

REPORT OF THE AUDITOR-GENERAL ON NATIONAL GOVERNMENT CONSTITUENCIES DEVELOPMENT FUND - KILGORIS 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 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 the intended purpose.
- C. Report on Effectiveness of Internal Control, 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 National Government Constituencies Development Fund - Kilgoris Constituency set out on pages 1 to 35, which comprise of the statement of financial assets and liabilities as at 30 June, 2022, and the statement of receipts and payments, 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 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 the National Government Constituencies Development Fund - Kilgoris 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 do not comply with the National Government Constituencies Development Fund Act, 2015 and Public Finance Management Act, 2012.

Basis for Adverse Opinion

1.0 Variances Between Financial Statement Amounts and Supporting Schedules

The financial statements reflected amounts that differed with the supporting schedules as detailed below:

Description	Amount as per Financial Statements (Kshs.)	Amount as per Supporting Schedules (Kshs.)	Variance (Kshs.)
Transfers to Primary Schools	40,900,00	39,700,000	1,200,000
Bursary to Tertiary Institutions	13,418,221	17,343,084	3,914,863
Emergency Projects	5,599,863	7,549,863	1,950,000

Further, the summary of fixed assets registers reflected a historical asset balance of Kshs.23,585,569 which differed with the prior year comparative balance of Kshs.23,785,569 resulting to an unreconciled variance of Kshs.200,000.

In the circumstances the accuracy and completeness of the financial statements for the year ended 30 June, 2022 could not be confirmed.

2.0 Unsupported Compensation of Employees

The statements of receipts and payments reflects an expenditure of Kshs.1,651,118 in respect of compensation of employees as disclosed in Note 4 to the financial statements. However, the payroll and employee personal files were not provided for audit.

In the circumstances, the accuracy and completeness of compensation of employee's expenditure of Kshs.1,651,118 could not be confirmed.

3.0 Unsupported Use of Goods and Services

The statement of receipts and payments and disclosure Note 5 to the financial statements reflects an expenditure of Kshs.9,429,831 under use of goods and services. The amount of Kshs.9,429,831 includes cash withdrawals totalling Kshs.1,960,000 incurred on training on diverse dates. However, the cash withdrawals were not supported by names of persons trained and the nature of trainings was not disclosed.

In the circumstances, the accuracy and regularity of training expenditure of Kshs.1,960,000 could not be confirmed.

4.0 Other Grants and Transfers

4.1 Unsupported Bursary Payments

The statement of receipts and payments and as disclosed in Note 7 to the financial statements reflects other grants and transfers of Kshs.67,813,913. The amount includes bursary payments to secondary schools of Kshs.32,459,950 and tertiary institutions of Kshs.13,418,221 totalling to Kshs.45,878,171. However, the amount was not supported by a list of beneficiaries indicating the students' name, admission number, amount awarded, cheques number and name of institution.

In the circumstances, the accuracy and regularity of bursary payments of Kshs.45,878,171 could not be confirmed.

4.2 Unsupported Social Security Programme

The statement of receipts and payments reflects other grants and transfers of Kshs.67,813,913 which, as disclosed in Note 7 to the financial statements, includes an amount of Kshs.3,600,000 incurred on social security programmes under the National Hospital Insurance Fund. However, supporting documents including the vetting report, inter departmental consultation and advertisement notice were not provided for audit review.

In the circumstances, the accuracy and regularity of social security programme expenditure of Kshs.3,600,000 could not be confirmed.

5.0 Unsupported Cash and Cash Equivalents

The statement of assets and liabilities reflects a balance of Kshs.447,800 under cash and cash equivalents. However, the bank reconciliation statement reflects payments in cashbook not recorded in bank statement (unpresented cheques) of Kshs.8,806,735, out of which cheques totalling Kshs.856,996 were stale and had not been written back into the cashbook. Further, the bank reconciliation statements also reflects payments in bank statement not recorded in cashbook of Kshs.400,800 whose breakdown was not provided for audit review.

In the circumstances, the accuracy and completeness of cash and cash equivalents balance of Kshs.447,800 could not be confirmed.

6.0 Unreconciled Project Management Committee Bank Balances

Note 17.4 to the financial statements reflects Project Management Committee bank balance of Kshs.19,211,789. However, Annex 5 to the financial statements reflects Kshs.21,932,695, resulting to an unreconciled variance of Kshs.2,720,906. Further, the cash books, bank reconciliation statements and quarterly reports to the Constituency Development Fund Committee on the status of the project management committee

accounts were not provided for audit. In addition, expenditure returns for the balance brought forward of Kshs.15,795,806 were also not provided for audit review.

In the circumstances, the accuracy and completeness of the project management committee bank balance of Kshs.19,211,789 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 - Kilgoris 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 adverse opinion.

Other Matter

1. Budgetary Controls and Performance

The summary statement of appropriation reflects a final budgeted receipt of Kshs.182,590,412 and actual receipts of Kshs.170,501,533 respectively resulting to an underfunding of Kshs.12,088,879 or 7% of the budget. Similarly, the Fund spent Kshs.170,053,733 against an approved budget of Kshs.182,590,412 resulting to under-expenditure of Kshs.12,536,679 or 7% 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

Various prior year audit issues remained unresolved as at 30 June, 2022. Management has not provided reasons for the delay in resolving the prior year audit issues. This is contrary to the requirements of the Public Sector Accounting Standards Board reporting guidelines.

In the circumstances, Management has not complied with the reporting template.

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 section 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

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 the Effectiveness of Internal Controls, Risk Management and Governance sections of my report, based on the audit procedures performed, I confirm that, internal controls, risk management and overall governance were not effective.

Basis for Conclusion

Lack of a Risk Management Policy

The National Government Constituencies Development Fund - Kilgoris Constituency does not have in place a Risk Management Policy and risk register and therefore, has no approved processes and guidelines on how to mitigate operational, legal and financial risks. As a result, Management is not in a position to rank risks and allocate resources to mitigate them.

In the circumstances, the Fund is exposed to the risk of not achieving its set objectives for lack of formal procedures for identifying and mitigating such risks before they crystalize.

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 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 controls, 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 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 controls 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 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 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 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 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

25 July, 2023