

**OFFICE OF THE CHIEF LAND CLAIMS COMMISSIONER**

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Ms PC Ngwenya-Mabila (MP)

Chairperson of the Portfolio Committee on Rural Development & Land Reform

National Assembly

P. O. Box 15

**CAPE TOWN**

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Dear Ms Ngwenya-Mabila

**REPORT ON ACTIONS TAKEN BY THE CRLR TO ADDRESS THE ISSUES RAISED BY THE DEPARTMENT OF PERFORMANCE MONITORING AND EVALUATION**

On 26 February 2015, the Portfolio Committee on Rural Development and Land Reform (“the Portfolio Committee”) requested the Commission on Restitution of Land Rights (“the Commission”) to present a report on actions taken by the Commission to address issues raised by the Department of Performance Monitoring and Evaluation in its Evaluation Report, dated 24 February 2014, on the Restitution Programme (“the Evaluation Report”).

The progress report on the actions taken by the Commission is attached as **Annexure A**.

Yours sincerely

**MS N GOBODO**

**CHIEF LAND CLAIMS COMMISSIONER**

**DATE:**

**ANNEXURE A**

**PROGRESS REPORT ON THE IMPROVEMENT PLAN FOR THE RESTITUTION PROGRAMME**

1. **INTRODUCTION**
   1. Cabinet approved the National Evaluation Plan 2013/14 of the Department of Performance Monitoring and Evaluation (in the Presidency) which included the Evaluation of the Restitution Programme. The Evaluation Report on the Restitution Programme was finalised on 24 February 2014 (“the Evaluation Report”).
   2. The Evaluation Report recommended the following:
      1. A clear definition of the functions of the Commission as an autonomous entity dedicated exclusively to the administration of the restitution process.
      2. A definition of a detailed business process and its elaboration into Standard Operating Procedures (SoPs) which describe every step in the restitution process, and the roles and responsibilities of staff.
      3. The rationalisation of all different existing Management Information System (MIS) into a single, web-based system. The MIS should provide for the electronic management of every step in the business process and lay the basis for performance management and monitoring and evaluation (M&E).
      4. Provincial Restitution managers should be given responsibility (and budgets) for all non-capital aspects of their programmes.
      5. A competent and dedicated human resource capacity should be established within the Commission, independent of the Department of Rural Development and Land Reform. Performance management systems should be put in place which manages and rewards staff according to: the quality of research; adherence to agreed procedures and systems; the integrity of the claims process; the quality and the rate of settled claims.
      6. The current M&E system should be broadened to measure intermediate outputs of the settlement process as well as qualitative aspects. It should be used to capture and communicate best practice.
      7. The budget for the Restitution Programme needs to be re-considered. In the recent years, the budget for the Restitution Programme has been reducing; impacting on the CRLR’s ability to settle the outstanding claims. In line with this, should the second phase of restitution take place, the CRLR will require a greater operational budget than that which is currently available.
      8. (a) The current filing system must be cleaned up and systematised.

All future cases should be managed through the MIS, strictly in relation to the prescribed operating procedures and delegations.

1. All outstanding claims should be settled before any work begins on the processing of new claims.
2. The operating procedures and MIS must be updated to reflect the criteria for new claims before any new claims are processed, and all necessary training of staff provided.
   1. The Evaluation report was presented to Cabinet in November 2015. Cabinet found the Evaluation Report to be providing valuable information and which points to various weaknesses of the Restitution Programme.
   2. The Evaluation was one of three evaluations conducted on the Land Reform Programme. The DPME was instructed to develop a consolidated report, integrated co-ordination and the implementation plan. Cabinet requested the Minister to collaborate with the Economic Sectors, Employment and Infrastructure Development Cabinet Cluster (ESEID) with a view to strengthening and integrating the evaluation reports and that an integrated memorandum be submitted to the Cabinet Committee for the Economic Sectors, Employment and Infrastructure Development (ESEID) in due course.
   3. On 26 February 2015, the Portfolio Committee on Rural Development and Land Reform (“the Portfolio Committee”) requested the Commission on Restitution of Land Rights (“the Commission”) to present a report on actions taken by the Commission to address issues raised in the Evaluation Report.
3. **IMPLEMENTATION OF THE IMPROVEMENT PLAN**
   1. An Improvement Plan for the Restitution Programme was developed by the Commission and DPME. During the implementation
   2. The Commission adopted the MSP (Managing Successful Programmes) methodology as well as the People Centred Implementation (PCI) methodology which is the change management methodology.
   3. The MSP provides a coherent governance structure that addresses the issues of linking business strategy, organizational change and project delivery by establishing clear sets of accountabilities and responsibilities that cover not only the projects and the control structure for the programme manager, but also ensure that there is clear ownership and accountability for delivering change through the role of business change managers.
   4. The following are the key programme steps that have been followed in the implementation of the Improvement Plan:
   * Development and signing of Programme Mandate
   * Programme Identification Step
   * Programme definition Step
   * Manage the tranches
   * Deliver the capability
   * Realise the benefits

