

REPORT OF THE AUDITOR-GENERAL ON NATIONAL GOVERNMENT CONSTITUENCIES DEVELOPMENT FUND - THARAKA CONSTITUENCY FOR THE YEAR ENDED 30 JUNE, 2020

REPORT ON THE FINANCIAL STATEMENTS

Qualified Opinion

I have audited the accompanying financial statements of National Government Constituencies Development Fund - Tharaka Constituency set out on pages 14 to 50, which comprise the statement of assets and liabilities as at 30 June, 2020, and the statement of receipts and payments, statement of cash flows and the summary statement of appropriation - recurrent and development combined 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 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 National Government Constituencies Development Fund - Tharaka Constituency as at 30 June, 2020, 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

1.0 Cash and Cash Equivalents

The statement of assets and liabilities and Note 10A to the financial statements reflect cash and cash equivalents of Kshs.4,591,010 as at 30 June, 2020. However, the June, 2020 bank reconciliation statement reflected unrepresented cheques totalling to Kshs.8,943,259 which included stale cheques amounting to Kshs.2,794,646 and which had not been replaced or reversed in the cashbook as at 30 June, 2020.

In addition, review of the cashbook and the bank statements provided for audit, revealed that Kshs.11,000,000 and Kshs.1,000,000 both totalling to Kshs.12,000,000 received from the National Government Constituencies Development Fund Board were posted in the cashbook seventy-one (71) and eighty-one (81) days after the same were received from the Board contrary to Section 90(3) of the Public Finance Management (National Government) Regulations, 2015 which stipulates that an accounting officer shall ensure any discrepancies noted during bank reconciliation exercise, are investigated immediately and appropriate action taken including updating the relevant cash books.

In the circumstances, the accuracy of the reported cash and cash equivalents balance of Kshs.4,591,010 as at 30 June, 2020 could not be ascertained. The Fund Management was also in breach of the Law.

2.0 Project Management Committee (PMC) Bank Balances

Note 17.4 to the financial statements and Annex 5 reflect PMC bank balances of Kshs.19,740,720 being the unspent project funds held by PMCs of various institutions. However, the respective cashbooks, bank balance certificates and bank reconciliation statements were not provided for audit review.

In the circumstances, the existence and accuracy of PMC bank balances of Kshs.19,740,720 as at 30 June, 2020 could not be ascertained.

3.0 Unconfirmed Bursaries

The statement of receipts and payments reflects Kshs.47,884,714 with respect to other grants and transfers which as disclosed at Note 7 to the financial statements, includes Kshs.13,647,610 and Kshs.13,276,500 with respect to bursaries to secondary schools and bursaries to tertiary institutions respectively, both totalling to Kshs.26,924,110. However, bursaries totalling to Kshs.10,000,000 or 37% were not acknowledged by the respective beneficiary schools and institutions or accounted for by the Fund.

In addition, the bursaries of Kshs.26,924,110 to various schools and institutions represented twenty-one per-cent (21%) of the total transfers from the Board contrary to Section 21(5) of the National Government Constituencies Development Fund Regulations, 2016 which provides that a Constituency Committee shall allocate not less than twenty-five per-cent (25%) of the funds allocated to the constituency for bursaries.

In the circumstances, the accuracy, validity and value for money for the bursaries amounting to Kshs.10,000,000 could not be ascertained. The Fund Management was also in breach of the Law.

4.0 Progress on Follow-Up of Auditor's Recommendations

The status of the matters raised in the audit report of the prior years has not been disclosed under the progress on follow up of auditor recommendations section of the financial statements as required by the Public Sector Accounting Standards Board.

The financial reporting guidelines issued by the Board have therefore, not been adhered to.

The audit was conducted in accordance with International Standards of Supreme Audit Institutions (ISSAIs). I am independent of the National Government Constituencies Development Fund - Tharaka 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 a final receipts budget and actual receipts on comparable basis of Kshs.190,874,822 and Kshs.130,077,098 respectively, resulting into an under-funding of Kshs.60,797,724 or 32% of the budget. Similarly, the Fund expended Kshs.125,486,088 against an approved budget of Kshs.190,874,822 resulting into an under-expenditure of Kshs.65,388,734 or 34% of the budget.

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

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

1.0 Delayed Implementation of Projects

According to the project implementation status report made available for audit, one hundred-and twenty-two (122) projects with a combined allocation of Kshs.176,561,311 were budgeted to be implemented during the year under review. However, seven (7) projects with a combined budget of Kshs.48,814,662 were still ongoing while thirty-five (35) projects with a combined allocation of Kshs.48,947,354 had not started as at 30 June, 2020.

This is an indication of inappropriate project implementation mechanism. There is need therefore, for the Fund Management to review its project planning mechanism with a view

to prioritizing high impact projects resulting into improved service delivery to the residents of Tharaka Constituency.

2.0 Security Projects

Note 7 to the financial statements reflects Kshs.47,884,714 in respect to other grants and transfers which includes Kshs.10,900,000 with respect to security projects of which Kshs.2,000,000 was transferred to Kaboto Administration Police camp for construction of a six (6) roomed house at the Camp. However, audit inspection in December, 2020, revealed that though the complete project was officially opened on 20 January, 2020, the house was not in use - approximately ten (10) months after its completion.

Further, the security projects expenditure of Kshs.10,900,000 included Kshs.2,500,000 transferred to Kirigicha Police Camp for construction to completion of a six (6) roomed house and an ablution block. Audit inspection in December, 2020 revealed that though the house was complete, the ablution block was not complete and no works were on going, the contractor was not on site and the project appeared to have stalled.

In the circumstances, the value for money for the expenditure on the security projects could not be confirmed.

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 control, risk management and 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, and for its assessment of the effectiveness of internal control, risk management and governance.

In preparing the financial statements, Management is responsible for assessing the National Government Constituencies Development Fund - Tharaka Constituency's ability to sustain services, disclosing, as applicable, matters related to sustainability of services and using the going concern 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 Fund's 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 Fund 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 with limited assurance as to 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 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 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 Fund's 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 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 the Fund's ability to continue as a going concern or 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.



CPA Nancy Gathungu, CBS
AUDITOR-GENERAL

Nairobi

02 December, 2021