

2017

Annual Activity Report



Impartial and Independent

Military Ombud Annual Activity Report 2017

Date of Tabling: *29 May 2018*



“We are not fighting against people, we are fighting against a system.”

- Oliver Tambo



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STATEMENT OF RESPONSIBILITY AND CONFIRMATION OF ACCURACY

To the best of my knowledge and belief, I confirm the following:

- All information and amounts disclosed throughout the Annual Activity Report are consistent.
- The Annual Activity Report is complete, accurate and is free from any omissions.
- The Annual Activity Report has been prepared in accordance with the guidelines on Annual Reports as issued by National Treasury.
- The Financial Expenditure Report have been prepared in accordance with the cash standard and relevant frameworks and guidelines issued by the National Treasury.
- The Military Ombud is responsible for establishing, and implementing a system of internal control designed to provide reasonable assurance as to the integrity and reliability of the performance information, the human resources information and the expenditure report.
- In our opinion, the Annual Activity Report fairly reflects the operations, performance information, the human resources information and financial affairs of the Office of the Military Ombud for the financial year which ended 31 March 2018.



(LT GEN (RET) T.T. MATANZIMA)
MILITARY OMBUD

Part A



General Information



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OFFICE OF THE MILITARY OMBUD GENERAL INFORMATION

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LIST OF ABBREVIATIONS / ACRONYMS

A	APP	Annual Performance Plan
	AOMA	African Ombudsman and Mediators Association
	AD	Assistant Director
	AMHU	Area Military Health Unit
	ASB	Army Support Base
	AORC	African Ombudsman Research Centre
	AWOL	Absent Without Leave
B	Brig Gen	Brigadier General
	BMT	Basic Military Training
C	CTC	Combat Training Centre
	CFO	Chief Financial Officer
	Cpl	Corporal
	C SANDF	Chief of the South African National Defence Force
	CHR	Chief of Human Resources
	CDLS	Chief Defence Legal Services
	CMS	Case and Matter Management System
	CD Ops	Chief Director Operations
	CCS	Chief Corporate Support
	COD	Council on Defence
D	DOD	Department of Defence
	DPSA	Department of Public Service and Administration
	DMO	Deputy Military Ombud
	DCAF	Democratic Control of Armed Forces
	DRC	Democratic Republic of Congo
	DLS	Director Legal Services
E	EXCO	Executive Committee
	ENCA TV	e-News Channel Africa
	ETV	Educational Television
F	FY	Financial Year
G	GLIS	Group Life Insurance Scheme
	GCIS	Government Communication Information Services
	GRC	Governance Risk and Compliance
	Gp	Group
	GTAC	Government Technical Advisory Centre
H	HR	Human Resources
	HQ	Head Quarters

I	ICOAF	International Conference of Ombuds Institutions for the Armed Forces
	IOI	International Ombudsman Institutions
J	JSB	Joint Support Base
	JSCD	Joint Standing Committee on Defence
L	Lt Gen	Lieutenant General
	Log	Logistic
	L Cpl	Lance Corporal
M	MOD&MV	Minister of Defence and Military Veterans
	Maj Gen	Major General
	MDC	Military Discipline Code
	MSDS	Military Skills Development System
	MOU	Memorandum of Understanding
	MANCO	Management Committee
	MTEF	Medium Term Expenditure Framework
	MTR	Military Training for Ratings
	MTSF	Medium Term Strategic Framework
N	NT	National Treasury
O	OC	Officer Commanding
	OHS	Occupational Health and Safety
P	Pte	Private
	PSC	Public Service Commission
	PCD	Portfolio Committee on Defence
Q	Qtr	Quarter
R	Ret	Retired
S	SANDF	South African National Defence Force
	SAN	South African Navy
	SA Army	South African Army
	SAAF	South African Air Force
	SAMHS	South African Military Health Services
	SMCS	Structure Management Control System
	SAI BN	South African Infantry Battalion
	SAPS	South African Police Services

S	SG	Surgeon General
	S Sgt	Staff Sergeant
	Sgt	Sergeant
	SLA	Service Level Agreement
	SP	Strategic Plan
	SITA	State Information Technology Agency
	SABC	South African Broadcasting Commission
	SCM	Supply Chain Management
	SecDef	Secretary for Defence
	2IC	Second in Command
	SMART	S pecific, M easurable, A chievable, R elevant and T ime-bound.
U	URS	User Requirement Specification
	UNCAT	United Nations Conventions Against Torture
	UNESCO	United Nations Educational, Scientific and Cultural Organisation
W	Wrt	With regards to
	WO1	Warrant Officer Class 1
	WO2	Warrant Officer Class 2

**FOREWORD BY THE MINISTER OF DEFENCE AND MILITARY VETERANS
(MOD&MV)**

THE HONOURABLE MS N.N. MAPISA-NQAKULA, MP



It is with great pleasure that I present the Annual Activity Report of the Office of the Military Ombud, on the achievements and progress made by the Office, to ensure the fulfilment of their commitment towards the realisation of the mandate as captured in the Military Ombud Act, 4 of 2012.

Section 11 of the Military Ombud Act states that the Ombud must, within 30 days after the end of each financial year, submit to the Minister an annual report on the activities of the Office during the previous year and that the Minister must table the report in Parliament within one month of receiving such report from the Ombud.

When the Office was launched a commitment was made to soldiers that the Office will be an independent and impartial entity that will resolve their complaints in a fair, economical and expeditious manner.

Although the Office is negatively impacted by the current economic recession their commitment towards the institutionalisation and implementation of the National Imperatives of Government as well as the “Batho Pele” principles are reflected in their dedication towards the execution of the mandate, namely the resolution of complaints.

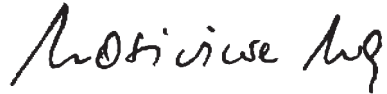
This 2017 Annual Activity Report reflects the achievements of this Office and most importantly the difference it has made in the lives of soldiers whose complaints were resolved and recommendations implemented by the Defence Force. It is encouraging to see that the Military Ombud continues to improve systems and procedures that ensure that members continue to have confidence and certainty of successfully lodging complaints and have them resolved.

I furthermore would like to extend a warm welcome to the first Deputy Military Ombud, Advocate R.P. Marivate and wish her prosperity in her new role.

In conclusion I would like to use a quote from the first Commander-in-Chief of the South African National Defence Force whose centenary we are celebrating in 2018, former President Nelson Rolihlahla Mandela who said: *“what counts in life is not the mere fact that we have lived. It is what difference we have made to the lives of others that will determine the significance of the life we lead”*.

Finally, I wish to thank the Military Ombud, Lt General (Ret) T.T. Matanzima and his dedicated team for their professional, sterling, transparent and ethical work.

We present the 2017 Annual Activity Report as contained herein.



(N.N. MAPISA-NQAKULA)

MINISTER OF DEFENCE AND MILITARY VETERANS, MP

FOREWORD BY THE MILITARY OMBUD

LT GEN (RET) T.T. MATANZIMA



This financial year has again offered many challenges as well as opportunities for the Office of the Military Ombud. Most notably, we were honoured to be involved in the process of preparing for the first International Conference of Ombuds Institutions for the Armed Forces (ICOAF) which will take place during the next financial year.

Since 2017 was declared the year of O.R. Tambo, we are inspired by his words when he said: “It was always my desire to strike new ground and help to lend weight where it was most required.” We look forward to striking new ground in the next financial year when we host the 10th ICOAF.

My Office receives a number of complaints each year from members of the SANDF concerning various issues associated with conditions of service. This annual activity report outlines our achievements in terms of operations, performance, human resources and the financial affairs of the Office of the Military Ombud for the financial year which ended 31 March 2018.

Our effort to make the SANDF accountable for its actions has given members who approached our Office the strength to continue to protect the sovereignty of this country. I will continue to work constructively with the Defence Force. I will hold them to account where I feel they fell short, however, I will be the first one to acknowledge any improvement I perceive.

This annual activity report continues to show that the issue of promotion and unfair dismissal within the Defence Force remains a pertinent issue that needs to be addressed vigorously by the employer.

The mandate of my Office is to provide a complaints resolution process to members and former members of the SANDF regarding their conditions of service and members of the public regarding the official conduct of soldiers. It is common cause that the footprint of the SANDF is visible all over South Africa and beyond our borders. As a result, at the beginning of the financial year we piloted a regional office project in Bloemfontein which proved to be a success. This move has encouraged my Office to consider developing a clear and substantial integrated strategy relating to satellite offices which must be aligned to the planning and budgeting processes of government.

I am glad that we have a strong team of women and men who are equal to the task of delivering the best service. Motivated by a greater sense of urgency, integrity and transparency, we will achieve our objective of assisting more people in solving their grievances.

One of the challenges that we continue to be faced with as an Office, is the issue of independence. As evidenced when we conduct our Outreach Programme we are inundated by the question of independence. The fact that we are 'seen' to be a part of the Department of Defence erodes the confidence of some members who would like to approach our Office for help.

We reiterate the call that was made in the last financial year by the Minister of Defence and Military Veterans, Honourable Nosiviwe Mapisa-Nqakula to review and re-evaluate the current institutional arrangements. We would also like to show our appreciation to the former President of the South African Republic for appointing a Deputy Military Ombud Adv. Rendani Patience Marivate who has been with us since the 1st April 2017. The role that she plays is significant as we grow the Office to be a world leading independent institution.

We appreciate the unwavering support received by my Office from the Minister of Defence and Military Veterans as she continues to be a pillar of strength and support.



(LT GEN (RET) T.T. MATANZIMA)
MILITARY OMBUD

FOREWORD BY THE DEPUTY MILITARY OMBUD ADV R.P. MARIVATE

The Annual Activity Report 2017 of the performance of the Office of the Military Ombud reflects our activities during the financial year. It also underscores the fact that the Office has continued to pursue set objectives, such as to:

- Provide an independent, impartial and expeditious complaints resolution process.
- Investigate complaints from stakeholders expeditiously.
- Strengthen relations with strategic bodies such as being active members of the Democratic Control for the Armed Forces (DCAF) Foundation Council and African Ombudsman & Mediators Association (AOMA).
- Participate and promote the ombudsman system of good governance supported by a fully capacitated, efficient, effective and professional Office.
- Intensify our Outreach Programme.



This year the Military Ombud hosted an interactive successful Annual Military Ombud Symposium. The aim of the symposium was to deepen an understanding of the concept of ombudsmanship and its functionality. It was also designed to be an extension of the Office's outreach programme aimed at strategic stakeholders.

In our quest for excellence we continue to engage and build relationships with stakeholders. Through collaboration we are able to ensure our voice is heard when the situation demands. As such, we signed a Memorandum of Understanding (MOU) with the Defence Force Service Commission whose aim is to collaborate on similar issues faced by Members of the SANDF.

The Office attended the 9th International Conference of Ombuds Institutions for the Armed Forces (9ICOAF) where the Military Ombud delivered a paper on the topic, "Maximizing of the role of Ombuds Institutions within ethical and legal boundaries".

The Office has always considered Parliament an important strategic partner in the pursuance of South Africa's defence objectives, which are informed by domestic priorities. We value the constructive oversight role played by the Portfolio Committee on Defence (PCD) and the Joint Standing Committee on Defence (JSCD). We have

always endeavoured to keep the respective committees apprised of the developments in the Office of the Military Ombud.

My sincere gratitude is also extended to the officials in the Office who often worked extended hours and unselfishly behind the scenes to ensure the protection and promotion of good governance and accountability.

A handwritten signature in black ink, consisting of stylized, overlapping loops and a long horizontal stroke extending to the right.

