



HM Treasury

Financial Reporting Advisory Board

FRAB Terms of Reference Update

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| Issue: | Following the recommendations made by the NAO Effectiveness Review in March, FRAB is asked to consider an updated Terms of Reference. |
| Impact on guidance: | N/A |
| IAS/IFRS adaptation? | N/A |
| Impact on WGA? | N/A |
| IPSAS compliant? | N/A |
| Interpretation for the public sector context? | N/A |
| Impact on budgetary and Estimates regimes? | N/A |
| Alignment with National Accounts | N/A |
| Recommendation: | The Board is asked to approve the updated Terms of Reference. |
| Timing: | Ongoing. |

DETAIL

Background

1. The FRAB Effectiveness Review undertaken by the NAO and presented to FRAB at the March meeting made several recommendations which were accepted by the Board.
2. These included:
 - Considering whether to clarify or expand the Board's Terms of Reference
 - Consideration of stakeholder engagement

- Membership and appointments, including succession/contingency planning
3. HM Treasury has reviewed the Terms of Reference, risk register, and action log in light of these recommendations and subsequent discussions by the Board and the Nominations Committee. An updated Terms of Reference is included as Annex A and an updated action log and risk register is included Annex B.

Summary

Terms of Reference

4. HM Treasury is proposing changes to the Terms of Reference that would:
- Update the membership section in line with the recommendations of the Nominations Committee
 - Enable the appointment of a Vice Chair
 - Reference the importance of engaging with key stakeholder groups including the Sustainability Sub-Committee, UPAG, and RAWG

Action Tracker and Risk Register

5. HM Treasury have refreshed the action tracker structure into a single table, with clear deadlines, task owners, and deadlines.
6. HM Treasury have refreshed the risk register, and restructured to include indicators, mitigations, and an assessment of the net risk.

Recommendation

7. The Board is invited to:
- **Agree** to the proposed changes to the Terms of Reference
 - **Agree** to the proposed changes to the action tracker and risk register

HM Treasury
20th June 2024

FRAB 153 (06)
20th June 2024

The Terms of Reference for the Financial Reporting Advisory Board

1. Context

- 1.1 The primary aims of financial reporting by public sector bodies are to demonstrate to the public and their representatives:
 - An accurate record of a body's financial performance,
 - Details of the body's aims, objectives and responsibilities, and how accountability is exercised
 - Sufficient and reliable information to enable consideration of the body's performance, value for money and efficacy of spending incurred
 - Evidence that public monies and other resources have been used for the purposes intended when the funds were authorised.
- 1.2 Financial reporting is also intended to underpin the UK Government's planning, monitoring and management of public expenditure and provides management with a tool to improve performance.
- 1.3 The authority to develop financial reporting requirements rests with:
 - for the central government and health sectors, the Treasury, the Welsh Government, the Scottish Ministers and the Executive Committee of the Northern Ireland Assembly in respect of accounts meeting the criteria set out in paragraph 2.1.b. below; and
 - for local government, the Secretary of State for Housing, Communities and Local Government, the Welsh Government, the Scottish Ministers, and the Department for Communities, Northern Ireland.
- 1.4 Public sector financial reporting should be based on UK generally accepted accounting practice (UK GAAP) adapted where appropriate to take account of the public sector context. For Resource Accounts prepared by government departments for which an Estimate is laid before the House of Commons and for Whole of Government Accounts (UK), this requirement is set out in sections 5 and 9 of the Government Resources and Accounts Act 2000. A similar requirement is included in sections 9 and 14 of the Government Resources and Accounts Act (Northern Ireland) 2001.
- 1.5 Under section 24 of the Government Resources and Accounts Act 2000, the Treasury is required to consult an advisory group on financial reporting principles and standards for resource accounts (in practice, for England and Wales) and Whole of Government Accounts. Under section 20 of the Government Resources and Accounts Act (Northern Ireland) 2001, the Department of Finance, Northern Ireland is also required to consult with and take account of the recommendations made by this advisory group before issuing directions on resource accounts or determining the form and content of Whole of Government Accounts (Northern Ireland). The Scottish Ministers, with the agreement of the Audit Committee of the Scottish

Parliament, have determined that they should be similarly advised on such matters. The Financial Reporting Advisory Board will be the advisory group.

