

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

REPORT ON THE FINANCIAL STATEMENTS

Qualified Opinion

I have audited the financial statements of National Government Constituencies Development Fund - Ndhiwa Constituency set out on pages 21 to 73, 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 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 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 the National Government Constituencies Development Fund - Ndhiwa Constituency as at 30 June, 2020, 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 Public Finance Management Act, 2012.

Basis for Qualified Opinion

1. Inaccuracies in the Financial Statements

The annual report and financial statements prepared and presented for audit had the following anomalies;

- i. The statement of assets and liabilities reflects a nil balance for gratuity while Note 12B to the financial statements reflects staff gratuity deposits amounting to Kshs.1,100,000 for 2019/2020 financial year.
- ii. As disclosed in Annex 4 to the financial statements, the summary of fixed asset register reflects additions during the year amounting to Kshs.1,441,000. However, the statement of receipts and payments as disclosed in Note 8 to the financial statements reflect a nil amount for acquisition of assets for the year ended 30 June, 2020.
- iii. Note 17.4 to the financial statements under other important disclosures reflects nil PMC account balances for 2019/2020. However, Annex 5 to the financial statements reflects PMC bank balances totalling to Kshs.32,892,542.
- iv. Note 17.3 to the financial statements under other important disclosures reflects unutilized fund balance of Kshs.82,026,959. However, a casting error of Kshs.33,090 was noted resulting to unutilized fund balance of Kshs.81,993,869.

Consequently, the accuracy and completeness of the annual report and financial statements could not be confirmed.

2. Unreconciled Cash and Cash Equivalents

The statement of assets and liabilities reflects bank balances of Kshs.3,039,764 as disclosed in Note 10A to the financial statements which excludes stale cheques amounting to Kshs.274,723 which had not been reversed into the cashbook as at 30 June, 2020. The Management has not provided an explanation why the stale cheques have not been written back to the cashbook.

In the circumstances, the accuracy and completeness of the cash and cash equivalents balance of Kshs.3,039,764 could not be confirmed.

3. Unsupported Unutilized Fund

Annex 3 to the financial statements reflects unutilized fund balance of Kshs.82,026,959 out of which an amount of Kshs.29,485,568 could not be reviewed as the supporting documents such as the approved code list for unspent balances were not provided for review.

In the circumstances, the accuracy and completeness of the unutilized fund balance of Kshs.82,026,959 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 - Ndhiwa 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 comparable basis totalling to K2shs.168,265,665 and Kshs.89,278,471 respectively, resulting to an underfunding amounting to Kshs. 78,987,194 or 47% of the budget. Similarly, the statement reflects final expenditure budget and actual on comparable basis totalling to Kshs.168,265,665 and Kshs.86,238,707 respectively, resulting to an underperformance amounting to Kshs. 82,026,959 or 49% of the budget.

The underfunding and under expenditure affected the planned activities and may have impacted negatively on the delivery of services to the residents of Ndhiwa 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 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. Transfer to Other Government Entities

1.1 Poor Workmanship on Verified Projects

As disclosed in Note 6 to the financial statements, the statement of receipts and payments reflects transfers to other government entities amounting to Kshs.51,178,455 out of which an amount of Kshs.26,243,410 was transferred to Primary schools. Physical verification on three (3) projects totalling to Kshs.1,600,000 showed that there was poor workmanship on the verified projects due to poorly done walling and flooring of the classrooms and two (2) of the projects which were complete were not in use due to the poor conditions of the class rooms.

In the circumstances, the value for money of Kshs.1,600,000 expended on the projects could not be confirmed.

1.2 Anomalies on Transfers to Secondary Schools

As disclosed in Note 6 to the financial statements, the statement of receipts and payments reflects transfers to other government entities amounting to Kshs.51,178,455 out of which an amount of Kshs.17,480,000 was transferred to secondary schools. Physical verification on four (4) projects totalling to Kshs.2,800,000 showed the following anomalies;

School	Project	Amount Kshs.	Remarks
Alara Secondary School	Completion of two classrooms Kshs.900,000	900,000	Project not branded. Payment done without Inspection and Certification by Public Works. Principal has no retention held, no withholding tax held. Current PMC account statement not provided.
Nyamogo Secondary School	Completion of administration Block with 10 offices including boardroom and staffroom	1,000,000	Works not completed yet payment made in full. Flooring of six offices pending, painting of ceiling pending for all rooms, nine instead of ten rooms done. Project not branded. Contractors file missing.

School	Project	Amount Kshs.	Remarks
			Contractors' details and PMC account statement not provided.
Rarage Secondary School	Money given for completion of three classrooms	600,000	There were no classrooms to be completed as per the code list. Money reached the school and was re allocated for construction of one classroom. Authority to reallocate the funds given by CDF board not provided.
Langi Secondary School	Completion of 80 bed capacity dormitory	300,000	Poor Workmanship, Cracked floor. No retention, payment done without inspection and certification by public works. PMC bank statement not provided.

In the circumstances, the value for money and regularity of the expenditure of Kshs.2,800,000 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 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 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 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 abolish 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 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 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 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 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 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 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

08 February, 2022