(ADV R.P. MARIVATE)
DEPUTY MILITARY OMBUD

Part B



Strategic Overview



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STRATEGIC OVERVIEW

Vision

“A world leading, independent and impartial Military Ombud Institution”.

Mission

“To provide an independent, impartial and expeditious complaints resolution process for serving and former members of the SANDF and the Public to promote good governance”.



Annual Strategic Planning Worksession

Values

Organisational Values. The core values in support of the mission of the Office of the Military Ombud are:

- Accountability. We are responsible for our decisions and actions.
- Confidentiality. We ensure all information is treated with confidentiality.
- Commitment. We are dedicated to achieving the objectives of the organisation.
- Impartiality. We aim for fairness by striking a balance between conflicting interests and rights.
- Professionalism. We aim to provide highest quality service to all stakeholders.
- Integrity. We value ethical conduct and honesty.

To institutionalise the core values, within the Office an acronym was identified using all the first letters of the values identified, “**ACCIPI**” directly translated from Latin meaning: “to be received, to be accepted, and to be heard”.

Individual Values. In support of these values the following supporting values have been developed:

- Behaviour. We behave in a manner that engenders respect from our clients.
- Results Driven. We go the extra mile to ensure that the solutions that are developed adhere to and enhance organisational requirements.

- Teamwork. We take joint responsibility through teamwork.
- Excellence. We strive for excellence in all we do.
- Responsibility. We individually take responsibility for our actions.
- Care and Respect. We foster diversity; value our people; and treat each other with dignity and respect.

Legislative Mandate

The Office of the Military Ombud derives its mandate from the Military Ombud Act, Act 4 of 2012 and is reflected in the table below:

Table 1: Legislative Mandate

Legislation/Other Mandate Description	Key Responsibilities Imposed by Legislative Mandate
a.	b.
Military Ombud Act 4 of 2012	<ul style="list-style-type: none"> ✓ The Ombud must investigate complaints lodged with the Office. ✓ The Ombud must investigate a complaint economically, fairly and expeditiously without fear, favour or prejudice. ✓ The Ombud may resolve any dispute by means of mediation, conciliation or negotiations or in any other expedient manner. ✓ The Ombud must promote the observance of the fundamental rights of the members of the Defence Force. ✓ Establishment and maintenance of an appropriate Office Human Resource function. ✓ Establish and maintenance of an appropriate Office Financial Management function. ✓ Establishment and maintenance of an appropriate Reporting ¹ function. ✓ Development and implementation of policy in support of the Office mandate.
Public Finance Management Act, 1999 (Act No. 1)	<p>Section 36:</p> <ul style="list-style-type: none"> ✓ Furthermore, among other things, the Accounting Officer is to ensure the provision and maintenance of effective, efficient and transparent systems of financial and risk management and internal control in accordance with sections 13; 29 2 (a)(b); 38; 39; 40; 41; 42; 43; 44; 45; 46; 47(1)(a); 63; 64; 65; 81 and 89. ✓ Section 38 (a) (ii): A system of internal audit under the control and direction of an Audit Committee complying with and operating in accordance with regulations and instructions prescript in terms of section 76 and 77.

1. The reporting function include the compilation and submission of an Annual Performance Plan (APP), Annual Report on Activities (AR) and Quarterly Reports (Qrt Reports).

Part C



Performance Information



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PERFORMANCE INFORMATION

Introduction

Performance Management is a process which measures the implementation of the organisations strategy. It is also a Management tool to plan, monitor, measure and review performance of indicators to ensure efficiency, effectiveness and impact of service delivery by the Office of the Military Ombud.

The Office of the Military Ombud Annual Activity Report for the FY2017/2018 is presented herewith. The report details the ways in which the Office achieved the strategic objectives by means of meeting set obligations, providing capabilities, ensuring comprehensive administration and management of the Office.

A major impediment to the full implementation of the Annual Performance Plan (APP) targets is human resource capacity. The institution has been engaging in discussions on finding ways to work smarter with the limited resources at its disposal.

Mandate

The mandate of the Office as captured in the Military Ombud Act 4 of 2012 is to investigate complaints lodged in writing by –

- A member regarding his or her conditions of service;
- A former member regarding his or her conditions of service;
- A member of the public regarding the official conduct of a member of the Defence Force; or
- A person acting on behalf of a member.

Outcome

Through the Strategy Map , as depicted in figure 1 the mandate of the Office is translated into the following outcome:

- Fairly and Expeditiously Resolved Complaints.

Strategic Outcome Orientated Goals

In pursuit of its legislative mandate, vision and mission the Military Ombud's work was informed by three (3) strategic objectives during the 2017 financial year. These

strategic objectives constitute the pillars to focus on organisational energies, decisions and performance management.

Informed by the logical framework planning methodology (figure1) entailed in the Treasury Guidelines, the strategic objectives collectively seek to generate the desired impact for the realisation of the organisational vision. These were further supported by strategies which were devolved into programmes with each programme's strategies geared at generating the outputs that will collectively achieve a given strategic objective. The following key strategic objectives informed the work of the Office of the Military Ombud in 2017:

- Strategic Objective 1: To ensure strategic direction to the Office of the Military Ombud in-line with Governments intent and expectations.
- Strategic Objective 2: To enhance and maintain corporate operations within the Office of the Military Ombud.
- Strategic Objective 3: To administrate Military Ombud resources as prescribed in the regulatory framework.

Figure 1: Logic Result Based Model

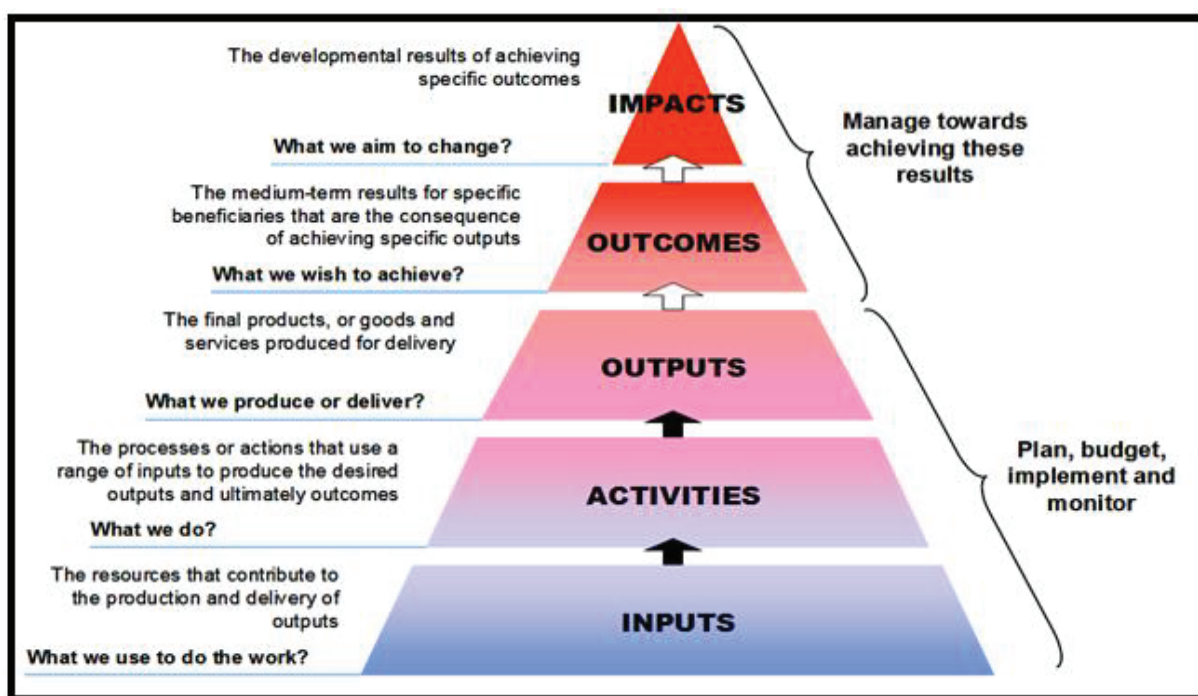
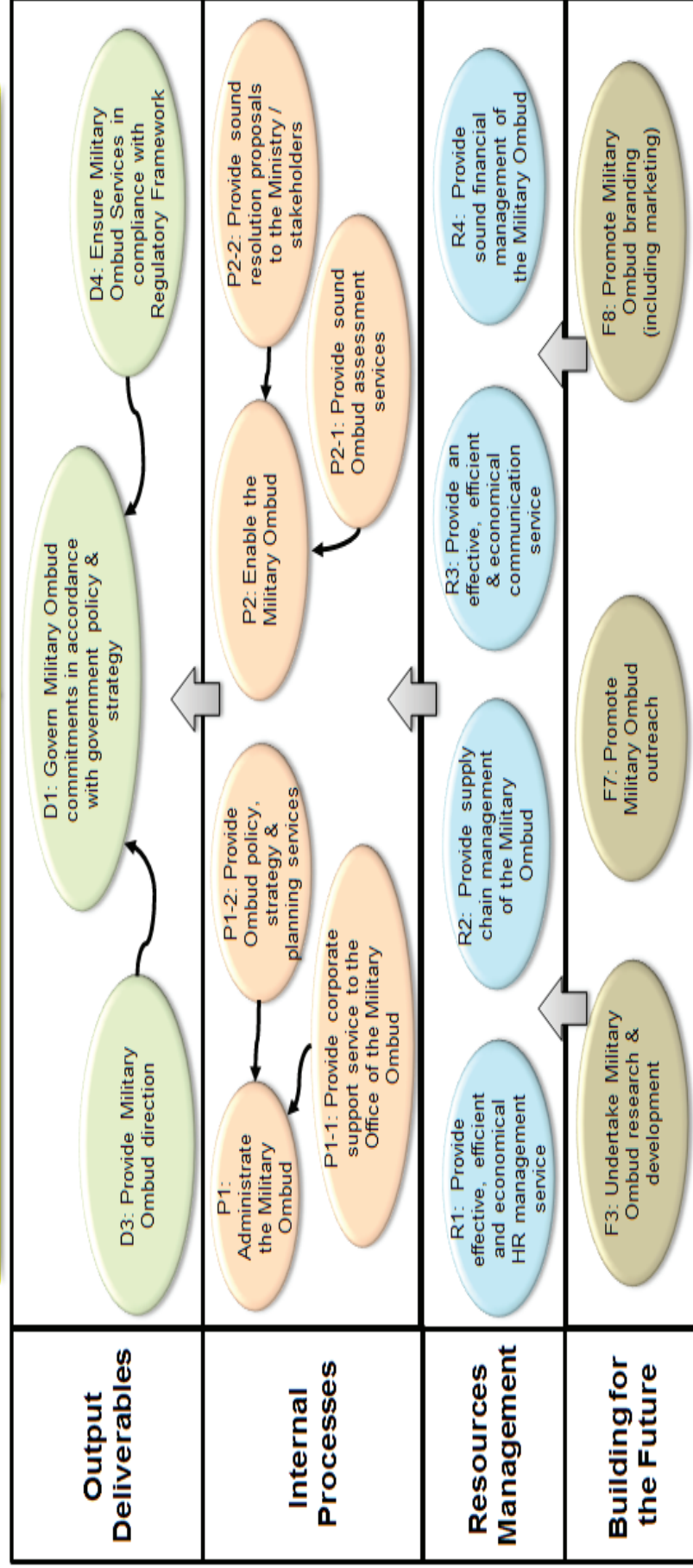


Figure 2: Military Ombud Strategy Map

South African Military Ombud

Fairly and Expeditiously Resolved
Complaints



Overview of the Office Performance

Table 2 : Office Performance versus Annual Targets

Strategic Objective	Purpose	Programme Outputs	Measureable Indicator	Annual Target	Performance Results	Reason for Deviation	Comments
a.	b.	c.	d.	e.	f.	g.	h.
To ensure strategic direction to the Office of the Military Ombud in line with Governments intent and expectations.	To develop and maintain strategy and policy in support of the mandate of the Office of the Military Ombud.	To manage Military Ombud policy by providing credible policy direction.	Percentage compliance to Policy on Policy.	70%	65.7%	The non-compliance to set timelines wrt inputs on proposed policies and procedures as well as the lengthy approval process impacted negatively on the output.	
		To provide strategic planning, risk management and performance monitoring and evaluation function.	Percentage compliance with submission dates of accountability documents.	100%	100%		The Office is fully comply as the 2016 Military Ombud Annual Activity Report was tabled on 31 May 2017 and the 2018 APP was tabled on 8 March 2018.

