

REPORT OF THE AUDITOR-GENERAL ON NATIONAL GOVERNMENT CONSTITUENCIES DEVELOPMENT FUND - MOGOTIO CONSTITUENCY FOR THE YEAR ENDED 30 JUNE 2017

REPORT ON THE FINANCIAL STATEMENTS

Qualified Opinion

I have audited the accompanying financial statements of National Government Constituencies Development Fund – Mogotio Constituency set out on pages 6 to 24, which comprise the statement of assets as at 30 June 2017, and the statement of receipts and payments, statement of cash flows and statement of comparison of budget and actual amounts 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 and Section 11 of the National Government Constituency Development 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 effects of the matter 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 - Mogotio Constituency as at June 30, 2017, 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 National Government Constituencies Development Fund Act, 2015

In addition, as required by Article 229 (6) of the Constitution, based on the procedures performed, I confirm that, nothing has come to my attention to cause me to believe that public money has not been applied lawfully and in an effective way.

Basis for Qualified Opinion

1. Non acknowledgement of Bursary

An expenditure of Kshs.44,321,003.80 was incurred on other grants and other payments during the period under review. Out of this amount, an expenditure of Kshs.29,919,503.80 was incurred on bursary to Secondary Schools and Tertiary Institutions. However, out of the total funds disbursed, only Kshs.1,553,844 had been acknowledged leaving a balance of Kshs.28,365,659.80 unaccounted for.

In the circumstances, it was not possible to confirm the disbursed funds reached the intended beneficiaries.

2. Stalled Projects

A review of project implementation status report as at 30 June 2017 revealed seventeen projects relating to 2015/2016 financial year valued at Kshs.9,650,000 were incomplete as at that date and it was also noted that no funding had been provided for their completion during the year under review (2016/2017). Consequently, the projects

have stalled and no explanation was given for failure to fund the projects to completion as required by NGCDF Act, 2015.

3. Irregular Expenditure

During the year under review, the Constituency Development Fund Committee (CDFC) funded ongoing projects at a cost of Kshs.2,000,000 from emergency reserve. This was contrary section 8 (3) of the NGCDF Act, 2015 which requires funding from the emergency reserve be of an urgent, unforeseen need for expenditure which in the opinion of the committee cannot be delayed until the next financial year without harming the public interest of the constituents.

No explanation was given for irregular funding of the projects from emergency reserve.

4. Failure to File Project Returns

Examination of the project files revealed that no summaries of project expenditure returns had been made for reconciling funds disbursed with the supporting documents. In this regard, it was observed that Project Management Committees for various projects did not submit expenditure returns totaling Kshs.4,251,724.50.

In the circumstances, it was not possible to ascertain whether the expenditure incurred was a proper charge to public funds.

5. Unaccounted for Expenditure

Kabuswo Cattle Dip Project Management Committee was allocated Kshs.150,000 through payment voucher no.109, and cheque no.2560 dated 26 July 2016 for purchase of 2 acres of land for construction of a cattle dip. However, the following anomalies were noted:

- i. The project was not funded to completion since the total estimate was Kshs.450,000 and only Kshs.150,000 had been disbursed.
- ii. No sale agreement between the land vendor and Kabuswo cattle dip Project Management Committee was produced for audit and it was therefore not possible to ascertain whether the land had been identified and paid for
- iii. No expenditure returns or bank statements were produced for audit examination and it was therefore not possible to establish whether the amount had been spent or not.

In the circumstances, the propriety of the expenditure could not be confirmed

6. Lack of Risk Management Policy

During the period under review, the Mogotio NG-CDFC did not have in place a customized Risk Management Policy as required by Treasury circular No. 3/2009 of 23 February 2009 and therefore, had no approved processes and guidelines on how to mitigate operational, legal and financial risks such as:

- Assessing the likelihood or occurrence of risks.

- Estimating the significance of risks.
- Identifying business risks relevant to financial reporting objectives.
- Deciding about actions to address those risks.

No explanation was given for failure to have a risk management policy in place.

The audit was conducted in accordance with International Standards of Supreme Audit Institutions (ISSAIs). I am independent of National Government Constituencies Development Fund – Mogotio Constituency in accordance with ISSAI 30 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 Matters

Key audit matters are those that, in my professional judgment, are of most significance in the audit of the financial statements. . Except for the matter described in the Basis for Qualified Opinion section, I have determined that there were no Key Audit Matters to communicate in my report.

Responsibilities of Management and Those Charged with Governance for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with Cash Basis of Accounting Method under the International Public Sector Accounting Standards (IPSAS) and for such internal control as management determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, management is responsible for assessing the Fund's ability to sustain services, disclosing, as applicable, matters related to sustainability of services and using the applicable basis of accounting unless the management either intends to liquidate the Fund or to cease operations, or have no realistic alternative but to do so.

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.

Those charged with governance are responsible for overseeing the Fund's financial reporting process.

Auditor-General's Responsibilities for the Audit of the Financial Statements

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 of Kenya. 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.

As part of an audit conducted in accordance with ISSAIs, I exercise professional judgment 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 control.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, and for the purpose of giving an assurance on the effectiveness of the Fund's internal control.
- 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 going concern 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 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 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 control 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.



FCPA Edward R. O. Ouko, CBS
AUDITOR-GENERAL

Nairobi

15 August 2018