights Act 1996.

A qualifying disclosure can be where any of the following is being, has been, or is likely to be, committed:

- a criminal offence for example fraud.
- A disclosure about sexual harassment in the workplace.
- a miscarriage of justice.
- an act creating risk to health and safety.
- an act causing damage to the environment.
- a breach of any other legal obligation; or
- a disclosure will also be protected if the information disclosed is of a nature that shows that any of the above is likely to be deliberately concealed.

The law also protects the individual from detrimental treatment by work colleagues for raising a concern. The Council is 'vicariously' liable for any wrongdoing of this nature unless it can prove that it took all reasonable steps to protect the individual who raised the concern from detrimental treatment by their co-workers, contractors, partner agencies, agency workers, apprentices/trainees and volunteers.

What is the difference between making a complaint and blowing the whistle?

When someone blows the whistle, they are raising a concern about danger or illegality that affects others for example customers, members of the public (including children or adults who are vulnerable), or their employer. The person blowing the whistle is usually not directly, personally affected by the danger or illegality. Consequently, the whistleblower rarely has a personal interest in the outcome of any investigation into their concern – they are simply trying to alert others. For this reason, the whistleblower should not be expected to prove the malpractice, but to give clear, factual information about the concern. They are a messenger raising a concern so that others can address it.

This is very different from a complaint or grievance. When someone complains or raises a grievance, they are saying that they have been personally treated poorly. This poor treatment could involve a breach of their individual employment rights or unacceptable behaviour and the complainant is seeking redress or justice for themselves. The person making the complaint therefore has a vested interest in the outcome of the complaint and for this reason, is expected to prove their case. The Grievance Procedure is a process for use by employees; where an employee has an individual complaint relating to their employment, for example, their contract of employment, pay, conditions, they should raise this under the Council's Grievance procedure. The Acceptable Behaviour Policy is also for use by employees for complaints regarding unacceptable behaviour or discrimination. It also covers contractors, agency staff and anyone else engaged to work at the Council. Agency workers will be covered by this policy and are expected to adhere to it, however, reference should also be made to their own policies and procedures - please see Agency Induction Handbook.

Both policies are available on MyView in My documents, Policies and Guidance Section 2 – Conduct and Performance

For individuals with no access to MyView email: hrpolicy@torbay.gov.uk

Individuals not engaged in work at the Council should use the corporate complaints procedure available from the Council website
https://www.torbay.gov.uk/council/policies/corporate/complaints-procedure/.

Some examples showing the differences are as follows: -

Grievance	Protected disclosure
An employee's complaint about the type of work that they are being asked to do. For example, acts or omissions of non-compliance.	A disclosure that an individual has been instructed to carry out actions that they genuinely believe to be illegal, e.g. to falsify tax returns
An employee's complaint that they have received insufficient safety training	A disclosure that safety rules within the workplace are routinely being flouted, thus endangering safety of employees and/or the public
An employee's complaint about the hours that they are expected to work	A disclosure that the requirements imposed by the organisation on a group of employees, represent a breach of the working time legislation.
An employee's complaint that they have been subjected to unwanted sexual comments or behaviour by a colleague or manager.	A disclosure that managers are routinely ignoring or dismissing reports of sexual harassment, or not adequately mitigating risk of sexual harassment creating a culture where such behaviour is tolerated and employees are placed at risk.

Safeguarding Whistleblowers

In accordance with the law, the Council undertakes that no individual who reports a concern in the public interest under this procedure will be subjected to any detriment as a result. In the event that the individual believes they are being subjected to a detriment by any co-worker, contractor, partner agency, agency worker, apprentice/trainee or volunteer they have the right to raise any concerns of harassment via the Council's Acceptable Behaviour Policy – For individuals with no access to MyView email hrpolicy@torbay.gov.uk

Confidentiality

The Council will do its utmost to protect an individual's identity when they raise a concern and do not want their name to be disclosed. It must be acknowledged by the individual raising the concern though that the investigation process itself, may well reveal the source of the information and depending on the outcome, a formal witness statement by the individual may be required as evidence within a Court.

Anonymous Allegations

This policy is designed to encourage staff and other whistleblowers to put their names to allegations, to promote openness and discourage a fear of victimisation. Concerns expressed anonymously are much less powerful and more difficult to investigate, but they will be considered at the discretion of the Council. In exercising this discretion, the factors to be taken into account would include: -

- The seriousness of the issue(s) raised;
- The credibility of the concern; and
- The likelihood of confirming the allegation from attributable sources.

Untrue Allegations

Where an allegation is made but not confirmed by the investigation, no action will be taken against the whistle blower If, however, there is reasonable evidence that an allegation has been made by an employee, maliciously, or with the primary intent of personal gain, action will be taken in line with the Council's Disciplinary procedure which can be found on **MyView**, in My Documents, Policies and Guidance Section 2 – Conduct and Performance. If no access to MyView email: hrpolicy@torbay.gov.uk.

Procedure

The following procedure is to enable individuals to raise a concern directly with the Council and for it to be considered and subsequent action taken, where necessary. There remains a right to report a whistleblowing concern outside of the Council and this procedure, where there is a wish to do so. This should be done by contacting the relevant external organisation and following their published procedure.   A list of external contacts is given at the end of this policy.