Strategic Objective	Purpose	Programme Outputs	Measureable Indicator	Annual Target	Performance Results	Reason for Deviation	Comments
a.	b.	c.	d.	e.	f.	g.	h.
		To ensure an optimal and cost effective organisational structure.	Percentage compliance to organisational requirements.	70%	20%	The Office engaged with DPSA, NT (GTAC), and MOD&MV wrt this matter. The proposed way forward was presented to the MOD&MV during COD meeting where after the Office was told to prepare a follow up briefing. The Office is awaiting new presentation date.	
To enhance and maintain corporate operations within the Office of the Military Ombud.	To establish and maintain an Office to effectively manage the function of registering, analysing, investigating and resolution of complaints.	To investigate and ensure that complaints are resolved/finalised in a fair economical and expeditious manner.	Percentage of written complaints finalised within the Office of the Military Ombud.	70%	84%		The Military Ombud had an increased inflow of complaints during the financial year. Some of these did not require a full investigation and could be finalised during the Intake phase.

Strategic Objective	Purpose	Programme Outputs	Measureable Indicator	Annual Target	Performance Results	Reason for Deviation	Comments
a.	b.	c.	d.	e.	f.	g.	h.
		To provide effective and efficient legal services to the Office of the Military Ombud.	Degree to which timely, effective and efficient legal services are provided to the Military Ombud, Operations and Support Divisions.	70% of requested legal services provided.	50.6%	The 19.4% deviation can be attributed to lengthy litigation processes and delayed stakeholder responses.	
		To ensure an effective, efficient and economical communication service to the Office of the Military Ombud.	Status of public opinion of the Office of the Military Ombud.	80%	88.5%		
		To provide an effective, efficient and economical HR management service.	Percentage compliance with HR plan.	95%	97.8%		
The administration of Military Ombud resources as prescribed in the Regulatory Framework.	To establish and maintain an Office with efficient, effective and economical resource utilisation.	To provide a cost effective financial management service for the Military Ombud within the evolving regulatory framework.	Percentage compliance with allocated budget.	95%	95.7%		

Strategic Objective	Purpose	Programme Outputs	Measureable Indicator	Annual Target	Performance Results	Reason for Deviation	Comments
a.	b.	c.	d.	e.	f.	g.	h.
		To optimally direct Supply Chain Management of the Military Ombud with the allocated budget in accordance with policies, procedures and prescripts.	Percentage compliance with allocated logistic budget.	95%	74%	The reasons for the 21% deviation is as a result of delays in the procurement process, failure of suppliers to deliver ordered goods and cancelations of orders.	
		To ensure the effective, efficient and proper use of Military Ombud Information and Communication Technology in accordance with legislation.	Percentage down time versus connectivity.	95%	95%		
		To provide an effective and efficient facility and organisation security service in accordance with legislation and policy.	Percentage compliance to the Security Policy.	70%	62%	The reasons for the 8% deviation is as a result of provision that was made in Sept 2017 for the furniture supplier to have access to the building when phase 1 furniture was delivered. All	

Strategic Objective	Purpose	Programme Outputs	Measureable Indicator	Annual Target	Performance Results	Reason for Deviation	Comments
a.	b.	c.	d.	e.	f.	g.	h.
						the magnetic locks on the doors where disabled to allow free access to the labourers.	

Part D



Impartial and Independent

GOVERNANCE

Introduction

The Office of the Military Ombud is responsible for monitoring standards of sound corporate governance and fully endorses the application of the recommendations of the King Report on Governance.

The Office is furthermore committed to the governance processes that give assurance to stakeholders that the operations of the Office of the Military Ombud are conducted, managed and maintained effectively, efficiently, transparent and ethically within prudent risk parameters in pursuit of best practices to ensure optimised utilisation of the Office resources.

In pursuit of good “Corporate Governance” the Office continually strives to enhance its internal controls and to be more effective and efficient in the application of management practices and adherence to the regulatory framework. The internal controls are continuously monitored and reviewed in order to ensure timely mitigation of emerging risks.

Governance Structures

The Office of the Military Ombud established a corporate governance structure to:

- enhance accountability,
- ensure timely and accurate disclosures,
- deal fairly with stakeholder interests, and
- maintain high standards of business ethics and integrity.

The following governance structures have been institutionalised within the Office of the Military Ombud:

Table 3 : Governance Structures within the Office of the Military Ombud

Governance Structure	Function/Aim	Frequency	Chairperson	Number of Meetings during the Reporting Year
a.	b.	c.	d.	e.
Executive Meeting (EXCO)	To provide strategic direction to the Office of the Military Ombud	Quarterly	Military Ombud	3

Governance Structure	Function/Aim	Frequency	Chairperson	Number of Meetings during the Reporting Year
Military Ombud Dashboard	To act as an oversight body ensuring standardisation and compliance to service delivery standards.	Quarterly	Military Ombud	6
Management Meeting (MANCO)	To outline the terms of reference for MANCO and develop an ongoing partnership / trust between Operations Chief Directorate, Legal Services, Executive Office and Corporate Support, enabling the organisational entities to co-ordinate efforts geared towards improved accountability, governance, risk and compliance for effective, efficient and transparent reporting.	Monthly	DMO	6
Operations Management Meeting	The management and co-ordination of the Operations environments daily activities.	Monthly	CD Ops	11
Operations Dashboard	To provide guidance wrt the standardisation of complaints submitted.	Quarterly	CD Ops	4
Corporate Support Management Meeting	The management and co-ordination of the Corporate Support environments daily activities.	Fortnightly	Chief Corporate Support (CCS)	18

As part of continuous improvement and the Office's commitment to compliance, gaps were identified in the current governance structure and the following two (2) committees were identified and are in process of being established:

- Human Resource and Development Committee, and
- Internal Audit and Compliance Committee.

Risk Management

During the year under review the Office continued to dedicate and commit its efforts towards an improved and effective enterprise risk management approach. The transversal enterprise risks impact on the Office from the strategic output and outcome perspective, continued to be subjected to regular monitoring and scrutiny by the Management Forums and oversight governance structures such as the EXCO and MANCO.

The risk management process is aligned to the planning, budgeting and reporting process of the Office, striving towards the optimal achievement of its outputs. Regular risk assessments are planned for whereby strategic and operational risk registers are maintained and monitored.

The table below reflects the risk responses and progress made aligned to the strategic objectives of the Office.

Table 4 : Risk Responses and Progress Made

Strategic Objective	Risk Description	Risk Response	Progress Made
a.	b.	c.	d.
To ensure strategic direction to the Office of the Military Ombud in-line with Governments intent and expectations.	Military Ombud Act does not address the accountability framework.	The Military Ombud Act does not cover the scope of the Military Ombud function which influences the accountability framework, resolution enforcement and powers.	The legislative framework was reviewed in order to address issues relating to governance, accountability, institutional and financial independence. This review culminated as the point of departure to address the difficulties faced by the institution in this regard. The Office engaged with DPSA, NT (GTAC), MOD&MV, SecDef and CSANDF wrt the compilation of a business case to address the shortcomings and discrepancies identified in the legislative framework, governance and accountability structures.
To ensure strategic direction to the Office of the Military Ombud in-line with Governments intent and expectations.	Independence of the Office is at risk.	Credibility of the Office of the Military Ombud is compromised due to the lack of understanding and trust by all stakeholders.	The Office presented the challenges wrt independence at various meetings (Joint Standing Committee on Defence (JSCD), Portfolio Committee on Defence (PCD), and the Council on Defence (COD). During the presentation

Strategic Objective	Risk Description	Risk Response	Progress Made
a.	b.	c.	d.
			to the COD the MOD&MV requested a follow-up session and the office is still awaiting a date to be determined.
To enhance and maintain corporate operations within the Office of the Military Ombud.	Development of a Case and Matter Management (CMS) system.	The credibility, integrity and provision of management reports of complaints lodged and captured/registered are unreliable due to the limited availability of information.	The Office is currently assisted by the State Information Technology Agency (SITA) to develop a Case Management system. The Office is also involved in the e-gov project to ensure the electronic lodging of complaints.

Corruption and Fraud Prevention

Fraud and corruption represent potential risks to the Office of the Military Ombud assets, service delivery, efficiency and reputation. The Military Ombud does not tolerate corrupt or fraudulent activities whether internal or external.

Fraud results from a combination of opportunity, need/greed and attitude/culture. Three elements are common to all fraud perpetrators.

- Opportunity. Research has shown the opportunity to commit fraud results from the perpetrator having access to the assets at the point in time that the fraud is committed. Opportunity usually results from a lack of proper internal controls.
- Need/Greed. Results also show that fraud motivated by need is the highest when the economy is in a slump and greed when the economy is booming.
- Organisational Culture. Organisations that expect unreasonable performance standards, have little respect for controls, are not sensitised as to how serious fraud is, allow an employee to reason that it is his/her right to do the deed tend to have a higher incidence of fraud.

In order to enforce a zero tolerance attitude to corruption and fraud the Office drafted and institutionalised a corruption and fraud prevention strategy allocating roles and responsibilities to a number of employees within the Office.

Code of Conduct

All Military Ombud employees signed a code of conduct which is enforceable. Breaches of the code attract disciplinary action.

The code of conduct exists to provide direction to employees with regards to their relationship with the legislature, political and executive office-bearers, other employees and the public and to indicate the spirit in which employees should perform their duties.

The code of conduct is communicated to all staff and every employee is required to sign the code of conduct as part of their appointment conditions.

Part E



Executive Office



Impartial and Independent

EXECUTIVE OFFICE

Overview

This financial year 2017/18 was a crucial year for the Executive Office, as the organisation welcomed the appointment of the first Deputy Military Ombud (DMO), Adv. R.P. Marivate and her support staff. The appointment

of the Deputy Military Ombud allowed the Military Ombud to embark on a process of refining the strategic focus of the Office through delegation of key functions in order to assist him to effectively lead, guide and direct the development and implementation of the strategic direction to the Office, including oversight of Corporate Support Services, Communication Services and International Relations in line with the strategic objectives of the Office, thus strengthening good governance and accountability.



Executive Team

Swearing-In Ceremony of the first Deputy Military Ombud

The Executive Offices succeeded in its commitment to the provision of strategic support and results-based administrative management and optimal performance standards of efficiency, integrity and professionalism, implementation of operational plan and coordinating key governance structures such as the Executive Committee (EXCO) and Management Committee (MANCO).

As a matter of priority, the executive leadership intends to continually enhance the impact of the Military Ombud Office operations nationwide, first and foremost in context of continual performance monitoring and evaluation of service delivery in relation to the execution of the mandate of the Office, embarking on a nationwide outreach, education and awareness programs.

