

REPORT OF THE AUDITOR-GENERAL ON TRANS NZOIA COUNTY ELIMU BURSARY FUND FOR THE YEAR ENDED 30 JUNE, 2021

PREAMBLE

I draw your attention to the contents of my report which is in three parts:

- A. Report on the Financial Statements that considers whether the financial statements are fairly presented in accordance with the applicable financial reporting framework, accounting standards and the relevant laws and regulations that have a direct effect on the financial statements.
- B. Report on Lawfulness and Effectiveness in Use of Public Resources which considers compliance with applicable laws, regulations, policies, gazette notices, circulars, guidelines and manuals and whether public resources are applied in a prudent, efficient, economic, transparent and accountable manner to ensure Government achieves value for money and that such funds are applied for intended purpose.
- C. Report on Effectiveness of Internal Controls, Risk Management and Governance which considers how the entity has instituted checks and balances to guide internal operations. This responds to the effectiveness of the governance structure, the risk management environment, and the internal controls developed and implemented by those charged with governance for orderly, efficient and effective operations of the entity.

An unmodified opinion does not necessarily mean that an entity has complied with all relevant laws and regulations, and that its internal controls, risk management and governance systems are properly designed and were working effectively in the financial year under review.

The three parts of the report are aimed at addressing the statutory roles and responsibilities of the Auditor-General as provided by Article 229 of the Constitution, the Public Finance Management Act, 2012, and the Public Audit Act, 2015. The three parts of the report, when read together constitute the report of the Auditor-General.

REPORT ON THE FINANCIAL STATEMENTS

Adverse Opinion

I have audited the accompanying financial statements of Trans Nzoia County Elimu Bursary Fund set out on pages 15 to 35, which comprise of the statement of financial position as at 30 June, 2021, and the statement of financial performance, statement of changes in net assets, statement of cash flows and statement of comparison of budget and actual amounts 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, because of the significance of the matters discussed in the Basis for Adverse Opinion section of my report, the financial statements do not present fairly, the financial position of Trans Nzoia County Elimu Bursary Fund as at 30 June, 2021, and of

its financial performance and its cash flows for the year then ended, in accordance with International Public Sector Accounting Standards (Accrual Basis) and do not comply with the Public Finance Management Act, 2012, and the Trans Nzoia Elimu Bursary Fund Act, 2014.

Basis for Adverse Opinion

1. Unreconciled Bank Balance

The statement of financial position reflects a cash and cash equivalents balance of Kshs.45,054,438 as disclosed under Note 6 to the financial statements. However, the balance differs from the cash book balance of Kshs.49,447,562 resulting to an unexplained variance Kshs.4,393,124. Further, Management did not provide a bank reconciliation statement for the month of June, 2021 and no explanation was provided for the variance.

In addition, the cash book was written in erasable ink and did not indicate dates of transactions, contrary to the provisions of Regulation 16 of the Public Finance Management (County Governments) Regulations, 2015, which stipulates that all financial records and documents shall be in indelible ink and shall contain adequate narration of the particulars of the services, goods or works procured and being paid for.

In the circumstances, the accuracy of the cash and cash equivalents balance could not be confirmed.

2. Unreconciled Bursary Payments

The statement of financial performance reflects a comparative amount of Kshs.102,610,000 for bursary payments while the previous year's audited financial statements reflected an amount of Kshs.100,747,000. No explanation was provided for the variance of Kshs.1,863,000. Similarly, the statement of cash outflows reflects a comparative amount of Kshs.102,610,000 under bursary payments which is at variance with the amount of Kshs.100,747,000 reflected in the previous year's audited financial statements.

In the circumstances, the accuracy of the statement of financial performance could not be confirmed.

3. Unreconciled Changes in Net Assets

The statement of changes in net assets reflects a deficit of Kshs.104,671,074 for the year ended 30 June, 2020, which is at variance with the deficit of Kshs.48,085,950 in the audited financial statements for that year resulting to an unreconciled variance of Kshs.56,585,124.