2. Terms of Reference

2.1 Responsibilities of the Board:

- (a) The Board will provide independent advice to the Treasury, the Scottish Ministers, and the Executive Committee of the Northern Ireland Assembly.
- (b) The Board will advise the Treasury, the Scottish Ministers, the Executive Committee of the Northern Ireland Assembly and the Welsh Government on the application of financial reporting standards and principles:
 - (i) where the Treasury, the Executive Committee of the Northern Ireland Assembly and the Welsh Government are responsible for issuing reporting requirements in respect of:
 - Departmental resource accounts
 - Supply financed executive agencies
 - Non-departmental public bodies
 - Trading funds
 - Whole of Government Accounts
 - NHS trusts in England and Wales, and HSC trusts in Northern Ireland
 - NHS Foundation Trusts in England
 - (ii) where the Scottish Ministers are responsible for issuing reporting requirements in respect of:
 - accounts falling under sections 19 and 20 of the Public Finance and Accountability (Scotland) Act 2000¹.
 - accounts of executive non-departmental public bodies where the Scottish Ministers have the power of direction
- (c) The Board will advise CIPFA/LASAAC², which is responsible for developing the Code of Practice on Local Authority Accounting in the United Kingdom (the Code). The Code constitutes a 'proper accounting practice' under section 12 of the Local Government in Scotland Act 2003 and in England and Wales under section 21(2) of the Local Government Act 2003. In Northern Ireland, the Code's status and authority derive from accounts directions under article 24 of the Local Government (Northern Ireland) Order 2005.
- (d) The Board will decide how it reaches its conclusions.
- (e) The Board's advice to the Scottish Ministers will be restricted to the technical rules of accounting and to minimum disclosure requirements. It will not extend to the format of accounts or to disclosures beyond the minimum requirements.
- (f) The Board's advice to the Executive Committee of the Northern Ireland Assembly will incorporate accounting, formatting and minimum disclosure requirements.

¹ Public Finance and Accountability (Scotland) Act 2000 is available from the Stationery Office or can be located on the web at: www.legislation.hmso.gov.uk

² The CIPFA/LASAAC Local Authority Accounting Code Board is a standing committee of the Chartered Institute of Public Finance and Accountancy (CIPFA) and the Local Authority (Scotland) Accounts Advisory Committee (LASAAC).

- (g) The Board will examine all amendments to the guidance in respect of the bodies listed in (b) and (c) above, with the aim of ensuring that they comply with GAAP, and that departures or modifications from GAAP, due to public sector and spending control contexts, are fully explained and justified. The Board will also examine, with the same aim, amendments to accounts directions referred to the Board, issued by the Treasury, the Welsh Government, the Scottish Ministers and the Executive Committee of the Northern Ireland Assembly.
- (h) The Board will prepare an annual report of its activities, including its views on the changes made during the period to the accounting guidance, or, as appropriate, accounts directions, issued by the Treasury, the National Assembly for Wales, the Scottish Ministers and the Executive Committee of the Northern Ireland Assembly. in respect of bodies listed in 2.1 (b) above and the Code, and will send a copy of its report direct to the Committee of Public Accounts and the Treasury Select Committee of the UK Parliament, the Welsh Government, the Scottish Ministers, the Executive Committee of the Northern Ireland Assembly.

2.2 When advising on the application of standards and principles, the Board will look to balance the need for high quality financial reporting with the benefits to users.

2.2.3 The Treasury, (in conjunction with the Department of Health and Social Care in respect of NHS trusts in England and the Independent Regulator of NHS Foundation Trusts in respect of NHS Foundation Trusts in England), the Welsh Government, the Scottish Ministers, the Executive Committee of the Northern Ireland Assembly and CIPFA/LASAAC in respect of local authorities in England, Wales, Scotland and Northern Ireland:

- (a) will ensure that all relevant matters, including proposed changes to the guidance or, as appropriate, accounts directions, in respect of accounts meeting the criteria in 2.1 (b) above and the Code, are brought to the Board's attention within a reasonable time. Changes to International Financial Reporting Standards and other elements of GAAP that affect such guidance or accounts directions will, as far as possible, be brought to attention in sufficient time to enable their implementation, as appropriate, within the same timescale as changes are to be made generally;
- (b) will examine all issues raised by the Board within its terms of reference;
- (c) will consider all advice received from the Board.