The Executive Office strived to further develop and strengthen stakeholder relations with international bodies such as African Ombudsman & Mediators Association (AOMA) and the Geneva Centre for the Democratic Control of Armed Forces (DCAF) Foundation Council, Public Service Commission (PSC), Public Protector South Africa, Health Ombudsman and the African Centre for the Constructive Resolution of Disputes (ACCORD).

Powers and Functions of the Military Ombud

The powers and functions of the Military Ombud and Deputy Military Ombud as prescribed in section 6 of the Military Ombud Act 4 of 2012 are:

- The Ombud must investigate complaints lodged with the Office in accordance with this section.
- A complaint must be lodged in writing with the Office in the prescribed manner.

- On receipt of a complaint the Ombud must register the complaint as may be prescribed.
- The Ombud must investigate a complaint fairly and expeditiously without fear, favour or prejudice.
- The Ombud may not investigate a complaint unless the Ombud –
 - Has in writing informed every other interested party to the complaint of the receipt thereof;
 - Is satisfied that all interested parties have been provided with such particulars that will enable the parties to respond to the complaint; and
 - Has afforded all interested parties the opportunity to submit a response to the complaint.
- For the purpose of subsection (1), the Ombud –
 - May summon any person to submit an affidavit or affirmed declaration or to appear before him or her to give evidence or produce any document that has a bearing on the matter before him or her;
 - May resolve any dispute by means of mediation, conciliation or negotiations or in any other expedient manner; and
 - Must promote the observance of the fundamental rights of the members of the Defence Force.
- After investigating a complaint, the Ombud must –
 - Uphold or dismiss the complaint, or issue an alternative resolution;
 - Recommend an alternative resolution to the Minister, or
 - Refer the complaint to the appropriate public institution for finalisation, if the matter falls outside his or her jurisdiction.
- If the Ombud upholds the complaint, the Ombud must recommend the appropriate relief for implementation to the Minister.
- The Ombud must immediately after finalisation of the investigation, and in writing, advise the complainant and any other affected person of the outcome of the investigation.
- The Ombud must perform any other function allocated to him or her under this Act.
- The Minister may assign to the Ombud any other additional functions which are not inconsistent with this Act.
- The Deputy Ombud must perform the functions of the Ombud if the Ombud is for any reason unable to perform his or her functions.



Military Ombud with Force Commander of the UN Organisation Stabilisation Mission in DRC (Lt Gen D. Mgwebi)



Military Ombud, Deputy Military Ombud and Public Service Commission Members



Military Ombud with 2IC of Joint Operational Kwazulu Natal Tactical HQ in Durban (Lt Col S.D. Dladla)



Military Ombud and Liberty Life Representative (Mr. V. Monyeki)



Military Ombud with OC DHQ Unit (Capt(SAN) J.T. Magonono)



Military Ombud and Defence Force Service Council Chairperson (Prof. E.L. van Harte)



Military Ombud with Representatives of Sanlam



Military Ombud with the Canadian Veterans Ombud (Mr. G. Parent)



Military Ombud, Deputy Military Ombud and Health Ombud (Prof. M. Makgoba)

Part F



Corporate Operations



Impartial and Independent

CORPORATE OPERATIONS

INTAKE, ANALYSIS AND INVESTIGATIONS

Introduction

The functions of the Operations environment can, legitimately, be divided into two (2) subsets. The primary function is to resolve complaints lodged in writing by:



Intake and Analysis Team

- Members of the SANDF regarding their conditions of service;
- Former members of the SANDF regarding their conditions of service;
- Members of the public regarding the official conduct of a member of the SANDF; or
- A person acting on behalf of the member of the SANDF.

The secondary function of the Operations environment is to provide an efficient, effective and economical communications service to the Office of the Military Ombud. This in practice encompasses a wide range of public relations and stakeholder engagement activities including, but not limited to, the following areas:

- Media services;
- Public relations;
- Outreach activities;
- Event management; and
- Branding and marketing.



Investigations Team

In order to maintain its operational edge and encourage innovation, the Operations environment also houses the research and development component for the Office of the Military Ombud. This component is intended to observe and study trends and patterns within the operational environment and thereby influence the quality of the service offered.

By virtue of the above functions, the Operations environment is at the coalface of service delivery within the Office and the performance information hereunder demonstrates how the environment has delivered on its binary mandate during the reporting period.

Statistical Overview

Number of Complaints Submitted. Over the past six (6) years a total number of **2054** complaints have been registered. The table below indicates the detail wrt the complaints submitted, finalised and carried over.

Table 5: Six (6) Year Statistical Overview

Financial Year (FY)	Total Carried Over Cases	Total Cases Received in the FY	Total Case Load	Total Finalised	Active Cases at FY End
a.	b.	c.	d.	e.	f.
FY2012/13	0	307	307	117	190
FY2013/14	190	301	491	219	272
FY2014/15	272	279	551	318	233
FY2015/16	233	250	483	365	118
FY2016/17	118	310	428	236	192
FY2017/18	192	607	799	664	135

Of the reports finalised by the Military Ombud, six (6) reports have not been implemented by the Department of Defence (DOD).

Number of Complaints Submitted as per the Mandate of the Office. To ensure compliance to the mandate of the Office as prescribed in the Military Ombud Act the following number of complaints was submitted per category during the reporting year.

Table 6: Number of Complaints as per the Mandate of the Office

Category	Number of Complaints
a.	b.
A member regarding his or her conditions of service.	487
A former member regarding his or her conditions of service.	106
A member of the public regarding the official conduct of a member of the Defence Force.	13
Unknown.	1

Performance Information per Complaints Category. The complaints submitted were analysed and categorised to identify the problem areas and to provide feedback. The majority of complaints submitted are with regards to:

- Promotion, Demotion and Career Intervention;
- Service Termination; and
- Utilisation and Placement.

Table 7: Performance Information per Complaints Category

Category	Carried Over From FY16/17	Received in FY17/18	Total Case Load	Finalised in Year Received	Total Finalised	Number to be Carried Over to FY18/19
a.	b.	c.	d.	e.	f.	g.
Promotion, Demotion and Career Intervention	39	332	371	310	340	31
Utilisation and Placement	34	54	88	38	65	23
Service Benefits and Working Environment	40	48	88	37	72	16
Education, Training and Development	2	4	6	2	4	2
Remuneration	20	42	62	16	36	26
Grievance/Disciplinary Procedures	5	21	26	16	20	6
Service Termination	44	89	133	68	109	24
Other	2	2	4	1	2	2
Official Conduct of Member of the SANDF	6	15	21	12	16	5
Total	192	607	799	500	664	135

Where do Our Complaints Come From? In our quest to launch satellite/pilot offices throughout the country it is essential to monitor where the majority of complaints submitted comes from. The majority of complaints submitted during the reporting year came from the following provinces:

- Gauteng;
- Limpopo; and
- Kwa-Zulu Natal.

Table 8: Number of Complaints per Province

Province	Number of Complaints Received
a.	b.
Gauteng	185
Limpopo	167
Mpumalanga	31
Free State	43
Western Cape	52
North West	15
Kwa-Zulu Natal	79
Northern Cape	14
Eastern Cape	21
Unknown	0

Case Studies

Case 1: Core Service System (CSS) Appointment. A complainant was offered a five year CSS contract at the end of his Military Skills Development System (MSDS) contract. When he reported for duty after his vacation leave he was informed that his contract renewal was not approved and was instructed to leave the Unit. He was not paid his MSDS bonus which is usually paid to MSDS participants at the end of their two year contract. The complainant approached the Military Ombud for recourse.

The employer argued that the complainant's contract was not renewed due to his changed medical category (From G1K1 to G1K2). The complainant's MSDS bonus was only paid after the intervention of the Military Ombud. After investigating the complaint the following findings were made:

- A CSS 5 (five) year appointment letter was issued to the complainant which he accepted. A valid contract of employment therefore came into existence. The SA Army unilaterally repudiated the contract by making performance impossible.
- The MSDS appointment letters were signed by the GOC SA Army Infantry Formation and were issued prior to the approval of the schedule by the Chief of the SA Army.
- The SANDF had monitored the complainant's medical condition and declared it as under control.
- The exclusion of members from enlistment in the CSS on the basis of not being G1K1 is arbitrary, unfair and contrary to the JDP SG No 00002/2003.

The following recommendations were made which were accepted by the MOD & MV:

- The complainant was paid salaries effective from the offer date and allowed to complete his 5 (five) year CSS contract with the SANDF.
- A Board of Inquiry was appointed to investigate circumstances surrounding the signing and issuing of the SA Army Infantry MSDS appointment letters before the approval of the schedule.
- Instructions for CSS enlistment must provide for consideration of medical categories other than G1K1. Individual cases falling outside the G1K1 category must be assessed for suitability with the JDP SG No 00002/2003 as a guideline.

Case 2: Promotion. The complainant is a SANDF member who alleges that he was injured while on duty in 1997 and he became permanently disabled. His disability renders him unfit to work at sea. He alleges that he is due for promotion, however, his juniors and peers are being promoted and he is overlooked. The complainant's mustering is Radar Operator and he is currently stationed at SAS Simonsberg Maritime Warfare Training Centre as a Wildcat Simulator Operator which is a common (not mustering specific) post.

From the evidence obtained it was revealed that:

- The complainant is categorised as disabled and he does not meet the inherent job requirements any longer as per his Sea-going Mustering RO (Wet).
- The complainant is number six on the seniority list of Radar Operators (Wet) Chief Petty Officers and successfully completed the Military Training for Ratings Part 3 (MTR 3).
- According to his succession plan, the complainant is number 2 on the seniority name list of Naval Defence Act Personnel with disabilities.
- The complainant was offered a horizontal transfer into a Chief Petty Officer post at the Fleet Quality Assurance Directorate, which is an office administration type post in order to accommodate his special needs, but he declined the offer.
- The complainant's medical duty restriction was as follows: "no contact sport, strictly admin office duty only, no operational deployment and may not donate blood or organs".

According to the information obtained, there were no vacant posts suitable for members living with disabilities available at the time. The SA Navy stated that in the event that such posts exists in future, the complainant will be considered along with other members living with disabilities.

The complainant is number 2 on the seniority list of disabled members in the SA Navy. Due to the fact that the member is disabled the SA Navy is looking for a shore base senior post where he will be accommodated in terms of his disability.

The complaint was dismissed in terms of section 6(7)(a) of the Military Ombud Act 4 of 2012.

Case 3: Non-Renewal of CCS Contract. The complainant was granted a one year CSS contract after MSDS. In 2013, the first year under his CSS contract the

complainant committed misconduct (dereliction of duty) and disciplinary action was instituted against him by the SA Navy for the said transgression. This service contract was extended for one year pending finalisation of the disciplinary procedures that were instituted against the complainant. In 2014, a Probation Review Board decided to administratively discharge the complainant because he violated a clause in his contract which provided that a probationer must have committed no offences (military or civilian) during the probation period. It came to light that the complainant had also been accused of murder, assault and rape charges which were ultimately withdrawn by the Court or others not prosecuted because the SAPS could not locate the complainant. This Board also determined that the relevant Officer Commanding must monitor the disciplinary hearing and compile a confidential report on the complainant in order to determine the complainant's future employment. The complainant's contract was extended for another year because the Board was under the impression that the disciplinary matter was still in process. The Confidential Report was done and it painted the complainant in a generally positive light stating that he was suitable for future employment. Based on the decision to initiate administrative discharge, the complainant was issued with a letter notifying him of the SA Navy's intention to terminate his services and requesting him to make representations in this regard within a set date. The complainant duly responded by providing reasons why his services should not be terminated. Another meeting of the Probation Review Board that was held in 2015 determined that the complainant's contract should not be extended any further. In its deliberations the Board did not consider the confidential report. When the SA Navy received the complainant's representations, it was not forwarded to the Minister of Defence and Military Veterans for consideration. Subsequently the complainant was issued with a letter informing him that after consideration of his representation, the decision was taken to terminate his services.