1. Raising a Concern

Whistleblowing concerns should be addressed in writing to the Council's Director of Finance / Councils most Senior Officer or to the Devon Audit Partnership (internal audit). Employees who are members of a recognised trade union may also wish to approach their representative. The concern should be put in writing, giving clear details of the concern, using the reporting form found on MyView, MyDocuments, Section 2 Conduct and Performance Management, 2.20a. Whistleblowing Reporting Form. The reporting form can be emailed to the Whistleblowing email address as follows: whistle.blowing@torbay.gov.uk

Where it is not possible to address concerns in writing, contact can be made using the Audit Partnership whistleblowing number or the Torbay Council number Tel: 01803 207407.

2. How the Complaint will be Dealt With

The Chairperson of the Finance, Ethics and Probity Committee will notify the Finance, Ethics and Probity Group of the matter in order for initial investigations to take place and recommendations for action. The Finance, Ethics and Probity Group is made-up of members from the Council's Finance, Human Resources, Audit and Legal Services departments, including the Council's Monitoring Officer. (For clarity, "The Group" refers to the Finance, Ethics and Probity Group).

The Chairperson of the Finance, Ethics and Probity Committee will take overall responsibility for action in regard to the complaint, including the Council's formal written response to the matter.

Within ten working days of a concern being received, the Chairperson of the Finance, Ethics and Probity Committee will write to the complainant: -

- Acknowledging that the concern has been received;
- Indicating how the matter will be dealt with;
- Telling the complainant whether any initial enquiries have been made;
- Telling the complainant whether further investigations will take place and if not, the reason for this;
- Give some indication of timescales.

Following the Group's initial investigation should the Group consider that the Whistleblow falls outside of the scope of this policy, the complainant will be advised of alternative courses of action to take, for example, to raise the complaint under one of the Council's other policies. If after initial investigation it becomes clear that the matter uncovers criminal activity or welfare/safeguarding concerns, these will be reported directly to the Police and/or other relevant external organisations for further action. The complainant will be advised of this course of action and the Council shall take no further action in respect of the complaint unless requested by the Police or external organisation the complaint has been referred to.

3. How the Council will respond

Following its initial investigation, the action recommended by the Group will be dependent on the nature of the concern raised and may:

- Be resolved by agreed action without the need for further investigation
- Be investigated by management or by Audit or Human Resources (as appropriate)
- Be referred to the Police
- Form the subject of an independent inquiry
- Be referred to the external auditor

Should an investigation be necessary, the Group will appoint an appropriate investigation team from within the Council. The investigation will be dealt with as expediently as possible, with an estimated timescale for completion to be provided to the whistleblower at the start by the Group.

4. Reporting Suspected Fraud and Suspected Money Laundering

Torbay Council is committed to protecting the public purse from fraud and impropriety. All employees have an obligation to prevent fraud.

All employees are expected to report any instances of suspected fraud or money laundering immediately.

This includes any activities that appear to be dishonest, illegal or unethical.

Employees must comply with all applicable money laundering regulations, policies and processes designed to prevent money laundering.

This includes understanding and adhering to the procedures for identifying and reporting suspicious activity as outlined in the money laundering process on the intranet.

Reports of suspected fraud or money laundering should be made to the Corporate Fraud Team using the reporting fraud form available at Torbay.gov.uk. All reports are treated as confidential.

Employees must not disclose a report of fraud or money laundering to anyone especially the suspected person.

Employees must not investigate fraud or money laundering themselves as they could find themselves guilty of an offence and will be in breach of policy.

Where an employee is called to an investigation meeting, they may be accompanied by a Trade Union representative or work colleague and such representative or colleague will be required to formally agree to any matters arising at that meeting being kept confidential.

Following the outcome of the investigation process, the Group will inform the Finance Director/most Senior Officer of the outcome, and an appropriate course of action will be agreed.

The Finance Director/most Senior Officer will put the formal response in writing to the individual at the earliest opportunity.

The Whistleblower is not entitled to be able to determine the outcome of the investigation process or to insist that disciplinary action must be taken, or a prosecution instigated. There is no further recourse under this policy, however, should the Whistleblower wish to pursue the matter further, they have the right to report their concerns to an external organisation or one of those listed at the end of this policy.

Counselling Service and Support

Due regard and sensitivity will be exercised by all involved in the process to ensure that the Whistleblower raising the concern does not suffer detrimental treatment as a result of raising a complaint.

The Council offers to all its staff access to a free confidential Counselling service, if you wish to access this service, please telephone 0330 441 4505 Monday - Friday 10am – 5pm / Saturday 10am -1pm, or email info@theredpoppycompany.co.uk. Please contact the Wellbeing team for further information about support and services available to you - wellbeing@torbay.gov.uk.

Monitoring of the Policy

The policy will be monitored on an annual basis by the Finance, Ethics and Probity Group, who have overall responsibility for the maintenance and operation of this policy. The Group will maintain a record of concerns raised and the outcomes (in a form which does not endanger confidentiality) and will report as necessary to the Chair of the Audit Committee.