# PROGRAMME MANAGEMENT PROGRESS

The planning and programme management documents have been developed:

3.1 The program mandate;

* + the mandate confirms leadership buy in and the support for the program to go ahead.
  1. The appointment of the senior responsible owner
  + the senior responsible owner (SRO), - which has been identified as the Chief Land Claims Commissioner - will be accountable to deliver the program and will report to the Minister through the Sponsoring group
  1. The programme governance structure
* The program governance structure consist of the most senior structure which is called the sponsoring group (chaired by the Minister or delegate) Deputy Minister, DG, CLCC, DDG Corporate Services, DPSA representative, National Treasury representative). This structure is followed by the program board which is chaired by the CLCC, program manager and business change managers (i.e. nominated RLCCs and Restitution Chief Directors), DDG Corporate Support Services.
  1. Change management strategy and approach is currently being finalized which will entail:
* A lessons leant report (desktop study) and approach for detailed lessons learnt the CRLR will undertake as part of programme definition
* A detailed program preparation plan
* The establishment of a program management office (PMO).

# PROGRESS REPORT ON THE IMPROVEMENT PLAN

Whilst the correct management methodology is being followed, key activities has been on-going and in many cases concluded.

Of the 61 individual tasks identified (listed in the tables below), 18 have been completed, 20 is not due yet, 16 has already commenced with the task being done partially or not yet completed whilst 7 are outstanding.

The detailed progress on each task is indicated in the tables below.

# MANDATE, POLICY AND PROCEDURES

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| --- | --- |
| Improvement Objective 1 | Recommendation 1  The clear definition of the functions of the CLCC  Recommendation 2  The definition of the detailed business process and its elaboration into the standard operating procedures |