This Office argued that the SA Navy created a reasonable expectation to the complainant that his services would not be terminated due to the extension of his service contract in 2013 and 2014 and the confidential report which was compiled to determine the complainant's suitability for further employment and ultimately reported that he was indeed suitable. However, this expectation was invalidated when the complainant was informed in writing of the SANDF's intention to terminate his services.

This Office also determined that the allegations of murder, rape and assault could not be considered because the complainant was not convicted for same. Furthermore, it was found that the SA Navy committed a procedural error by not presenting the complainant's representations against the intended termination of services to the relevant authority for consideration. However, the complainant's service contract terminated by effluxion of time in 2015. The SA Navy also did not inform the complainant that his contract would terminate within the prescribed 18 month period.

The notification of the SA Navy's intention to terminate the complainant's services was issued within 8 months of the date of expiry of his contract instead of the prescribed

18 months notification period. Therefore the Military Ombud recommended that the complainant be compensated 10 months at the rate of his salary, which was accepted by the Minister of Defence and Military Veterans.

Case 4: CSS Appointment. During MSDS the SA Army presented the complainant with an offer of appointment for a period of five (5) years under the Core Service System (CSS). In November 2015, the complainant was subsequently offered the contract of service, which he accepted. The contract of service had handwritten deletions changing the contract period of five (5) years to one (1) year. These changes were not co-signed by the complainant and the letter of appointment stipulated that the period of service was five (5) years. In January 2016, when the complainant reported for duty he was informed by his Officer Commanding that a Signal was issued promulgating that his appointment to CSS was not approved due to offences. During the investigation of the complaint it was discovered that the complainant was charged for assault but this was never pursued because, inter alia, the alleged victim refused to co-operate with the investigation. Furthermore, it became apparent that the alleged offence for which the complainant was prejudiced was not related to the alleged assault but to an allegation of Absence Without Leave (AWOL). SA Army Contract Board determined that the complainant be appointed for one year pending finalisation of the disciplinary case for AWOL against him. In December 2015, the SA Army decided to not approve the appointment of the complainant as he was reportedly charged for AWOL. The SA Army relied on the allegation of AWOL as grounds for not approving the complainant's appointment to CSS. However, no record could be found to substantiate the allegation of AWOL against the complainant.

The Military Ombud found that the contract between the complainant and the SA Army was valid. The service contract that was concluded was for a period of five (5) years and included a probation period of twelve (12) months. The complainant's right to just administrative action was infringed because the SA Army's termination of his services was unfair, unreasonable, and un-procedural.

Case 5: Promotion. The complainant, a member of the South African National Defence Force (SANDF) complained about the appointment procedures for the filling of a specific Major's post within the South African Military Health Services (SAMHS). She reported that the selection process was flawed in that her application was not considered and the candidate who was selected did not have the legal requirements for the post.

The complainant lodged a grievance and obtained an outcome for the grievance. The complainant was informed that a rectification process will take place, and that the post in issue will be re-advertised on the SAMHS website. Part of the rectification process was that Director Nursing had to ensure that the complainant was one of the candidates that must be considered for the post.

The complainant reported that the post was never re-advertised and instead the selection process was endorsed as having been fair and transparent.

The complainant approached the Office of the Military Ombud for relief. The Military Ombud investigated the complaint. During the investigation it was confirmed that the process for selection of the suitable candidate was flawed and the selected candidate indeed did not have the legal requirements for the post. It was established that the selected candidate was still in the process of obtaining the required qualification for the post. It was acknowledged that despite the flaws mentioned above the complainant did not have a legal right to the post. The complainant did however have a right to be considered for the post, more so because she had experience and possessed the required qualifications for the post.

Therefore, the Military Ombud upheld the complaint in terms of section 6 (7)(a) of the Military Ombud Act 4 of 2012 and recommended to the Minister of Defence and Military Veterans to direct that the complainant be considered for the next available vacancy for the rank of Major. It was further recommended that subject to the recommendation above, the Surgeon General (SG) be directed by the Chief of the South African National Defence Force (C SANDF) to find a suitable post within the geographical area amenable to the complainant. Furthermore, it was recommended that the SG be directed by the C SANDF to enter the complainant's name on the SAMHS's seniority list for Majors to reflect the correct seniority date, after promotion to the rank of Major.

It was furthermore recommended that the C SANDF should hold an enquiry to determine why the rectification process as directed by his Office was not given effect to by the SG and that the C SANDF should take such remedial steps as he may deem necessary for the undermining of his office.

Case 6: Working Environment. The Office of the Military Ombud received a complaint from a serving member alleging that on 30 August 2013 he was charged for committing fraud and theft. He lodged a complaint with the Military Ombud on 20 November 2017, wherein he alleges that it has been four years since he has been charged and his case has not been set for trial despite all the pre-trial proceedings being conducted.

The investigation by the Military Ombud found that the undue delay to set the complainant's case for trial was unfair and prejudicial in that it denied him his Constitutional right to a speedy trial and to have his case heard without unreasonable delay. The Office further found that the delay might have negative consequences on career advancement of the complainant because in terms of the SANDF policy a member who has a pending case is restricted from being promoted, attending courses or being deployed.

After the intervention by the Office of the Military Ombud, the complainant's case was put on a court roll for the purpose of trial.

Case 7: CSS Appointment. The complainant joined the SANDF MSDS training program on 09 January 2012 until 31 December 2013. He was not offered a Core Service System (CSS) contract based on a negative confidential report then he threatened or intimidated a senior member (Squadron Commander) on two occasions. During investigation, it was found that an informal inquiry on the first alleged misconduct against the member was made at Unit level, but the member was exonerated of any wrong doing. No record of the alleged second threat or intimidation against the senior member by the complainant was found.

It was found that the employer's decision was irregular and amounted to unfair labour practice.

It was recommended to the MOD & MV that the employer:

- Accept the positive conduct report for the period that the Complainant served under the Pretoria Regiment in favour of his military discipline; and
- Translate the Complainant into the Core Service System with a five (5) year CSS contract as was offered to all other MSDS at the same time that the Complainant's translation was considered.

Case 8: Non-Payment of Salaries. The complainant was appointed in the Reserve Force component of the SANDF as a Human Resource Clerk in 2008. She was tasked with performing filing and general administrative duties at 6 Medical Battalion GP.

She alleges that she was called up for service from 20 July 2015 to 04 September 2015. She further alleges that she was not paid for the period of the call-up allegedly because the call-up was not authorised.

She states that an application for the extension of the call-up was made and they were asked to carry on working pending the approval thereof. Upon realising that the approval is not forthcoming, the affected members were allegedly called to a meeting on 02 September 2015 wherein they were advised to apply for leave from 03 September 2015 and on 04 September 2015 they were further informed that the call-up is not approved.

We investigated the matter and it was established that at the end of the call-up, the complainant was requested or instructed to remain at work and perform her duties from 20 July 2015 to 04 September 2015.

It was recommended that the complainant be compensated for the period from 20 July 2015 to 04 September 2015 and that the DOD must ensure all the people entrusted with the duty to manage subordinates are regularly trained in HR related policies.

The SANDF accepted our recommendations and the complainant was awarded a monetary compensation to the amount of R16 970.71.

Case 9: Promotion. The complainant alleged that he was invited for a Warrant Officer Class Two (WO2) post in the Health Centre, Polokwane, as per correspondence dated 25 November 2011. In March 2012 he received a promotional signal that he is promoted to the military rank of WO2 with effect from 01 March 2012. Furthermore he was called in by the Officer Commanding for positive Office Orders and was congratulated on his promotion. He accepted the post and assumed duty on 8 March 2012. However, on 15 March 2012 a signal was sent to him informing him about the withdrawal of his promotion without any explanation.

The complainant further alleged that his unit (Officer Commanding) did not notify him to take off the ranks so he continued performing the duties of the post while wearing the Warrant Officer 2 ranks. The complainant feels that this has adversely affected his career development prospects. The complainant requests that his promotion to WO2 be backdated to 01 March 2012.

On completion of the evidence it was found that the SANDF erred in withdrawing the member's promotion and as a consequence, it was recommended that the complainant be promoted from the rank of S/Sgt to WO2 and be backdated with seniority from 01 March 2012. The SANDF was not opposed to our recommendations.

The complainant was promoted to WO2 and was backdated with seniority from 01 March 2012.

Case 10: Withdrawal of Appointment. The complainant had signed a contract of employment with the DOD and was appointed to a post of language practitioner. She was forced to stay away from work without a salary though she has not contravened any part of the contract or the law and no outcome has been reached that may support the decision to stay away from work.

As a result of the unlawful process (maladministration) she has been subjected to, she has suffered loss of income (earnings), loss of health insurance, damage to reputation and abuse of constitutional rights.

Recommendations were made to the MOD&MV to re-appoint the complainant to the post of language practitioner. The MOD&MV accepted the Military Ombud recommendations and the complainant was re-appointed in the SAMHS with effect

from 01 April 2017, she started working on 01 March 2018 with appointment backdated to 01 April 2017.

Case 11: Termination of Service. The complainant is a former member of the SANDF. He lodged his complaint with the Military Ombud asking to be re-instated and questioning the manner in which his court case was trialled. He alleges that on 9 March 2004 at Waterkloof Air Force Base he was arrested by Military Police with 16 pairs of stolen shoes worth R4000.00. He alleges that he was detained at SAPS police cells instead of Military barracks. He was sentenced by the Magistrate Court to 3 years direct imprisonment. In July 2005 he was released on parole. The complainant alleges that he served his sentence with dangerous criminals as he was trialled by a magistrate instead of a Military Judge. He wants the Military Ombud to assist him in obtaining appointment in the SANDF, as he has not committed any crime during the past 10 years.

The complaint was assessed and it was established that his case was decided on by a civilian court. The complaint was dismissed in terms of section 7 (1)(c) of the Military Ombud Act 4 of 2012.

Case 12: Conduct by a Member of the SANDF. The Military Ombud received a complaint from members of the public who are residents of Admirals/Mount Pleasant Simons Town in Cape Town. The complainants are complaining about the general anti-social behaviour by the residents of Waterfall Barracks. This allegedly includes foul language, racially offensive and sexual explicit lyrics coming from loud sound systems of motor vehicles at the barracks.

The complainants further allege that the Commanding Officer has no control over the barracks as the residents are allowed to publicly consume alcohol while shouting and revving motor vehicles even at night time. They reported that their constitutional and civic rights as residents are being abused by the residents of Waterfall Barracks.

The complainants approached the Military Ombud to appeal for assistance to resolve the matter and restore peace and quiet in their neighbourhood as no resolution was forthcoming in the dialogues they had with the Commanding Officers of Waterfall. Moreover, their engagements with the Military Police and the SAPS were not yielding any positive results.

The issues in the complainant's complaint were assessed and the following was determined:

- that although the conduct complained of is not necessarily “an official conduct” it points to a breakdown of discipline in the Unit and failure of command and control on the part of the command line of that Unit.

- section 200 of the Constitution directs that the SANDF must be “structured and managed as a disciplined military force”. A failure to fulfil this constitutional obligation constitutes “official conduct” which may cause reputational damage to the SANDF. This being the cause, it was concluded that this is a matter that should be brought to the attention of the CSANDF whose overall command and control of the SANDF is vested upon.
- section 6(7)(c) of the Military Ombud Act, 4 of 2012, was also applied since the Ombud is mandated to refer complaints to the appropriate institution for finalisation.