Equality Statement

We are committed to ensuring that no individual is treated less favourably or disadvantaged on the basis of any protected characteristic, as defined in equality legislation. Care will be taken to ensure that groups who have historically experienced exclusion or inequality are not adversely impacted in the application of this policy. Monitoring will be undertaken to ensure fairness, consistency, and compliance with our equality obligations.

Raising a Concern outside of the Council

If a whistleblower wishes to take the matter outside the Council, they need to ensure that they do not disclose confidential information or that disclosure would be privileged. This can be checked with the Local Government Ombudsman who will also advise on ways to proceed.

To register a new complaint with the Local Government & Social Care Ombudsman, the Whistleblower is encouraged to read the Ombudsman's step by step process for making a complaint which can be found on their website: -

(Local Government Ombudsman Local Government Ombudsman Advice line: - 0300 061 0614) www.lgo.org.uk

The whistleblower may wish to seek their own independent legal advice before or throughout the process. The Government has produced a document "Blowing the Whistle to a Prescribed Person – List of Prescribed people and Bodies". It lists the appropriate organisations to handle whistleblowing complaints and should be referred to for up-to-date advice and guidance about who to contact:- https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/404330/bis-15-43-blowing-the-whistle-to-a-prescribed-person-list-of-prescribed.pdf

Employees Raising a Concern who feel they have been treated unfairly

You can take a case to an employment tribunal if you have been treated unfairly because you've blown the whistle. You can get further information from the Advisory, Conciliation and Arbitration Service (Acas), the whistleblowing charity Protect, Citizens' Advice or your trade union.
If you reported your concern anonymously, you may find it harder to argue that your unfair treatment was as a result of your whistleblowing.
You must raise any claim of unfair dismissal within 3 months of your employment ending.
You must notify Acas if you want to take your case to a tribunal.

Other contacts: -

- National Audit Office
- Public Disclosures Whistleblowing Hotline Tel: 020 7798 7999
- Devon and Cornwall Police Tel: 101
  www.devon-cornwall.police.uk
- ACAS Tel: 0300 123 1100
https://www.acas.org.uk/
- Protect – the Whistleblowing Charity (protect-advice.org.uk) Tel: 020 3117 2520
- Whistleblowing for employees: Gov.uk/whistleblowing

History of Policy Changes

This policy was approved on 20th March 2013 by the Audit Committee. Previous versions of the policy were formally agreed by the Scrutiny Committee in August 1999 and reviewed in October 2006 and October 2008.

Date	Page	Details of Change	Agreed by:
December 2021	All	Updated onto new corporate template and new details of counselling service	
August 2024	Various	Updated contacts and review by FEP (Finance, Ethics and Probity Committee). New section added for employees who wish to raise a concern. Appendix reporting form, moved to separate template 2.20a.	For information only
April 2026	various	Addition of Sexual Harassment in the list of qualifying disclosures to reflect the changes in the Employment Rights Act	

		2025. Example of protected disclosure added to table (page 4) New section on Reporting Suspected Fraud and Suspected Money Laundering. Updated contact details for counselling service Definition of ‘public interest’ expanded for clarity	

Audit Committee Work Plan 2026/2027

Date of Meeting	Report Title
1 September 2026	• 2025/26 Draft Statement of Accounts - Update • Risk Assurance Report - Integrated Adult Social Care Services • Risk Report • Audit Committee Progress Report and Sector Update (Grant Thornton) • Whistleblowing Complaints and HR Investigations (report to include a copy of the Whistleblowing Policy and details of the process when a Whistleblowing complaint is received) • Progress against the Recommendations of the Auditor's Annual Report 2024/25 • Audit Committee Workplan
4 November 2026	• 2026/27 Treasury Management Mid-Year Review • Audit Committee Progress Report and Sector Update (Grant Thornton) • Internal Audit Report and Management Action Plan on Counter Fraud (Risk Assessments) • Risk Report • 2026/27 Counter Fraud and Error - 6 monthly Update • Procurement Waivers Report • Cost of Temporary Accommodation – deep dive (internal audit report and progress on recommendations) • Audit Committee Workplan
16 December 2026	• 2025/26 Torbay Council Audit Findings Report (Grant Thornton) • 2025/26 Torbay Council Auditor's Annual Report (Grant Thornton) • 2025/26 Statement of Accounts including Annual Governance Statement

Audit Committee Work Plan 2026/2027

20 January 2027	• Internal Audit - Half Year Report including the outcomes of the Follow Up on Areas Requiring Improvement • 2027/28 Treasury Management Strategy • Audit Committee Progress Report and Sector Update (Grant Thornton) • RIPA Update • Council Subsidiaries – Governance & Finances Update • Audit Committee Workplan
24 March 2027	• Internal Audit Plan • Internal Audit Charter and Strategy • 2027/28 Counter Fraud and Error Forward Plan • 2027/28 Counter Fraud and Error Policy & Strategy • Risk Report • Audit Committee's Annual Report 2025/2026 • Audit Committee Workplan