

REPORT OF THE AUDITOR-GENERAL ON NATIONAL GOVERNMENT CONSTITUENCIES DEVELOPMENT FUND - MVITA 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 - Mvita Constituency set out on pages 17 to 45, which comprise the statement of assets and liabilities as at 30 June, 2020, 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 - Mvita 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 Unresolved Prior Year Matters

1.1. Inaccuracy of the Financial Statements

As reported in 2017/2018, the statement of assets and liabilities reflected comparative fund balance of Kshs.41,973,049 as at 01 July, 2016. However, the opening fund balance was at variance with audited closing balance for the year 2015/2016 of Kshs.52,703,219.28, resulting to unreconciled or explained variance of Kshs.10,730,170.28. In addition, the statement of cash flows reflected cash and cash equivalents balance of Kshs.41,973,050 as at 01 July, 2016 while the 2015/2016 audited accounts reflected cash and cash equivalents balance of Kshs.52,703,219 as at 30 June, 2016, resulting to unreconciled nor explained variance of Kshs.10,730,169. As a result, the statement of cash flows was not accurate.

In the circumstances, the accuracy and completeness of the fund balance brought forward of Kshs.34,629,174 and cash and cash equivalents balance of Kshs.41,552,873 as at 30 June, 2020 could not be confirmed.

1.2. Unconfirmed Bank Balances

As previously reported, the statement of assets and liabilities reflected bank balances of Kshs.41,552,873 as at 30 June, 2020 (2018/2019 - Kshs.34,629,174). Included in the bank reconciliation statement in the year 2017/2018 were casting errors amounting to Kshs.114,770.57 dating way back to the year 2012. However, the cash book figure is included in the Fund's expenditure returns as at 30 June, 2020 and as cashbook adjustments made in March, 2020. However, no journal entries were availed to explain or support the adjustments.

This is contrary to Regulation 103(1) and (2) of the Public Finance Management (National Government) Regulations, 2015 on Accounting Adjustments which states that '(1) Journal entries prepared for all adjustments shall be authorized by the accounting officer or an officer designated by him or her before posting them in a financial record (2). In all cases journal vouchers shall be supported by sufficient explanations, authorizations and documentation to facilitate accounting adjustments to be understood'.

In the circumstances, the accuracy and completeness of bank balance of Kshs.41,552,873 could not be ascertained.

2.0 Other Receipts

The statement of receipts and payments for the year ended 30 June, 2020 reflects other receipts(re-allocations) of Kshs.1,500,000. However, schedules, receipts and other relevant documents to support the re-allocation of Kshs.1,500,000 were not provided for audit review.

Consequently, the accuracy and completeness of receipts of Kshs.51,514,000 for the year ended 30 June, 2020 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 - Mvita 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

1.0 Budgetary Control and Performance

The statement of comparative budget and actual amounts reflects final receipts budget and actual on comparable basis of Kshs.236,729,712 and Kshs.86,143,174 respectively resulting to an under funding of Kshs.150,586,538 or 64 of the budget.

Similarly, the actual expenditure reflects a balance of Kshs.44,590,301 against an approved budget of Kshs.236,648,712 resulting to an under-expenditure of Kshs.192,058,411 or 81% of the budget.

The underfunding and under expenditure affected the planned activities and may have impacted negatively on service delivery to the constituents of Mvita Constituency.

2.0 Projects Implementation Status

According to the projects implementation status report as at 30 June, 2020, the Fund completed nine (9) projects with total budget allocation of Kshs.17,500,000, six (6) projects with budgetary allocation of Kshs.52,500,000 were on-going while four (4) projects allocated Kshs.20,355,763 had not been started.

No explanation was provided as to why projects which started in 2015/2016 financial year have not been completed to date.

The underperformance in the implementation of ten (10) ongoing and not started projects with an expenditure budget of Kshs.72,855,763 affected the planned activities and may have impacted negatively on service delivery to citizens.

Consequently, projects implementation as reported did not achieve the intended performance targets and so the public was denied the intended/planned benefits. Further, this casts doubts on the efficiency and effectiveness of the Fund's projects monitoring and evaluation system.

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 of Conclusion

1.0 Project Management Committee Bank Balances

Annex 4 to the financial statements for the year ended 30 June, 2020 reflects project management committee bank balances amounting to Kshs.51,757,291, out of which funds totalling to Kshs.19,100,000 belonging to three (3) schools were lying idle in the bank accounts since the projects were complete.

This is contrary to Section 12(8) of the National Government Constituencies Development Fund Act, 2015 which states that 'all unutilized funds of the Project Management Committee shall be returned to the constituency account'.

Therefore, the Management was in breach of the law.

2.0 Information Technology Governance

As previously reported, the Fund had not established an approved IT security policy as at 30 June, 2020 and so the Fund's information and communication technology functional objectives and goals might have lacked strategic direction.

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, 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 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 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 Fund's financial reporting process, reviewing the effectiveness of how 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 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 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

15 February, 2022