

REPORT OF THE AUDITOR-GENERAL ON NATIONAL GOVERNMENT CONSTITUENCIES DEVELOPMENT FUND - BUTERE CONSTITUENCY FOR THE YEAR ENDED 30 JUNE, 2021

PREAMBLE

I draw your attention to the contents of my report which is in three parts:

- A. Report on the Financial Statements that considers whether the financial statements are fairly presented in accordance with the applicable financial reporting framework, accounting standards and the relevant laws and regulations that have a direct effect on the financial statements.
- B. Report on Lawfulness and Effectiveness in Use of Public Resources which considers compliance with applicable laws, regulations, policies, gazette notices, circulars, guidelines and manuals and whether public resources are applied in a prudent, efficient, economic, transparent and accountable manner to ensure Government achieves value for money and that such funds are applied for intended purpose.
- C. Report on Effectiveness of Internal Controls, Risk Management and Governance which considers how the entity has instituted checks and balances to guide internal operations. This responds to the effectiveness of the governance structure, the risk management environment, and the internal controls developed and implemented by those charged with governance for orderly, efficient and effective operations of the entity.

An unmodified opinion does not necessarily mean that an entity has complied with all relevant laws and regulations, and that its internal controls, risk management and governance systems are properly designed and were working effectively in the financial year under review.

The three parts of the report are aimed at addressing the statutory roles and responsibilities of the Auditor-General as provided by Article 229 of the Constitution, the Public Finance Management Act, 2012, and the Public Audit Act, 2015. The three parts of the report, when read together constitute the report of the Auditor-General.

REPORT ON THE FINANCIAL STATEMENTS

Qualified Opinion

I have audited the accompanying financial statements of National Government Constituencies Development Fund - Butere Constituency set out on pages 14 to 53, which comprise of the statement of assets and liabilities as at 30 June, 2021, and the statement of receipts and payments, statement of cash flows and the summary statement of appropriation for the year then ended, and a summary of significant accounting policies and other explanatory information in accordance with the provisions of Article 229 of the Constitution of Kenya and Section 35 of the Public Audit Act, 2015. I have obtained all

the information and explanations which, to the best of my knowledge and belief, were necessary for the purpose of the audit.

In my opinion, except for the effect of the matters described in the Basis for Qualified Opinion section of my report, the financial statements present fairly, in all material respects, the financial position of National Government Constituencies Development Fund - Butere Constituency as at 30 June, 2021, and of its financial performance and its cash flows for the year then ended, in accordance with International Public Sector Accounting Standards (Cash Basis) and comply with the National Government Constituencies Development Fund Act, 2015 and the Public Finance Management Act, 2012.

Basis for Qualified Opinion

1. Unsupported Expenditure for Supply of Hand Washing Tanks

The statement of receipts and payments reflects other grants and transfers expenditure of Kshs.46,086,654 as disclosed in Note 7 to the financial statements. This expenditure includes an amount of Kshs.7,350,000 relating to emergency projects, out of which Kshs.800,000 was paid to a company for supply of hand washing tanks. However, supporting documents such as Local Purchase Orders (LPO), Goods Received Notes (GRN), Requisitions and Delivery Notes were not provided for audit review.

In the circumstances, the accuracy and completeness of the other grants and transfers expenditure of Kshs.800,000 could not be confirmed.

2. Purchase of Land

The statement of receipts and payments reflects other grants and transfers expenditure of Kshs.46,086,654 as disclosed in Note 7 to the financial statements. Included in the expenditure is an amount of Kshs.7,350,000 incurred on emergency projects, out of which Kshs.750,000 was disbursed to Eshikangu Primary School Project Management Committee for purchase of land. However, no supporting documents such as an official search and payment vouchers were provided of the land purchased.

In the circumstances, the accuracy and completeness of the expenditure of Kshs.750,000 could not be confirmed.

3. Unaccounted for Disbursements

The statement of receipts and payments reflects other grants and transfers expenditure of Kshs.46,086,654 which as disclosed in Note 7 to the financial statements. This amount includes Kshs.2,741,777 and Kshs.3,400,000 in respect to sports projects and emergency projects respectively. However, no documentary evidence in support of the expenditure including work plans and payment vouchers were provided for audit .

In the circumstances, accuracy and completeness of the other grants and transfers expenditure of Kshs.6,141,777 could not be confirmed.