| Outputs to achieve the objective | Priority  L/M/H | Activity to achieve output | Person/ institution responsible | By when? (Deadline) | Target | Embedded where | Budget available | Progress |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| 1.1 Clarification of mandate | H | Draft document with the legal mandate of the Commission with recommendation of our mandate for an executive decision re autonomy  (Reflect on virtual cycle process constraints, need to mention challenges,)  Update Vision, Mission, objectives if necessary | CLCC (DLCC) | ASAP – End September 2014 | Signed memo by the minister | Act | n/a | The legal mandate of the CRLR has been clarified by legal opinion.  A decision was taken by the Minister that the CLCC reports directly to him. The DG of DRDLR remains as the accounting officer.  The CRLR will present its own - separate from the DRDLR - Strategic Plan (with vision, mission etc.) to Parliament on 11 March 2015. |
| 1.2  Service level agreement (implementation protocol) | H | Post settlement support  Governance & Coordination (DAFF & DHS)  Budget  DAFF Restitution Fund | CLCC (CD: SDC) | End Dec 2014 | Service level agreement signed between CLCC and DRDLR and DAFF | APP & operational plans of the Dept. and The Act (S42C) | n/a | In progress – the CRLR, together with the DRDLR has entered into various discussions with DAFF to ensure alignment in budgets and goals in terms of APAP.  The relevant SLAs will follow. |
| 1.3 Business process mapping | H | Develop and get approval for terms for appointment of a business process analyst | CLCC (CD: RMS) | Detail  31 Dec 2014 | Approved detailed business process map and rolled out | CLCC Ops plan, APP, SP ToRs | Belgian funding – R2m+ ( Source additional funding) | Funding was not approved by the Belgian Technical Committee. Business process mapping has commenced by DRDLR Management Advisory Services, with detailed SOPs being drafted.  Business process mapping completed from a jurisprudence point of view. |
|  | Determine current practice in the different commission offices | CLCC (CD: RMS) | Commenced - to be finalised by 31 March 2015 |
| Review the current business process | CLCC (CD: RMS) | Commenced - to be finalised by 31 March 2015 |
| Develop and finalise commission business process | CLCC (DLCC) | Commenced - to be finalised by 31 March 2015 |
| Approve commission business process | CLCC | Commenced - to be finalised by 31 March 2015 |
| 1.4 Development of settlement models (3/4 per year) |  | Determine current practice in the different commission offices on settlement | CLCC (DLCC) | 31 March 2015 | Approved detailed settlement models  Approved, consolidated policy toolkit/Manual | APP & Ops Plan of CLCC | CLCC budget | Done |
| Develop draft settlement models for sugar, mining, conservation, forestry, high value agriculture | CLCC (DLCC) | Settlement models drafted for sugar and forestry sector. Models for other sectors to be finalised by 31 March 2015 |
| Engage and secure input from external role players on the draft settlement models | CLCC (DLCC) | On-going - *Due date 31 March 2015.* |
| Integrate input from internal and external role players and finalise settlement models | CLCC (DLCC) | On-going - *Due date 31 March 2015.* |
|  |  | Secure ministerial approval on the settlement model | CLCC | *Due date 31 March 2015.* |
| 1.5 Development of policy toolkit |  | Review the current Commission policies & align to the new business process | CLCC (DLCC) | 31 March 2015 | APP & Ops Plan of CLCC | Part of 2M Belgian funding | *Due date 31 March 2015.* |
| Engage stakeholders to input on the draft commission policies | CLCC (DLCC) | *Due date 31 March 2015.* |
|  |  | Integrate inputs from stakeholders and finalise policies | CLCC (DLCC) | *Due date 31 March 2015.* |
|  |  | Secure ministerial approval on the various policies | CLCC (DLCC) | *Due date 31 March 2015.* |
|  |  | Consolidate policies into a single policy toolkit/manual | CLCC (DLCC) | *Due date 31 March 2015.* |
| 1.6 Development and consolidation of SOPs | H | Draft standard operating procedures in line with new business process | CLCC (CD: SDC) | 31 March 2015 | Finalised Approved detailed SOPs and signed off | APP & Ops Plan of CLCC | Part of 2M Belgian funding | *Due date 31 March 2015.*  Commenced for certain key functions e.g. lodgement of claims |
| Engage and get input from stakeholders on the SOPs | CLCC (CD: SDC) | Commenced for certain key functions e.g. lodgement of claims |
| Integrate stakeholders input in the draft SOPs document | CLCC (CD: SDC) | Commenced for certain key functions e.g. lodgement of claims |
| Finalise the SOPs document | CLCC (CD: SDC) |  | To be finalised by 31 March 2015 |
| Secure CLCC’s approval of the SOPs | CLCC | To be finalised by 31 March 2015 |

# RESOURCES (INSTITUTION AND PEOPLE)

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| Improvement Objective 2 | Recommendation 4  Provincial Restitution Managers should be given responsibility and budgets for all non-capital aspects of their programmes  Recommendation 5  A competent and dedicated human resource capacity should be established…  Recommendation 7  The budget for the Restitution Programme needs to be reconsidered |

| Outputs to achieve the objective | Priority  L/M/H | Activity to achieve output | Person/ institution responsible | By when? (Deadline) | Target | Embedded where | Budget available | Progress |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| 2.1  Source more Funding | H | Linked to the mandate output  Internal DRDLR negotiations and Treasury negotiations | DG (CLCC) | End Oct 2014 | Adjustment budget approved | Adjustment budget bill | n/a | Done – allowances made for reprioritisation of budget during Adjustment Budget stage.  The operational budget allocated for 2014/15 was R366m but after the reprioritization, through the adjustment budget, it increased to R629,521m |
| 2.2 (Flowing from mandate) Development of a strategic plan for effecting and operationalization of autonomy (the *Establishment of an* Autonomous Commission) | H | Establish the Structure of the Autonomous Commission | CLCC (CD:RMS) | 31 March 2015 | Institutional form signed off by minister | labour law | Own funding  Belgium R2m | *Due date 31 March 2015.*  Head office restructuring has commenced with the splitting of research and policy functions. Reporting lines and core responsibilities of senior management at head office has also been reviewed and changed. |
| Develop organisation structure aligned to strategy and to the institutional form   * Job evaluation * Determine the source of Capacity for HR, Finance, Communication and SCM | CLCC (CD:RMS) | 31 October 2015 | Signed off organisational structure |  | Commenced for core job profiles e.g. research and policy. |
| Conduct skills audit | CLCC (CD:RMS) | 31 October 2014 | Skills audit concluded |  | Not yet commenced |
| Development of a human resource strategy   * Develop/train human resources | CLCC (CD:RMS) | 31 Dec 2014 | Human resource strategy developed | CLCC | Discussions have commenced with service providers for a custom made course on restitution – will align with skills development audit i.e. gaps identified during this process |
| Establish a draft budget structure | CLCC (CFO) | 31 March 2015 | Drafted budget structure | CLCC | *Due date 31 March 2015.* |
| 2.3 Delegations for non-capital/ operational aspects in place (legal S42D, PFMA, operational, administrative) |  | Explore delegation for immediate implementation (admin & legal) | CLCC (DLCC) | End Sept 2014 | Draft delegation approved |  |  | Completed: Delegations in place for approval is S42Ds by CLCC.  Incomplete: Administrative functions identified for delegation. |

