

REPORT OF THE AUDITOR-GENERAL ON NATIONAL GOVERNMENT CONSTITUENCIES DEVELOPMENT FUND – BUTULA CONSTITUENCY FOR THE YEAR ENDED 30 JUNE, 2022

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 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 the intended purposes.
- 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 under 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

Qualified Opinion

I have audited the accompanying financial statements of the National Government Constituencies Development Fund – Butula Constituency set out on pages 1 to 42, which comprise of the statement of assets and liabilities as at 30 June, 2022, statement of receipts and payments, statement of cash flows and a summary statement of appropriation 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 – Butula Constituency as at 30 June, 2022, 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 Public Finance Management Act, 2012 and National Government Constituencies Development Fund Act, 2015.

Basis for Qualified Opinion

1. Variances between the Financial Statements and Supporting Schedules

The financial statements reflect six (6) items with balances which are at variances with the amounts shown in supporting schedules as shown below.

Component	Amount in the Financial Statements (Kshs.)	Amount in the Supporting Schedules (Kshs.)	Variance (Kshs.)
Use of Goods and Services	9,347,759	10,602,878	(1,255,119)
Transfers to Primary schools – Note 6	21,669,800	22,660,800	(991,000)
Sports projects – Note 7	5,347,496	5,483,313	(135,817)
Bursaries to Secondary Schools – Note 7	30,333,607	29,495,607	838,000
Emergency Projects – Note 7	9,907,996	9,907,550	446
Gratuity held and paid during the year – Note 12B	728,093	933,697	(205,604)

In the circumstances, the accuracy and completeness of the respective balances could not be confirmed.

2. Inaccuracies in the Statement of Assets and Liabilities

The statement of assets and liabilities reflects net financial assets of Kshs.29,801,053 and net financial position of Kshs.30,150,158 resulting in an unexplained variance of Kshs.349,105.

In the circumstances, the accuracy and completeness of the statement of assets and liabilities for the year ended 30 June, 2022 could not be confirmed.

3. Unsupported Bursaries

The statement of receipts and payments reflects an amount of Kshs.78,620,066 in respect of other grants and transfers which, as disclosed in Note 7 to the financial statements, includes Kshs.16,392,300 being disbursement of bursaries to tertiary institutions, out of which, Kshs.4,714,000 was disbursed as bursaries to students of Masinde Muliro University of Science and Technology – Butula Campus. However, evidence of advertisement or public notification for bursary application, list of all the applicants, list of qualifying applications, bursary committee vetting minutes, approval minutes, list of beneficiaries and list of rejected applications were not provided for audit.

In the circumstances, accuracy, completeness and propriety of the expenditure of Kshs.4,714,000 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 - Butula 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.

Emphasis of Matter

Unsupported Project Management Committee (PMC) Bank Balances

Note 17.4 to the financial statements reflects Project Management Committee (PMC) account balances totalling to Kshs.34,375,551 which, as disclosed in Annex 5, comprise of balances held by Project Management Committees in eighty-one (81) bank accounts. However, cash books, certificates of bank balance, bank statements and bank reconciliation statements from the Project Management Committees were not provided to support the balances.

In the circumstances, completeness and accountability of the funds totalling to Kshs.34,375,551 could not be confirmed.

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 reflects receipts budget and actual on comparable basis amounts of Kshs.242,765,416 and Kshs.228,685,116 respectively, resulting to under-funding of Kshs.14,080,300 or 6% of the budget. Similarly, the statement reflects actual expenditure of Kshs.198,534,958 against approved expenditure of Kshs.242,765,416 resulting to under-performance of Kshs.44,230,458 or 18% of the budget.

The under-funding and under-performance affected the planned activities and may have impacted negatively on service delivery to the public.

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. Project Implementation Status

During the year under review, the Fund planned to implement seventy-three (73) projects valued at Kshs.127,019,363. However, as at 30 June, 2022, fifty (50), or 68% of the projects valued at Kshs.67,812,943 had been completed while twenty-three (23) or 32% of the projects valued at Kshs.59,205,734 were still on-going.

In the circumstances, value for money was not obtained from the 23 projects which were still on-going.

2. Failure to Submit Quarterly Reports on Project Management Committee (PMC) Bank Accounts

The Fund Management did not provide quarterly reports on status of the Project Management Committee accounts. This is contrary to Section 15(10) of the National Government Constituencies Development Fund Regulations, 2016, which requires the Officer of the Board seconded to the Constituency to keep a record of the bank accounts opened by a Project Management Committee and to table a quarterly report to a Constituency Committee on the status of the Project Management Committee accounts.

In the circumstances, Management was in breach of the law.

3. Broken Down but Serviceable Grader

Annex 4 to the financial statements on summary of assets register reflects assets worth Kshs.32,340,686 which includes transport equipment worth Kshs.24,855,520. Included in the transport equipment is a grader purchased in 2009 at a cost of Kshs.18,005,520. Physical inspection carried out during the audit revealed that the grader had broken down and was lying at the offices of Butula Sub-County Commissioner. Though the asset register indicates that the grader is serviceable, service logbook (GP55), ownership logbook, mechanical inspections reports, or bonding documents were not provided for audit.

In the circumstances, value for money was not obtained from the broken-down grader.

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, except for the matter described in the Basis for Conclusion in Effectiveness of Internal Controls, Risk Management and Governance sections of my

report, I confirm that, nothing else has come to my attention to cause me to believe that internal controls, risk management and governance were not effective.

Basis for Conclusion

Lack of Internal Audit Reports

The Fund did not provide internal audit reports for audit from the internal audit department charged with the responsibility of auditing and giving reasonable assurance on financial matters and transactions of the Fund during the year under review.

In the circumstances, the effectiveness of the financial and non-financial performance management systems of the Fund could not be confirmed.

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 controls, 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 its 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 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 time 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 judgment 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

12 July, 2023