As a result of the above applicable law, the Military Ombud dismissed the complaint in terms of section 6(7)(c) of the Military Ombud Act, 4 of 2012 in order to give the CSANDF sufficient time to attend to the matter.

Case 13: Appointment as a Regular Force Member. The complainant is a reserve force member who alleges that she has been in the reserve force since 2013. She further alleges that on 21 February 2017 she was involved in a car accident with a Military Vehicle while on duty and her left arm was injured. The complainant was admitted to 1 Military Hospital and discharged on 21 February 2017. She was on sick leave from 21 February to 13 March 2017 and her call up expired on 30 March 2017. She was provided with a letter to access medical treatment from 06 April 2017 to 06 April 2018. She would like to be appointed as a regular force member.

The issues raised in the complaint were assessed and it was established that the complainant wants to be permanently employed by the Department of Defence. The Office of the Military Ombud determined that there is a lack of causality between the incident (injury on duty) and the relief sought by the complainant (appointment in the Regular Force) and declined to assume jurisdiction, as recruitment and appointment decisions are at the discretion of the C SANDF.

The Military Ombud dismissed the complaint and advised the complainant to apply for appointment as a Regular Force member through the normal process of recruitment.

Case 14: Appointment. The Office of the Military Ombud received a complaint from a former member of the South African National Defence Force (SANDF) complaining about appointment. The complainant is alleging that in 2009, she pleaded guilty to an offence she did not commit because she was informed that she will only be reprimanded and would receive her rank of a Lieutenant. The complainant further alleges that she attended the Officer Commanding's Disciplinary Hearing on 4 December 2009 and was charged under section 45(a) of the Military Disciplinary Code (MDC) and ordered to pay a R500-00 fine. She states that she received a letter dated 14 April 2010 from the South African Army Chief Directorate Army Force Preparations informing her that she must revert back to the rank of a Corporal.

The complainant also alleges that she submitted numerous letters to the Chief of the Army to appeal the decision and never received positive feedback. She became frustrated and eventually resigned from the Force on 30 November 2010. The complainant is of the view that the DOD failed to follow the right procedures during her disciplinary hearing and was forced to resign as a result of that. She wants to be re-appointed in the Force and sought the assistance of the Military Ombud

Our investigation established that the issues raised fall within the mandate of the Military Ombud to investigate, however, the Military Ombud was unable to assist the complainant as she voluntarily resigned from the employ of the SANDF. The complainant was advised to submit a written application to the Department of Defence's Recruitment Centre for consideration to be re-appointed in the SANDF.

Case 15: Application to Condone the Late Referral of a Complaint: Termination of Service. The Office of the Military Ombud received an application for condonation from a former member of the SANDF. On assessment it was identified that the complainant had served in the Force for the period 20 February 1987 till May 1994.

The applicant averred that he had wrongfully been terminated from the Defence Force in 1994. He alleged he had been forced to take up a severance package. He ascribes his wrongful termination due to a massive staff redundancy instruction which disregarded his pending medical discharge recommendation, after he had been injured while on duty in August 1993.

The Office of the Military Ombud considered this matter and dismissed this application due to the applicant not being able to provide adequate reasons for the excessive delay to file his complaint with the Military Ombud sooner and was further not able to demonstrate that he had taken plausible steps between his termination of service from the SANDF until the establishment of the Office of the Military Ombud to have his grievance addressed with any other suitable forum.

Case 16: Disciplinary Action (Short of Dismissal). The Office of the Military Ombud received a complaint from a serving member alleging that on 30 August 2013 he was charged for committing fraud and theft. He lodged a complaint with the Military Ombud on 20 November 2017, wherein he alleges that it has been four years since he has been charged and his case has not been set for trial despite all the pre-trial proceedings being conducted.

The investigation by the Military Ombud found that the undue delay to set the complainant's case for trial was unfair and prejudicial in that it denied him his Constitutional right to a speedy trial and to have his case heard without unreasonable delay. The Office further found that the delay might have negative consequences on career advancement of the complainant because in terms of the SANDF policy a

member who has a pending case is restricted from being promoted, attending courses or being deployed.

After the intervention by the Office of the Military Ombud, the complainant's case was put on a court roll for the purpose of trial.

LEGAL SERVICES

Introduction

The Legal Services Directorate continued to make a meaningful contribution and impact on the service delivery of the Office. The Directorate has experienced another successful year, characterised by good performance across all areas of work.



Our core purpose is to provide effective and efficient legal services to the Office of the Military Ombud by:

- reviewing and drafting legislation and legal documents,
- rendering legal support,
- provide legal advice, and
- litigation management services to the Office.

In so doing we are to ensure a meaningful impact on the overall mandate of the Office and the services it provides to the members and former members of the SANDF and relevant members of the public. Legal Services has used its resources efficiently and effectively to achieve this.

Achievements

During the FY2017/18 the directorate dealt with litigation management services including a number of legal drafting and advisory services by means of legal requests from various directorates and environments within the Office on a varied legal services model, which was implemented effectively during this year. Our commitment to ensuring the delivery of quality legal services to the Office continued through a process of ongoing training, skills development and the quality assessments of our work.

In this financial year the directorate continued to provide legal advisory services to ensure the Office rigorously complied with the regulatory and good governance

framework. The Directorate's strategic planning process highlighted important issues that contributed to shaping the future of the Office as an institution.

We see our mandate as the delivery of effective and efficient legal services to the Office as being key to increasing the proper and lawful execution of the mandate of the Military Ombud and increasing access to former and serving members of the SANDF and society at large.

- Legal Drafting. The Directorate has continuously contributed to the enhancement of complaints handling through the management of stakeholder relations by ensuring effective implementation of Memoranda of Understanding (MOU) and Service Level Agreements (SLA) that were signed in the previous and current financial year. While these MOU's and SLA's are being continuously reviewed for effectiveness and efficiency, new agreements were developed and signed to ensure significant stakeholder relationships are formalised and sustained.
- Litigation. The Office was involved with three(3) litigation matters, two(2) of which related to complainants seeking orders in the High Court for the implementation of the Military Ombud findings and recommendations and remained sub judice at the time of finalising this report.
- Legal Opinions. In the year under review the Legal Services Directorate continued to render proficient Legal Services to Corporate Operations, Corporate Support and the Executive Office and dealt with a variety of legal issues, some of which arose from separate and unique circumstances both in terms of complaints and institutional compliance and development.

The Legal Services directorate also embarked on a process of drafting the Determinations of Conditions of Services for the Office. After consultations with all the stakeholders, the Determinations were promulgated and gazetted on 21 July 2017.

We have managed to successfully achieve the majority of our targets due to our system of monitoring the quality of the legal services we rendered. We made an effort to build a knowledge management research database and repository which ensured access to substantial resources including electronic legal libraries, legal research documents and legal jurisprudence.



RESEARCH & DEVELOPMENT (R&D)

Introduction

The mandate of the Research & Development Unit was developed as follows:

“To provide effective and efficient research and development to the Office of the Military Ombud in order to enable it to deliver on its mandate within the regulatory framework.”

Strategy

The purpose of the Research and Development Unit, is to conduct research to:

- Contribute to the professional development and excellence of the institution of the Military Ombud,
- Help increase “the understanding, visibility and development of the mandate and powers of the Office, and
- Support and influence policy-making for the Office.

Research Material

The Research and Development (R&D) environment conducted research activities to improve existing complaints handling processes and mechanisms and other related policies and procedures in an effort to lead to the development of new mechanisms, policies and procedures.

R&D conducted research undertakings in an effort to make discoveries that can help develop new processes and procedures and or mechanisms towards enhancing pre-existing products or processes.

The various types of research material or products that emanated from these activities are, broadly:

- Institutional Review;
- Research Reports;
- Project Reports;
- Concept Papers;



- Pocket Papers;
- Conference Papers;
- Survey Reports / Tools; and
- Desktop Research (document search, organisation research).

Research Repository

R&D has established the Research and Development Centre within the Office to operate as a repository of institutional information for the Office with an effective operating procedure and efficient database for the use of all staff within the Office.

CORPORATE COMMUNICATIONS

Introduction

The aim of the Corporate Communications Directorate is to measure the public opinion of the Office of the Military Ombud communication services including policies, strategies, planning, products and services delivered prescribed by the Regulatory Framework.



Communications Team

The Communication Directorate implements and manages the communication processes and systems of the Office ensuring all strategic stakeholders are continuously informed of the Office programme of action, activities and policies by:

- Ensuring that the public is informed of activities pertaining to the Office of the Military Ombud;
- Facilitating effective communication support to the Military Ombud Office; and
- Enabling a two way asymmetric communication between the Office and its stakeholders in support of the Office outputs.

Overview

During the period under review, Corporate Communication Directorate, as the custodian of the brand, reputation and image of the Office of the Military Ombud, continued with its efforts to ensure stronger public awareness, understanding and support for the Office of the Military Ombud amongst its key stakeholders. This was done through various communication channels.

Media engagement and liaison ensured that key events were covered to showcase the capabilities of the Office. We have continued to have media presence in this saturated space, even as we face budgetary constraints. Our principals have been interviewed by different radio stations and positive articles about the Office were published in different media spaces.

We have through our Outreach Programme visited a number of military bases to interact with Members of the South African National Defence Force (SANDF) so that they could understand the mandate of our Office and procedures they need to follow when the need to make use of our services should arise.

As the technological world evolves we have also embraced the new way of communicating through social media platforms like Facebook and Twitter. A number of soldiers have used this platform to communicate with our Office.

As part of our Corporate Social Responsibility Initiative we have continued to support the Mokoena Orphanage in Olievenhoutbosch, Pretoria. We celebrated the Nelson Mandela Day on 18 July 2017 by donating time and groceries to the families of Mokoena Orphanage including staff members.

Stakeholder Interactions

A stakeholder is an individual or group with an interest in the success of an organisation and in its business, identifies with and acts in the best interest of the organisation.

Stakeholder collaboration has indeed bolstered the Office knowledge bank. The Office represents a link for citizens, current and former members of the SANDF to lodge complaints that relates to conditions of service and it's essential to work with other human rights organisations.

As a statutory mandate, the Office relies heavily on legal discourse and framework. As such technology and reliable information cannot be disregarded. The engagement, in January 2017, of the Competition Commission's Library Information Services was crucial. This benchmark shed more light on how international partnerships are forged, information outsourced and the advantages and disadvantages of copyrights. The

INTERNAL STAKE HOLDER INTERACTION

Heritage Day



World Aids Day



Employee Recognition Awards



EXTERNAL STAKE HOLDER INTERACTION

Mandela Day (Moekoena Orphanage)



Annual Symposium



modern use of e-books *vis-a-vis* technology was explored. The Office Research Centre's potential, innovation and operational effectiveness hinges on such practices.