# TOOLS

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| Improvement Objective 3 | Recommendation 3  The **rationalisation of all different existing management information systems (MIS) into a single, web-based system.** The MIS should provide for the electronic management of every step in the business process and lay the basis for performance management and monitoring and evaluation (M&E).  Recommendation 6  **The current M&E system should be broadened** to measure intermediate outputs of the settlement process as well as qualitative aspects. It should be used to capture and communicate best practice. |

| Outputs to achieve the objective | Priority L/M/H | Activity to achieve output | Person/ Institution responsible | By When? (deadline) | Target | Embedded where | Budget available | Progress |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| 3.1 Data migration | High | Identify all claims in Landbase that must still be migrated the database | CLCC (OCIO, CD: SDC) | 20 June 2014 | All outstanding claim identified by 20 June 2014 | Operational Plan | Current internal resources | Done |
| High | Migration of all identified claims to the database | CLCC (OCIO, CD: SDC) | 31 August 2014 | 100% of outstanding claims migrated to the database by 31 August 2014 | Operational Plan | Current internal resources | Placed on hold due to resource restrictions i.e. IMU staff has been deployed to claims centres. Once all new capacity is in place, the process will recommence. |
| High | Update of all milestone data of the migrated claims | CLCC (OCIO, CD: SDC) | 31 March 2015 | 100% of outstanding claims migrated to the database by 31 March 2015 | Operational Plan | Current internal resources | *Due date 31 March 2015.* |
| Lodgement system | High | Finalisation of the development of the lodgement system | CLCC (OCIO, CD:RMS) | 30 June 2014 | Fully operational lodgement system in place by 30 June 2014 | APP, Operational Plan | Internal resources | Done |
| High | Upgrade of the network infrastructure in the 14 Lodgement offices | CLCC (OCIO, CD:RMS) | 30 June 2014 | Fully functional network infrastructure by 30 June 2014 | Operational Plan | Internal resources, Use current budget R1m | Done |
| High | Development of a training plan for the Lodgement system | CLCC (OCIO, CD:RMS) | End Sept 2014 | Comprehensive training plan developed by end Sept 2014 | Project Plan for lodgement system | Internal resources and current budget | Done |
| High | Implementation of a training plan for the Lodgement system | CLCC (OCIO, CD:RMS) | 30 Sept 2014 | Training plan implemented by 30 June 2014 and ongoing training provided to staff | Project plan for lodgement system | Internal resources and current budget | Done – further training via “train the trainer” for new staff joining the organisation |
| 3.3 Acquisition of mobile units | High | Appoint a service provider to build the mobile units | CLCC (OCIO, CD:RMS) | 5 September 2014 | Service provider appointed to build the mobile units by 5 September 2014 | Operational Plan | Current budget | Done |
| High | Receive and test mobile unit and internal systems | CLCC (OCIO, CD:RMS) | 15 November 2014 | Fully functional mobile unit with all problems resolved by 15 November 2015 | Operational Plan | Current budget | Done |
| High | Develop roll out plan for mobile units | CLCC (CD: LRS, CD: RMS) | 30 Nov 2014 | Roll out plan approved | Ops plan | Current budget (Belgian funding) | In progress |
| High | Roll out and implementation of mobile units in rural areas | CLCC (CD: LRS, CD: RMS) | Start on 30 November 2014 | 4 Operational mobile units that will process lodgement in rural areas | Operational Plan | Current Budget | To commence from 1 April 2015 |
| 3.4 System development and integration | High | OCIO to analyse the structure of the system, weak points, risks and lessons learned from the development of the Umhlabawethu system | CLCC (OCIO, CD:RMS) | 30 September 2014 | Evaluation report on the efficiency and effectiveness of the current system with recommendation – to avoid mistakes made – | Integrated management system programme | Additional funding required | Done |
| H | Integrate the lessons learned in the development of the new system | CLCC (OCIO, CD:RMS) | 30 September 2014 | Develop MIS requirements based on the evaluation report and business requirements by 31 October 2013 | Integrated management system programme | Additional funding required | System business plan developed |
| H | Business requirements and development of Terms of Reference for the new system | CLCC (OCIO, CD:RMS) | 15 November 2014 | Comprehensive and complete ToR and tender advert for the appointment of a service provider by 15 November 2014 | Integrated management system programme | Additional budget required | Outstanding |
| H | Appointment of a service provider to develop an integrated system | CLCC (OCIO, CD:RMS) | 15 December 2014 | A fully functional and integrated system which follow the SOP and provide M&E outputs | Integrated management system programme | Additional budget required | Not yet done |
| H | Implementation and rollout of a fully integrated system | CLCC (OCIO, CD:RMS) | 31 March 2015 | A fully functional and integrated system which follow the SOP and provide M&E outputs by 31 March 2014 | Integrated management system programme | Additional budget required | *Due date 31 March 2015.* |