4. Unsupported Committee Expenses/Allowances

The statement of receipts and payments reflects use of goods and services expenditure of Kshs.9,892,840 and as disclosed in Note 5 to the financial statements. Included in the expenditure were committee expenses, other committee expenses and other operating expenses of Kshs.4,924,300, Kshs.1,607,000 and Kshs.1,803,400 respectively. However, expenditure amounting to Kshs.5,266,900 was not supported by evidence of invitation letters, minutes of the committee meetings and appointments letters of committee members.

In the circumstances, the accuracy and completeness of the use of goods and services expenditure of Kshs.5,266,900 could not be confirmed.

The audit was conducted in accordance with International Standards of Supreme Audit Institutions (ISSAIs). I am independent of the National Government Constituencies Development Fund - Butere Constituency Management in accordance with ISSAI 130 on Code of Ethics. I have fulfilled other ethical responsibilities in accordance with the ISSAI and in accordance with other ethical requirements applicable to performing audits of financial statements in Kenya. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my qualified opinion.

Key Audit Matters

Key audit matters are those matters that, in my professional judgment, are of most significance in the audit of the financial statements. There were no key audit matters to report in the year under review.

Other Matter

Budgetary Control and Performance

The summary statement of appropriation reflects final receipts budget and actual on comparable basis of Kshs.222,252,792 and Kshs.177,163,913 respectively resulting to under-funding of Kshs.45,088,879 or 20 % of the budget. Further, the Fund incurred total expenditure of Kshs.169,276,921 against an approved budget of Kshs.222,252,792 resulting to an under-expenditure of Kshs.52,975,871 or 24% of the budget.

The underfunding and underperformance affected the planned activities of the Fund and may have impacted negatively on service delivery to the public.

REPORT ON LAWFULNESS AND EFFECTIVENESS IN USE OF PUBLIC RESOURCES

Conclusion

As required by Article 229(6) of the Constitution, based on the audit procedures performed, except for the matters described in the Basis for Conclusion on Lawfulness and Effectiveness in Use of Public Resources section of my report, I confirm that, nothing else has come to my attention to cause me to believe that public resources have not been applied lawfully and in an effective way.

Basis for Conclusion

1. Non-Compliance with the Public Sector Accounting Standards (PSASB) Requirements

Review of the financial statements provided for audit revealed that the heading of the statement of cash flows reflects financial year 2019/2020 and 2018/2019 instead of 2020/2021 and 2019/2020 respectively.

In the circumstances, Management was in breach of the law.

2. Irregular Issue of Bursaries

The statement of receipts and payments reflects other grants and transfers expenditure of Kshs.46,086,654 and as disclosed in Note 7 to the financial statements. This amount includes bursary disbursements to Secondary and Tertiary institutions amounting to Kshs.31,353,100. However, evidence to confirm that the beneficiaries applied for the bursaries and that applicants were vetted by the bursary sub-committee were not provided for audit. Further, a report on successful applicants made to the Constituency Committee on the successful applicants were not provided for audit review. This is contrary to CDF Board circular reference VOL. 1/111 dated 13 September, 2010 and Regulation 11(1)(l) of the National Government Constituencies Development Fund Regulations, 2016, which requires the Constituency Committee to ensure that projects proposed for funding fulfil the requirements provided for in the Act and the relevant circulars issued by the Board.

In the circumstances, Management was in breach of the law.

3. Lack of a Work Plan for Funded Projects

The sports Project Management Committee was granted Kshs.2,741,777 for sports projects during the year under review. However, no work plan was developed by the committee of the sports projects expected to have been undertaken contrary to Regulation 15(4)(b) of the Constituency Development Fund Regulations, 2016 which requires that a Project Management Committee prepares work plans showing how it intends to utilize funds given to it for implementing a project.

In the circumstances, Management was in breach of the law.

4. Project Completion Report

Project verification carried out on 12 May, 2022, revealed that completed projects were not labelled and were not supported with handing over reports from the Project Management Committees to the Constituency Committee as required by Regulation 15(1)(f) and (2) of the Constituencies Development Fund Regulations, 2016, which requires that a Project Management Committee shall undertake project closure, labelling and handing over upon completion.

In the circumstances, Management was in breach of the law.

The audit was conducted in accordance with ISSAI 4000. The standard requires that I comply with ethical requirements and plan and perform the audit to obtain assurance about whether the activities, financial transactions and information reflected in the financial statements are in compliance, in all material respects, with the authorities that govern them. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my conclusion.