Table 9: Internal Stakeholder Interaction Planned versus Achieved

Stakeholder	Date	Event	Outcome
a.	b.	c.	d.
Women in the Office of the Military Ombud	31 August 2017	Belated commemoration of the National Women's Day was celebrated with delegation from the Department of Defence who addressed all the staff members on the issue of transformation in a work place.	Achieved
Heritage Day with all staff members of the Office	29 September 2017	The Heritage Day was celebrated with a motivational talk by Pastor Leticia Dlamini who spoke on the issue of heritage and culture.	Achieved
Employee Recognition Awards with all the staff members	06 December 2017	An event that is aimed at recognising staff members who excelled in their duties above the call of duty and beyond expectations.	Achieved
Human Rights Day Presentation to all staff members.	26 March 2018	At this event a presentation on human rights was delivered by Mr Phillip Molekoa member of the South African Human Rights Commission.	Achieved



Defence Force Service Commission (DFSC) Bilateral



Public Service Commission (PSC) Bilateral



Health Ombud Bilateral

Table 10: External Stakeholder Interaction Planned versus Achieved

Stakeholder	Date	Event	Outcome
a.	b.	c.	d.
Mokoena Orphanage Home in Olievenhoutbosch	18 July 2017	Nelson Mandela Day commemoration in Olievenhoutbosch.	Achieved
Defence Service Commission	05 July 2017	Bilateral meeting between the Military Ombud and the Defence Service Commission with the signing of MoU between the two institutions.	Achieved
Health Ombud		Bilateral meeting between the Military Ombud and the Health Ombud	Achieved
Public Service Commission	20 April 2017	Bilateral meeting between the Military Ombud and the Public Service Commission with the signing of MOU between the two institutions.	Achieved
Annual Symposium Dialogue with Soldiers and other stakeholders	09 June 2017	The dialogue is to open discussions between private sector, military and security industry, captains of industry as well as other stakeholders.	Achieved
Golf day	01 September 2017	The objective of this event is to interact with stakeholders from the military and civil society in a relaxed environment. This event is also used as a platform to present the mandate of the office to participants.	Achieved

Military Golf Day



International Relations

International Relations continued to be another pillar of our strategic objectives, to improve external partnerships and promote the observance of fundamental rights of armed forces more effectively, efficiently and sustainably in line with our mandate. This objective was realised through on-going association and affiliation to international bodies such as Ombudsman and Mediators Association (AOMA) and Democratic Control of African Forces Council (DCAF).

The South African Military Ombud was accepted as an associate member of African Ombudsman and Mediators Association (AOMA) at the 11th Executive Committee meeting of AOMA held on 29th August 2016 in Windhoek, Namibia.

AOMA is a continental body established in 2003. It is an African Union affiliated umbrella organisation for Ombudsman and Mediators across the continent with a mission to advance and strengthen the institution of Ombudsman in Africa.

Furthermore, through its research arm, African Ombudsman Research Centre (AORC), the organisation seeks to promote mutual support, cooperation and joint activities of African Ombudsman offices through information sharing, training and development, and research facilitation.

The mandate of AOMA and DCAF and value derived from such partnerships further enhanced our joint efforts to promote good governance, rule of law and human rights as a collective in Africa and globally through inclusive knowledge sharing, training/workshops, conferences and participatory reforms based on international norms, legislative framework and good practices.

Through international engagements with other African Ombudsman there has been positive outcomes as some Ombudsman in Africa became more aware of our Office and its mandate and have developed a keen interest as they see value in promoting human rights within the armed forces including oversight function in relation to the implementation of conditions of service within the armed forces. These Ombudsman are willing to engage further to advocate for the creation of Military Ombuds Offices in their respective countries. However, one remains mindful of challenges and realities that establishment of military ombudsman offices in any country requires political will and adequate resource allocation.

In 2017/18 financial year, the Executive Office coordinated various bilateral and multilateral international engagements with AOMA and DCAF. A summary of these visits per membership and/or association are outlined below:

- Zambia: Upon invitation the Office participated in a strategic development and leadership training workshop conducted by Professor Victor Ayeni, from



Governance & Management Services International (GMSi), commissioned by the African Ombudsman & Mediators Association (AOMA) and hosted by the Zambian Ombudsman, Mmé Sokoni.

Judge Palan Mulonda, Constitutional Court Judge in Zambia, delivered a paper titled *The “Role of the Ombudsman Institution as a Human Rights Body: Study of the Various Resolutions passed by the United Nations General Assembly regarding the Role of the Ombudsman”*.

The training programme was relevant and beneficial as it addressed the wide-ranging issues required in strategic planning, management and leadership given the reality of many critical requirements when executing organisation strategy. The conference was partly sponsored by the International Ombudsman Institute (IOI).

- Geneva, Switzerland: DCAF Foundation Council Meeting: The Office took part in the 34th DCAF Foundation Council meeting. The Council meeting discussed and agreed on various issues of mutual concern, such as peace and security priorities, especially in sub-Saharan considering that the political and security situation in Mali has serious implications for the whole Sahel region and the fact that Mali has been one of the major priorities for the African Union (AU) and DCAF’s intervention, it was felt important that the Foundation Council hold a dedicated panel session on the country.

Panel discussion on Mali and the Wider Sahel focused on: *Results achieved, governance gaps, challenges and the role of the international community* was conducted and co-chaired by H.E. Aya Thiam Diallo, Ambassador and Permanent Representative of the Republic of Mali to the United Nations Office.



The challenge remains that Mali needs to concurrently navigate an unstable geopolitical environment, while finding its way back to peace and internal stability. The role of international support and partnership remains crucial.

- United Kingdom: The Office attended the 9th ICOAF Conference, London, United Kingdom. The purpose of the International Conference of Ombud Institutions for the Armed Forces (ICOAF) was to exchange knowledge and best practice related to the mandate, powers and functioning of Ombuds institutions for the armed forces and their evolving roles in the 21st century. The event was held under the theme “*Moral Compass of the Armed Forces: How Ombuds Institutions Can Break Down Barriers to Achieve Change*”.

The Military Ombud delivered a paper on the topic: *Maximizing of the role of Ombuds Institutions within ethical and legal boundaries*. The Ombud highlighted the importance of promoting high ethical standards in public

administration within the armed forces and beyond and the role of the Ombud institutions to do what is right, fair, equitable and impartial within the confines of the law.



AOMA Burundi Ombuds Workshop

South Africa, as a member state of the Democratic Control for the Armed Forces (DCAF) Foundation Council and an active participant of ICOAF was nominated by DCAF to host the 10th ICOAF Conference in October 2018.

ICOAF gathers representatives of Ombuds institutions for the armed forces from around the world. To date, representatives of

Ombuds institutions of over 50 countries have participated in the ICOAF initiative, which has been ongoing since 2009.

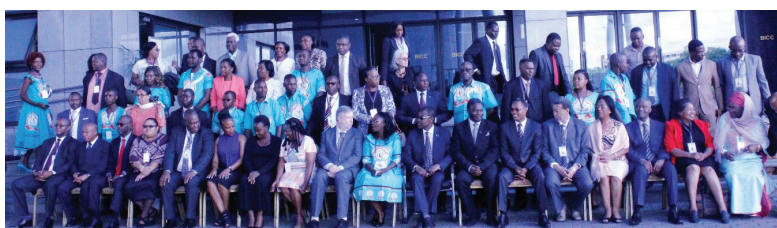
South Africa is the only country in Africa that has so far created a dedicated Office of the Military Ombud to deal exclusively with complaints emanating from current and former members of the Armed Forces; as well as members of the public regarding the official conduct of a serving member. It was therefore a great achievement that the invitation was extended to South Africa to host this important and prestigious event in 2018.

- Burundi: The Office attended a conference organised by AOMA under the theme “*The role of the Ombudsman in peace building and conflict prevention*” held in Bujumbura, Burundi. The conference was hosted under the patronage of His Excellency the President of Burundi in collaboration with the Burundian Ombudsman His Excellency Edouard Nduwimana and African Ombudsman Research Centre (AORC).

Africa today is experiencing wars and conflicts that have catastrophic consequences, especially on the most vulnerable segments of society: children, women, ethnic, religious, linguistic, cultural minorities, etc. In general, the conflicts observed in Africa are the result of two interrelated factors which are the endogenous causes, strictly internal to the country concerned, and the exogenous causes that result from outside interference in a domestic dispute of a State.

Ombudsman from different countries gathered together to exchange knowledge and expertise on their different roles and functions invested with a mission of finding solutions as they investigate and mediate between the public authorities, social actors and the general public in line with respective legislative or regulatory reforms.

- Malawi: Malawi Ombudsman, Madam Martha Chizuma hosted the first ever training conference in Malawi for Ombudsman institutions in Africa which was aimed at strengthening the institutions in the promotion of transparency, ethics



AOMA & IOI Malawi Governance Conference

and accountability. The training resulted from a European Union (EU)'s decision in April, 2017 to include Malawi Ombudsman institution in the EU-funded Chilungamo Programme. The Office was also invited to attend as part of AOMA member affiliate.

The objective of the training was to build and enhance competencies of the Ombudsman and their personnel in the promotion of good governance and accountability through information sharing and integrating various technical aspects of the work of the ombudsman.

The training was facilitated by Professor Victor Ayeni from Governance & Management Services International (GMSi). AOMA members and other conference delegates discussed ways of strengthening and re-aligning the role of ombudsman in a changing African environment and forging partnerships among ombudsman institutions.

The training was beneficial and relevant not only through information sharing, but ombudsman and delegates also discussed ways of improving transparency and accountability in the public sector which seemed to be common across Africa.

Outreach Programme

The outreach programme provides an opportunity for the Office to connect with citizens, current and former members of the SANDF in order to keep abreast of developments that may relate to the mandate of the Office, complaints handling process and procedures for lodging a complaint with the Office. During the reporting year a total number of 48 outreach events took place.

Table 11: Number of Military Units Visited per Province

Province	Number of Outreaches
a.	b.
Gauteng	26
Eastern Cape	03
Free State	03
Western Cape	01
North West	09
Kwa-Zulu Natal	04
Northern Cape	01
Total	48

Table 12: Outreach Programme per Province

Province	Base/Unit	Planned As Per Outreach Programme				Date Visited
		Qtr 1	Qtr 2	Qtr 3	Qtr 4	
2a.	b.	c.	d.	e.	f.	g.
Gauteng	Catering School	X				24 May 2017
	J Ops Division HQ		X			6 July 2017
	101 Air Supply Unit		X			13 July 2017
	Military Police School		X			17 August 2017
	National Ceremonial Guards	X				04 May 2017
	Airforce College		X			3 August 2017
	Area Military Health Formation		X			17 August 2017
	SA Army Infantry Formation	X				1 June 2017
	Technical Service Unit	X				28 June 2017
	SAMHS Training Formation (five units located in one base)	X				13 June 2017
	COLET	X				22 June 2017
	SA National War College	X				24 May 2017
	General Support Base		X			22 September 2017
	SA National War College		X			07 September 2017
	GSB Supply Service Support			X		18 October 2017
	Tshwane Regiment			X		25 October 2017
	Special Forces School			X		8 November 2017
	SA Defence Int Div			X		22 November 2017
	SA Defence Int College			X		29 November 2017
	Log Division HQ				X	23 January 2018
	DOD Inspector General				X	25 January 2018
	WO Academy				X	7 February 2018
	SA Army Int Formation				X	7 March 2018
	SA Army TRG Formation				X	14 March 2018
	SA Army Armour Formation				X	21 March 2018
	Military Psychology (MPI)				X	28 February 2018
Eastern Cape	ASB Eastern Cape			X		5 October 2017
	14 SAI Bn (Umtata)			X		6 October 2017
	Piet Retief Regiment				X	1 March 2018
Free State	Defence Mobilisation Centre	X				18 May 2017
	Regiment Bloemspuit	X				18 May 2017
	Military Police	X				19 May 2017
Western Cape	SA ARMY: Infantry School	X				7 June 2017
North West	10 SAI Battalion		X			14 July 2017
	J Tac HQ North West		X			13 July 2017
	4 Artillery Regiment		X			23 August 2017
	School of Artillery		X			23 August 2017
	ASB Potchefstroom		X			24 August 2017
	Works Regiment North-West		X			24 August 2017