In the circumstance, the accuracy of the statement of changes in net assets could not be confirmed.

4. Variance in the Transfers from the County Government

The statement of financial performance reflects an amount of Kshs.50,000,000 under transfers from the County Government. However, the statement of comparison of budget

and actual amounts reflects a nil balance resulting to a variance of Kshs.50,000,000. In addition, the statement of comparison of budget and actual amounts indicates same amount for budget and actual amounts for Fund administration expenses and bursary payments respectively. However, the column for percentage utilization reflects 69% and 91% on fund administration expenses and bursary payments respectively. No explanation was provided for the anomalies.

In the circumstances, the accuracy of the statement of comparison of budget and actual amounts could not be confirmed.

The audit was conducted in accordance with International Standards of Supreme Audit Institutions (ISSAIs). I am independent of the Trans Nzoia County Elimu Bursary Fund 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 adverse 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.

REPORT ON LAWFULNESS AND EFFECTIVENESS IN USE OF PUBLIC RESOURCES

Conclusion

As required by Article 229(6) of the Constitution, because of the significance of the matters discussed in the Basis for Adverse Opinion and Basis for Conclusion on Lawfulness and Effectiveness in Use of Public Resources sections of my report, based on the audit procedures performed, I confirm that public resources have not been applied lawfully and in an effective way.

Basis for Conclusion

1. Failure to Gazette Ward Bursary Committee Members

Members of the Ward Bursary Committees from the 25 Wards were not gazetted as required by Section 12(4) of the Trans Nzoia County Elimu Bursary Fund Act, 2014, which states that the County Executive Committee Member of Education shall cause the names of the persons appointed as members of Ward Bursary Committee to be published in the County Gazette.

In the circumstance, the Fund Management was in breach of the law.

2. Lack of an Approved Budget

The Fund did not have an approved budget for the year under review as required by Section 149(2) of the Public Finance Management Act, 2012, and Section 14 of the Trans

Nzoia County Elimu Bursary Fund Act, 2014, which require the accounting officer to prepare estimates of the revenue and expenditure for the year, submit them to the County Member for Education for review and approval and eventually to the Executive Committee and County Assembly for approval.

In the circumstance, the Fund Management was in breach of law.

3. Irregular Bursary Payments

The statement of financial performance reflects an amount of Kshs. 4,340,000 for bursary payments, which as disclosed in Note 4 to the financial statements, includes an amount of Kshs.2,500,000 as emergency bursary payments. However, no documentary evidence such as vetting records and application forms were provided to indicate the type and cause of the emergency if indeed there was any. This is contrary to the provisions of Section 11(6) (c) of the Trans Nzoia Elimu Bursary Fund Act, 2014, which provides that an emergency shall be construed to mean an urgent, unforeseen bursary need for which in the opinion of the Ward Bursary Committee cannot be delayed, until the next disbursement, without harming the interest of the beneficiary.

Similarly, the bursary payments include an amount of Kshs.1,840,000 relating to scholarships and other educational benefits. However, these payments were not supported by copies of national identity cards, admission numbers and other details of students, endorsement from the local administration (Assistant Chief) as well as endorsement from the learning institutions showing how much the students owed the institutions.

In the circumstances, the authenticity of the disbursements could not be confirmed and the Fund Management was in breach of law.

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, because of the significance of the matters discussed in the Basis for Adverse Opinion and Basis for Conclusion on Lawfulness and Effectiveness in Use of Public Resources sections of my report, based on the audit procedures performed, I confirm that internal controls, risk management and governance were not effective.

Basis for Conclusion

Report of the Auditor-General on Trans Nzoia County Elimu Bursary Fund for the year ended 30 June, 2021

The audit was conducted in accordance with ISSAI 2315 and ISSAI 2330. The standard requires 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 (Accrual Basis) and for maintaining effective internal controls 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 controls, risk management and 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 controls 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 controls would not necessarily disclose all matters in the internal controls 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 controls 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 controls.
- 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 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 controls 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

07 September, 2022