REPORT ON EFFECTIVENESS OF INTERNAL CONTROLS, RISK MANAGEMENT AND GOVERNANCE

Conclusion

As required by Section 7(1)(a) of the Public Audit Act, 2015, based on the audit procedures performed, I confirm that, nothing has come to my attention to cause me to believe that internal controls, risk management and overall governance were not effective.

Basis for Conclusion

The audit was conducted in accordance with ISSAI 2315 and ISSAI 2330. The standards require that I plan and perform the audit to obtain assurance about whether effective processes and systems of internal controls, risk management and overall governance were operating effectively, in all material respects. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my conclusion.

Responsibilities of Management and those Charged with Governance

Management is responsible for the preparation and fair presentation of these financial statements in accordance with International Public Sector Accounting Standards (Cash Basis) and for maintaining effective internal controls as Management determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error and for its assessment of the effectiveness of internal controls, risk management and governance.

In preparing the financial statements, Management is responsible for assessing the Fund's ability to continue to sustain services, disclosing, as applicable, matters related to sustainability of services and using the applicable basis of accounting unless Management is aware of the intention to terminate the Fund or to cease operations.

Management is also responsible for the submission of the financial statements to the Auditor-General in accordance with the provisions of Section 47 of the Public Audit Act, 2015.

In addition to the responsibility for the preparation and presentation of the financial statements described above, Management is also responsible for ensuring that the activities, financial transactions and information reflected in the financial statements are in compliance with the authorities which govern them, and that public resources are applied in an effective way.

Those charged with governance are responsible for overseeing the Fund's financial reporting process, reviewing the effectiveness of how Management monitors compliance

with relevant legislative and regulatory requirements, ensuring that effective processes and systems are in place to address key roles and responsibilities in relation to governance and risk management, and ensuring the adequacy and effectiveness of the control environment.

Auditor-General's Responsibilities for the Audit

The audit objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes my opinion in accordance with the provisions of Section 48 of the Public Audit Act, 2015, and submit the audit report in compliance with Article 229(7) of the Constitution. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with ISSAIs will always detect a material misstatement and weakness when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these financial statements.

In addition to the audit of the financial statements, a compliance audit is planned and performed to express a conclusion about whether, in all material respects, the activities, financial transactions and information reflected in the financial statements are in compliance with the authorities that govern them and that public resources are applied in an effective way, in accordance with the provisions of Article 229(6) of the Constitution and submit the audit report in compliance with Article 229(7) of the Constitution.

Further, in planning and performing the audit of the financial statements and audit of compliance, I consider internal controls in order to give an assurance on the effectiveness of internal controls, risk management and governance processes and systems in accordance with the provisions of Section 7(1)(a) of the Public Audit Act, 2015 and submit the audit report in compliance with Article 229(7) of the Constitution. My consideration of the internal controls would not necessarily disclose all matters in the internal controls that might be material weaknesses under the ISSAIs. A material weakness is a condition in which the design or operation of one or more of the internal control components does not reduce to a relatively low level the risk that misstatements caused by error or fraud in amounts that would be material in relation to the financial statements being audited may occur and not be detected within a timely period by employees in the normal course of performing their assigned functions.

Because of its inherent limitations, internal controls may not prevent or detect misstatements and instances of non-compliance. Also, projections of any evaluation of effectiveness to future periods are subject to the risk that controls may become inadequate because of changes in conditions, or that the degree of compliance with policies and procedures may deteriorate.

As part of an audit conducted in accordance with ISSAIs, I exercise professional judgement and maintain professional skepticism throughout the audit. I also:

- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to

those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for my opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal controls.

- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by the Management.
- Conclude on the appropriateness of the Management's use of the applicable basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the Fund's ability to continue to sustain its services. If I conclude that a material uncertainty exists, I am required to draw attention in the auditor's report to the related disclosures in the financial statements or, if such disclosures are inadequate, to modify my opinion. My conclusions are based on the audit evidence obtained up to the date of my audit report. However, future events or conditions may cause the Fund to cease to continue to sustain its services.
- Evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.
- Obtain sufficient appropriate audit evidence regarding the financial information and business activities of the Fund to express an opinion on the financial statements.
- Perform such other procedures as I consider necessary in the circumstances.

I communicate with the Management regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal controls that are identified during the audit.

I also provide Management with a statement that I have complied with relevant ethical requirements regarding independence, and to communicate with them all relationships and other matters that may reasonably be thought to bear on my independence, and where applicable, related safeguards.



CPA Nancy Gathungu, CBS
AUDITOR-GENERAL

Nairobi

09 September, 2022