2.3.4 The Treasury, the Scottish Ministers, and the Executive Committee of the Northern Ireland Assembly, will formally lay the Board's report before the House of Commons, the Scottish Parliament and the Northern Ireland Assembly respectively. The Welsh Government submits the report to the Audit Committee of the National Assembly for Wales.

2.5 The Board will engage with relevant stakeholders as necessary, including the Sustainability Sub-Committee, the User, Preparer and Advisory Group, and the Relevant Authorities Working Group.

2.4.6 The Board will undertake a review of its effectiveness at least once every three years.

2.5.7 The Treasury will provide the secretariat to the Board.

3. Membership

3.1 The Board, analysed into four membership groupings will comprise:

Independent members

- An independent Chair, appointed following open advertisement, by the Head of the Government Finance Profession, with the consent of the Relevant Authorities;
- One member, a professional academic with relevant accounting or economics experience, appointed by the FRAB Nominations Committee following open advertisement;
- Two independent members, appointed by the FRAB Nominations Committee following open advertisement;
- One member nominated by the Financial Reporting Council.

Preparers/Users members

- ~~Three~~ members nominated by the Finance Directors of UK government departments from respectively, a department, a trading fund and a non-departmental public body;
- One member nominated by the National Statistician;
- ~~One member nominated by the Ministry of Housing, Communities, and Local Government;~~
- One member (local authority preparer) nominated by CIPFA/LASAAC from its membership.

Auditor members

- One member nominated by the Comptroller & Auditor General;
- ~~Two~~ One members nominated by other public sector audit bodies.

Relevant Authorities members

- One member nominated by the Treasury;
- One member nominated by the Scottish Ministers;
- One member nominated by the Executive Committee of the Northern Ireland Assembly;
- One member nominated by the Welsh Government;
- One member nominated by the Department of Health and Social Care;
- One member nominated by NHS Improvement the Independent Regulator of NHS Foundation Trusts; and
- One member nominated by the Chartered Institute of Public Finance and Accountancy.

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3.2 Members of the Board will act in the general interest, not as representatives of their particular bodies.

3-23.3 Nominations for FRAB membership will be considered by the FRAB Nominations Committee, in accordance with its terms of reference.

3.4 There will be one parliamentary observer, nominated by the Government Chief Whip.

~~3.3~~

3-43.5 The FRAB ~~Chairman~~ will be appointed for three years, renewable once.

3.6 Members will normally be appointed for three years, with a rebuttable presumption that membership is renewable only once (twice for representatives from Relevant Authorities).

3-53.7 A Vice Chair will be appointed by the Nominations Committee, in line with its terms of reference. The Vice Chair will step in for the Chair in the event of their absence.~~man~~

3-63.8 Temporary FRAB membership is permitted at the discretion of the FRAB Chair to cover the long-term absence of a FRAB member.

3-73.9 Alternates/ deputies are permitted to attend FRAB meetings at the Chair's discretion.

3-83.10 Other participants from the Relevant Authorities are permitted to participate in meetings if Relevant Authority members are unable to do so, purely to provide a Relevant Authority perspective and at the Chair's discretion.

3-93.11 Observers at FRAB meetings may be permitted, at the discretion of the FRAB Chair.

3-103.12 The FRAB membership will be subject to regular review by the FRAB Nominations Committee, covering succession planning.

3-113.13 The Board will meet as required each year in closed session to discuss matters relating to financial reporting as they arise.

Commented [GH1]: Please can you update these paras to reflect the note i sent earlier from Lynn and per other comments on papers - that the 3 terms was a suggestion only, not a decision, so should remain as previously.

Commented [AH2R1]: I've updated the Chair bullet as this wasn't discussed in any detail, but per my email I think the proposal from the committee was that members could be renewable twice and that this should be tested with the Board.

4. Review of Terms of Reference

4.1 These Terms of Reference should be subject to regular review and at least every five years.³

³ Last updated March 2018