# CHANGE MANAGEMENT

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| Improvement Objective 4 | Recommendation 5  **Performance management systems should be put in place** which manage and reward staff according to: the quality of research; adherence to agreed procedures and systems; the integrity of the claims process; the quality and the rate of settled claims. A competent and dedicated HR capacity should be established within the CRLR, independent of the DRDLR. |

| Outputs to achieve the objective | Priority  L/M/H | Activity to achieve output | Person/ institution responsible | By when? (Deadline) | Target | Embedded where | Budget available | Progress |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| 4.1 New standardised Performance management system | M | 1.1.1 Standardised performance agreements | CLCC (DDG: CSS, CD: RMS) | Mid term review – 30 Sept | Standardised PAs for Provinces (all generic posts) | APP & Ops Plan | n/a | Done for levels 12-15 (SMS)  On-going for levels 3-11 |
| 1.1.2 Revised assessment system | CLCC (DDG: CSS, CD: RMS) | 31st March 2015 | To have a revised assessment system compliant with DPSA regulations | PDMS policy | n/a | *Due date 31 March 2015.* |
| 1.1.3 Revised incentive system/ corrective action | CLCC (DDG: CSS, CD: RMS) | Mid term review – 30 Sept 2015 | Incentive system put in place and approved | PDMS policy | Operational – G&S | *Due at mid-term review (30 Sept 2015)* |
| 1.1.4 Integrated training plan/ recognition of experience | CLCC (DDG: CSS, CD: RMS) | Imm - training  End fin year - NQF | Integrated Training programmes in place in line with the revised PDPs | PDPs/ PIPs | Training budget – G&S | Commenced with identification of service provider |
| 4.2 Approved communication strategy | H | 1.2.1 Development of a comprehensive communication strategy | CLCC (DDG: CSS, DD: Comms) | End July 2015 | Comprehensive communication strategy signed off by CLCC end of this month or next | APP & Ops Plan | N/a | Done |
| 1.2.2 Rebranding of the Commission | CLCC (DDG: CSS, DD: Comms) | Mid term | Cooperate branding guidelines in place and implemented | Comms Plan | Not available | Largely complete – corporate identity guidelines in draft form |
| 1.2.3 External communication | CLCC (DDG: CSS, DD: Comms) | As in the communication plan | As in the communication plan | Comms Plan | Not available | An amount of R21mill has been transferred to the Department of Communications to roll out the external communication plan (up to end 14/15 after which additional funds will be availed) |
| 1.2.4 Internal communication | CLCC (DDG: CSS, DD: Comms) | As in the communication plan | As in the communication plan | Comms Plan | Not available | Internal communication in the form of a newsletter has been circulated as part of the change management activiites. |
| 4.3 Change management events | H | 3.1.1 Change management strategy & plan | CLCC (DLCC, CD: SDC, CD: RMS, CD: LRS) | End third term (end Dec) | Strategy and plan to be developed | Ops plan | Not available | Done |
| 3.1.2 Internal workshops | CLCC (DLCC) | As per strategy/plan | As per strategy/plan | n/a | Not available | Done and on-going |
| 3.1.3 External workshops | CLCC (DLCC) | As per strategy/plan | As per strategy/plan | Comms plan | Not available | Outstanding |
| 3.1.4 20th year celebrations | CLCC (CD: RMS) | November 2014 | National event to be held | Comms plan | Not available | Not done due to budget constraints |

**END**