

REPORT OF THE AUDITOR-GENERAL ON NATIONAL GOVERNMENT CONSTITUENCIES DEVELOPMENT FUND – TESO NORTH 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 - Teso North Constituency set out on pages 9 to 35, which comprise of the statement of assets and liabilities as at 30 June, 2019, 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 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 the National Government Constituencies Development Fund - Teso North Constituency as at 30 June, 2019, and of its financial performance and its cash flows for the year then ended, in accordance with the 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. Inaccuracies in the Summary Statement of Appropriation

Note 11.2 to the financial statements and the summary statement of appropriation: recurrent and development combined reflects unutilized funds totalling to Kshs.64,706,267. Although Note 11.2 is summarized at Annex 2 to the financial statements, the Management did not provide detailed breakdown of the budgeted activities totalling to Kshs.64,706,267 that were not implemented during the year under review.

Further, the statement reflects transfers from CDF Board totalling to Kshs.70,856,567 whereas the statement of receipts and payments reflect an amount of Kshs.69,479,310 resulting to an unreconciled variance amounting to Kshs.1,377,257.

In circumstances, the accuracy, completeness and validity of the balances reported in the summary statement of appropriation - recurrent and development combined for the year ended 30 June, 2019 could not be confirmed.

2. Unsupported Committee bank balances

Annex 4 to the financial statements reflects Project Management Committees (PMC) bank balance totalling to Kshs. 1,442,860 as at 30 June, 2019. However, casting amounted to Kshs.2,276,177 resulting to an unreconciled variance of Kshs.833,317.

Further, the Management did not provide supporting cashbooks and bank certificates.

In circumstances, the accuracy, completeness and validity of the Project Management Committees (PMC) bank balance totalling to Kshs. 1,442,860 as at 30 June, 2019 could not be confirmed.

3. Unsupported Use of Goods and Services

As disclosed in Note 4 to the financial statements, the statement of receipts and payments reflects use of goods and services balance totalling to Kshs.4,459,976. However, the sub-schedules in support of the balance were not provided.

Consequently, the accuracy, completeness and validity of the use of goods and services totalling to Kshs.4,459,976 reflected in the statement of receipts and payments for the year ended 30 June, 2019 could not be confirmed.

4. Unsupported Transfer to Other Government Entities

As disclosed in Note 5 to the financial statements, the statement of receipts and payments reflects transfers to other Government Entities amounting to Kshs.11,323,587. The balance includes an amount of Kshs.8,408,045 transferred to nine (9) schools for various projects. However, the expenditure returns were not provided.

Consequently, the accuracy, completeness and validity of the transfers totalling to Kshs.8,408,045 for the year ended 30 June, 2019 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 - Teso North 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

1. Budgetary Control and Performance

The summary statement of appropriation: recurrent and development combined reflects final receipts budget and actual on comparable basis of Kshs.135,562,835 and Kshs.70,856,567 respectively resulting to an underfunding of Kshs. 64,706,268 or 48% of the budget. Similarly, the statement reflects final expenditure budget and actual on comparable basis of Kshs.135,562,835 and Kshs.70,856,567 respectively, resulting to an under expenditure of Kshs.64,706,268 or 48% of the budget.

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

2. Unresolved Prior Year Matters

In the audit report of the previous year, several issues were raised. However, the Management has not resolved the issues or given any explanation for failure to adhere to the provisions of the Public Sector Accounting Standards Board templates and The National Treasury's Circular Ref: PSASB/1/12 Vol.1(44) of 25 June, 2019.

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. Delay in Project Implementation

According to the Project Implementation Status report as at 30 June, 2019, the Management had planned to implement seven hundred (700) projects since 2013/2014 to 2018/2019 at a total cost of Kshs.534,782,102 and which were at various levels of implementation statuses as summarized below:

Financial Year	Status	No. of Projects	Value (Kshs)
2018/2019	Ongoing	74	45,243,646
2017/2018 and earlier years	Ongoing	55	78,297,096
	Not Started	2	1,100,000
Total		131	124,640,742

Seventy-four (74) projects relating to 2018/2019 costing Kshs.45,243,646 were indicated as ongoing.

Further, fifty-five (55) projects totalling to Kshs.78,297,096 relating to 2017/2018 and prior years were indicated as still ongoing while two (2) projects for construction of classrooms at Achunet and Kongurakol Primary Schools amounting to Kshs.1,100,000 were stalled. No reason was provided for the delay in implementing of the projects.

In the circumstances, it was not possible to confirm whether value for money will be realized from the expenditure on the delayed projects.

2. Unsatisfactory Implementation of Projects

During the year under review four (4) projects were physically verified in July, 2020 and the following unsatisfactory observations were noted on two (2) of the projects:

Project Name	Project Activities	Amount Kshs	Observation
Amoni Secondary School	Construction of one class room	600,000	- Construction was at foundation level. - Ownership of land was not confirmed.
Youth Empowerment Centers	Setting up of ICT innovation Hubs	4,677,027	- At Angurai and Malaba youth Empowerment Centers - There were 5 laptops on site against 15 supplied. - 5 were found to be faulty and not functional - The rest were not provided.
Total		5,277,027	

In the circumstances, I am unable to confirm whether the public obtained value for money for the unsatisfactory implementation of projects totalling to Kshs.5,277,027.

3. Irregular Funding of School Buses Projects

Included in transfers to other Government Entities totalling to Kshs.11,323,587 is an amount of Kshs.4,223,587 paid to three (3) secondary schools, St Joseph`s Kocholia, SA Aboloi and St Augustine Kamolo Secondary School for funding of school buses. However, payments were made to the schools as instalments for bank loans that the schools had taken for purchase of the buses. This is contrary to Section 5(4) of the National Government Constituencies Development Fund Act, 2015 which requires that payments for a joint project or joint procurement be made directly to the supplier or an established account for the purpose with approval from the National Government Constituencies Development Fund Board.

Consequently, the Management breached the law.

4. Delay in Installation of Transformers

As disclosed in Note 8 to the financial statements, the statement of receipts and payments reflects other payments balance of Kshs.8,780,659. The balance includes a transfer to Rural Electrification Authority totalling to Kshs.2,000,000 which was disbursed to the Authority for installation of transformers in various locations within the constituency.

However, as at the time of audit in July, 2020, the transformers had not been installed, over one year since the payment was made.

Consequently, the public did not get value for a total of Kshs.2,000,000 paid for electricity connection and installation.

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 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 its 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 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 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 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 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.



CPA Nancy Gathungu, CBS
AUDITOR-GENERAL

Nairobi

01 October, 2021