

REPORT OF THE AUDITOR-GENERAL ON NATIONAL GOVERNMENT CONSTITUENCIES DEVELOPMENT FUND - NYATIKE CONSTITUENCY FOR THE YEAR ENDED 30 JUNE, 2019

REPORT ON THE FINANCIAL STATEMENTS

Qualified Opinion

I have audited the accompanying financial statements of National Government Constituencies Development Fund – Nyatike Constituency set out on pages 9 to 35, which comprise the statement of financial assets and liabilities as at 30 June, 2019, and the statement of receipts and payments, statement of cash flows and summary statement of appropriation - recurrent and development combined for the year then ended, and 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 effects 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 the National Government Constituencies Development Fund - Nyatike Constituency as at 30 June, 2019, 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. Understated Cash and Cash Equivalents

The statement of financial assets and liabilities reflects under cash and cash equivalents bank balances of Kshs.18,285,445 as at 30 June, 2019. However, bank reconciliation statements as at 30 June, 2019 which were provided for audit included unrepresented cheques totalling Kshs.13,123,397, out of which cheques amounting to Kshs.1,466,340 were stale. No explanation was provided for failure to reverse the stale cheques in the cash book.

Consequently, the accuracy and completeness of the cash and cash equivalents balance of Kshs.18,285,445 could not be confirmed.

2. Variance in Compensation of Employees

The statement of receipts and payments reflects under compensation of employees' expenditure of Kshs.4,573,932 for the year ended 30 June, 2019. However, the amount differs with expenditure of Kshs.4,173,416 reflected in the supporting documents resulting to an unexplained variance of Kshs.400,516.

Consequently, the accuracy and completeness of the compensation of employees' expenditure of Kshs.4,573,932 could not be confirmed.

3. Other Grants and Transfers

3.1 Unconfirmed Bursary Disbursements

The statement of receipts and payments reflects under other grant and transfers expenditure of Kshs.46,429,169 for the year ended 30 June, 2019. The expenditure includes an amount of Kshs.34,021,583 which was disbursed as bursaries to needy students in secondary schools and tertiary institutions during the 2018/19 financial year. However, out of the total of Kshs.34,021,583 disbursed, Kshs.25,335,833 or 74% was not confirmed by the beneficiaries through acknowledgement documents as having been received.

In the circumstances, the accuracy, completeness and validity of the bursary disbursements of Kshs.25,335,833 could not be confirmed.

3.2 Unsupported Sport Expenditure

The other grants and transfers expenditure of Kshs.46,429,129 also includes an amount of Kshs.2,707,586 which was incurred on sports activities. However, Management did not provide adequate relevant supporting documents and records relating to the sports expenditure for audit.

Consequently, the validity, accuracy and completeness of the expenditure of Kshs.2,707,586 could not be confirmed.

3.3 Unsupported Purchase of Trees for Schools

The other grants and transfers expenditure of Kshs.46,429,169 also includes an amount of Kshs.1,600,000 which was incurred on purchase and planting of trees in various schools within Nyatike Constituency. However, adequate relevant supporting documents including the types, number and prices of seedlings and details of the supplier were not provided for audit.

Consequently, the validity, accuracy and completeness of the expenditure of Kshs.1,600,000 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 - Nyatike 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 - recurrent and development combined reflects final receipts budget and actual on a comparable basis of Kshs.174,008,805 and Kshs.118,967,929 respectively resulting to an underfunding of Kshs.55,040,876 or 32% of the budget. Similarly, the Fund spent Kshs.100,682,485 against an approved budget of Kshs.174,008,805 resulting to an under-expenditure of Kshs.73,326,320 or 42% of the budget. The underfunding and underperformance affected the planned activities and may have impacted negatively on service delivery to the residents of Nyatike Constituency.

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 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. Unsupported Recruitment of Casual Employees

The compensation of employees' expenditure of Kshs.4,573,932 also includes an amount of Kshs.3,377,520 which was incurred on wages of sixteen (16) casual employees at a gross salary of Kshs.281,460 per month. However, a review of the recruitment process for the casual employees revealed that there were no advertisements for the vacancies, application letters, shortlisting or interviewing minutes before the appointment.

In the circumstances, the regularity and validity of the employment process and the expenditure of Kshs.3,377,520 could not be confirmed.

2. Non Functional Satellite WIFI Systems

The audit revealed that Nyatike Constituency NG-CDF Committee awarded a contract to Telkom Kenya Ltd for installation of satellite WIFI systems with outdoor wireless connectivity at Wath Ong'er NG-CDF Office at a cost of Kshs.1,169,256. Physical verification conducted on 5 March, 2020 revealed that the WIFI was not functional.

Further, the installation was done in an area where operations of the Constituency NG-CDF committee are not carried out. It was noted that the Fund Account Manager and his technical staff operated from Nyatike Sub-County Treasury Offices at Macalder Trading Centre, which is a distance of seven kilometers away from Wath Ong'er Trading Centre where the installation was done.

In the circumstances, the value for money of the expenditure of Kshs.1,169,256 could not be confirmed.

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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 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 processes and systems of internal control, 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 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 and for its assessment of the effectiveness of internal control, risk management and overall 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 the Management is aware of the intention to terminate the Fund or 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 the 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 overall 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 control in order to give an assurance on the effectiveness of internal controls, risk management and overall 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 control would not necessarily disclose all matters in the internal control 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 control may not prevent or detect misstatements and instances of noncompliance. 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 the 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 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 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 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.



Nancy Gathungu
AUDITOR-GENERAL

Nairobi

07 October, 2021