Province	Base/Unit	Planned As Per Outreach Programme				Date Visited
		Qtr 1	Qtr 2	Qtr 3	Qtr 4	
2a.	b.	c.	d.	e.	f.	g.
	17 Maintenance Unit		X			24 August 2017
	71 Field Workshop		X			25 August 2017
	2 SAI Battalion		X			12 July 2017
KwaZulu Natal	ASB Durban	X				22 May 2017
	SAMHS	X				22 May 2017
	KZN Signal Unit	X				23 May 2017
	Defence Works Formation		X			04 July 2017
Northern Cape	DOD Ammunition Depot			X		27 October 2017



Part G



Corporate Support



Impartial and Independent

CORPORATE SUPPORT

Organisational Structure

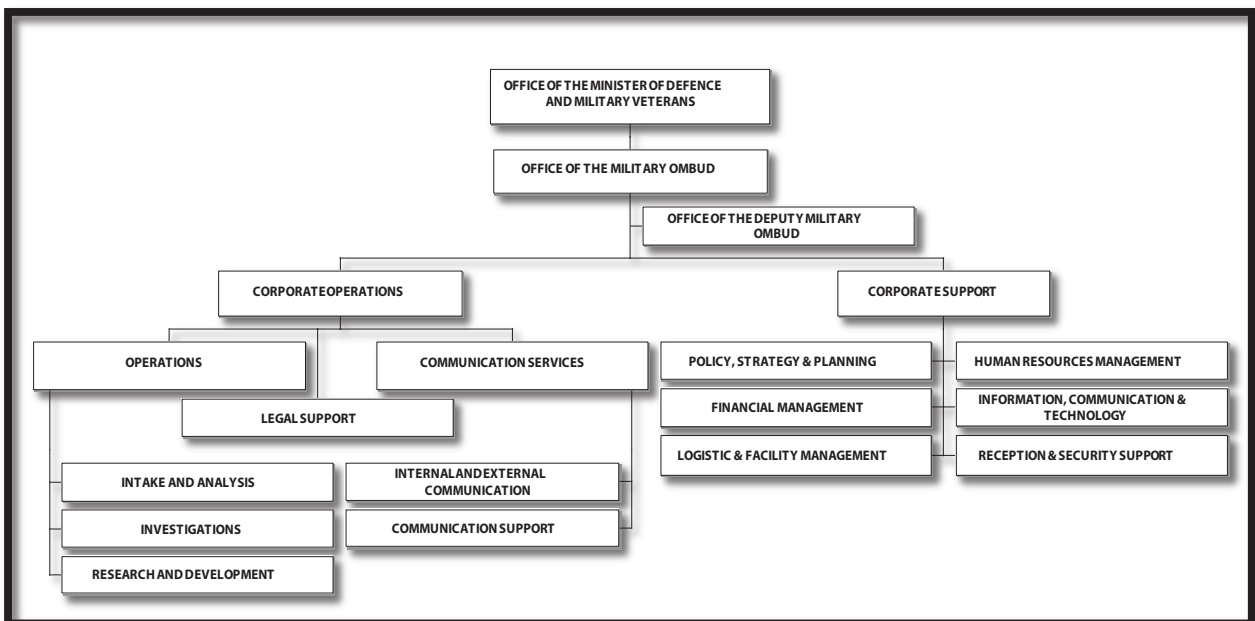
The organisational structure is informed by the current mandate, vision, mission, outputs and processes. The current organisational structure comprises of two (2) functional lines and was created based on the best practises and the requirements as stipulated in the Military Ombud Act.



Corporate Support Team

The total number of posts approved and captured on the Structure Management Control System (SMCS) of the Department of Defence (DOD) is 89 of which 59 posts focus on the core business namely Operations Management. The remaining 30 posts represents the Executive Office and Corporate Support. A graphic illustration of the organisational structure of the Office is depicted below.

Figure 3: Organisational Structure of the Office of the Military Ombud.



A number of short comings/challenges have been identified with regards to the current organisation structure, for example the absence of a Governance Risk and Compliance (GRC), Procurement, Internal Audit and Chief Financial Officer (CFO) capability.

To address these challenges the following cosmetic changes were effected prior to the anticipated changes following the organisation structure design investigation with regards to the repositioning of the Office:

- Legal Support environment will report directly to the Military Ombud.
- Communication Services will report to the Deputy Military Ombud.

- Research and Development environment will in future report to Legal Support.
- Corporate Support must report directly to the Deputy Military Ombud.
- Policy, Strategy and Planning environment will report directly to the Military Ombud.

HUMAN RESOURCE

Overview

The Office recognises that the essence of Human Resource lies in the competitive advantage to be gained from making the most of its people. Organisational performance can be directly linked to Human Resource Management efficiency. In pursuing competitiveness of the Office, the Human Resource Unit continues to improve service delivery through attraction of suitable employees, development and retention of staff.

The compensation of employment budget allocation was based on history of Office performance in the past years. This approach has worked against the Office in the year under review. Although the attrition rate remained high, the Office overspent by Rm1.8 after the Deputy Military Ombud and staff was appointed for the first time in 2017.

In order to strengthen the human resources value chain, significant progress was made in the HR policy drafting environment.

Human Resources Statistics. The tables below provide the Human Resources Oversight Statistics of the office for the FY2017/18:

Table 13: Planned versus Actual Strength as at 31 March 2018

Environment	Planned Strength	Actual Strength
a.	b.	c.
Executive Office	9	7
Corporate Operations	35	33
Corporate Support	21	16

Table 14: Employment and Vacancies per Environment as at 31 March 2018

Environment	Approved Posts	Staffed Posts	Vacant Posts
a.	b.	c.	d.
Executive Office	9	7	2
Corporate Operations	59	33	26
Corporate Support	21	16	5

Table 15: Personnel Cost

Expenditure	Number of Approved Posts	Number of Staffed Posts	R-Value
a.	b.	c.	d.
Total Expenditure	89	56	Rm35,474

Table 16: Reasons Why Staff Left the Organisation

Environment	Number
a.	b.
Death	0
Resignation	4
Expiry of Contract	1
Dismissal - Operational Charges	0
Dismissal – Misconduct	1
Dismissal – Inefficiency	0
Discharged due to Ill Health	0
Retirement	0
Transfers to Other Organisations	3
Other	0
Total	9

Table 17: Number of Skills Development Opportunities per Environment as at 31 March 2018

Environment	Short Courses	Symposia/Seminar
a.	b.	c.
Executive Office	0	0
Corporate Operations	24	5
Corporate Support	7	4

Table 18: Employment Equity Figures per Environment as at 31 March 2018

Environment	Male				Female			
	African	Asian	Coloured	White	African	Asian	Coloured	White
a.	b.	c.	d.	e.	f.	g.	h.	i.
Executive Office	3	0	0	0	4	0	0	0
Corporate Operations	14	0	0	1	17	1	0	0
Corporate Support	7	0	0	1	5	0	1	2

Table 19: Attrition per Environment as at 31 March 2018

Environment	Attrition Number
a.	b.
Executive Office	0
Corporate Operations	4
Corporate Support	5

Table 20: Disciplinary Action for the Period 1 April 2017 – 31 March 2018

Disciplinary Action	Male				Female			
	African	Asian	Coloured	White	African	Asian	Coloured	White
a.	b.	c.	d.	e.	f.	g.	h.	i.
Correctional Counselling	0	0	0	0	0	0	0	0
Verbal Warning	0	0	0	0	0	0	0	0
Written Warning	0	0	0	0	0	0	0	0
Final Written Warning	0	0	0	0	0	0	0	0
Suspension without Pay	0	0	0	0	0	0	0	0
Suspension with Pay	0	0	0	0	0	0	0	0
Dismissal	1	0	0	0	0	0	0	0
Not Guilty	0	0	0	0	0	0	0	0
Pending Disciplinary Process	0	0	0	0	0	0	0	0
Total	1	0	0	0	0	0	0	0

INFORMATION, COMMUNICATION AND TECHNOLOGY

Introduction

The Information and Communications Technology (ICT) architectures differ from one organisation to the other and as a result there cannot be “one size fits all”. Military Ombud ICT section always endeavours to satisfy the unique needs of the Office while also mindful of adhering to the regulatory framework governing ICT in the public arena.

ICT infrastructure is characterised by high demand and a short life span. This necessitates that Organisations have in place an effective ICT life span strategy. The ICT office ensures proper life span management of ICT equipment by:

- Employing the best techniques in maintaining the equipment while it's in use.
- Recovery of value by upgrading equipment and re-using where possible.
- Securely removing data and disposing the equipment where the equipment is beyond possible recovery state.
- Maintain data on equipment from employment and through its life in order to have reliable data during end-of-life management.
- 95% up-time of the network at the Office while continuously enhancing the system. The procurement of two servers was initiated and delivery should take place during the 2018/19FY which will increase the up-time and provide more stability to the system.

- Maintenance was done to ensure that all operating systems and antivirus software is regularly updated on all hardware – this protects the Office against cyber attacks.
- Various software packages were procured in the financial year, ensuring effective and efficient execution of the mandate of the Office.
- The following ICT Governance Frameworks were drafted:
 - ICT Acceptable Use Policy.
 - ICT Information Security Policy.
 - ICT Standard Operating Procedure.

LOGISTIC MANAGEMENT

Achievements aligned to the Logistic Functions. During the 2017/18 FY a number of accomplishments were achieved by the Logistics environment. Some of the highlights are as follows:

- Demand Management. The design of the Office flag was concluded and the necessary approvals are currently being sought through the DOD. The procurement process will then commence once the approvals and registration are concluded.
- Procurement Management. The Office of the Military Ombud moved to new office accommodation in October 2016. The Office was subsequently placed in a position where the entire building had to be furnished with new office furniture. Phase 1 of the Procurement of furniture was concluded in Sept 2017 and Phase 2 is expected to be finalised by 30 May 2018, the procurement process for phase 2 overlapped into the FY2018/19 due to challenges experienced in the Procurement process.
- Contract Management. The Office, through the help of the Central Procurement Service Centre (CPSC) secured a 3 year contract for the Printing of Planning Instruments for Policy, Strategy and Planning (PSP).
- Logistics Management including Transport Management. The fleet of the Office stands at 11 with the Acquisition of a new executive vehicle for the Military Ombud in-line with the determinations of his post.

The service plans for five of the vehicles in the fleet have lapsed, all efforts to renew these service plans could not bear favourable results. The Office is still pursuing the matter to remedy this matter with the DOD entities involved.

- Inventory & Asset Management. Inventory lists for each office in the building are currently being compiled and the respective distribution account holders representing each floor in the building are still to be appointed.
- Disposal Management. The Defence HQ Unit is assisting the Office with the process of disposing old office furniture and computer equipment which is no longer in use.
- Facility Management. The Office is in constant contact with the Defence Works Formation regarding matters of importance related to the lease of the building.
- SCM Performance. The development of supply chain management policies and procedures is a continuous process in the Office in order to ensure that the organisation meets the set objectives.”

FINANCIAL MANAGEMENT

Introduction

The budget for the Office has always been allocated by the DOD and as such affected by the greater DOD requirements and priorities. During the 2017/18 Financial Year the Office requested the Sec Def to approach the National Treasury (NT) to have the allocation that is made to the Office earmarked by the NT in their Letter of Allocation. The request was granted and in the NT's Letter of Allocation for the 2018 MTEF the allocation for the Office is earmarked. This leads to some degree of independence for the Office and ensures that when reprioritisation within the budget of the DOD needs to take place, the allocation of the Office will not be affected unless the instruction is from the NT. The Office is, however, still affected by the Compensation of Employees ceiling that is placed on the DOD and this will be addressed with the Sec Def and the NT.

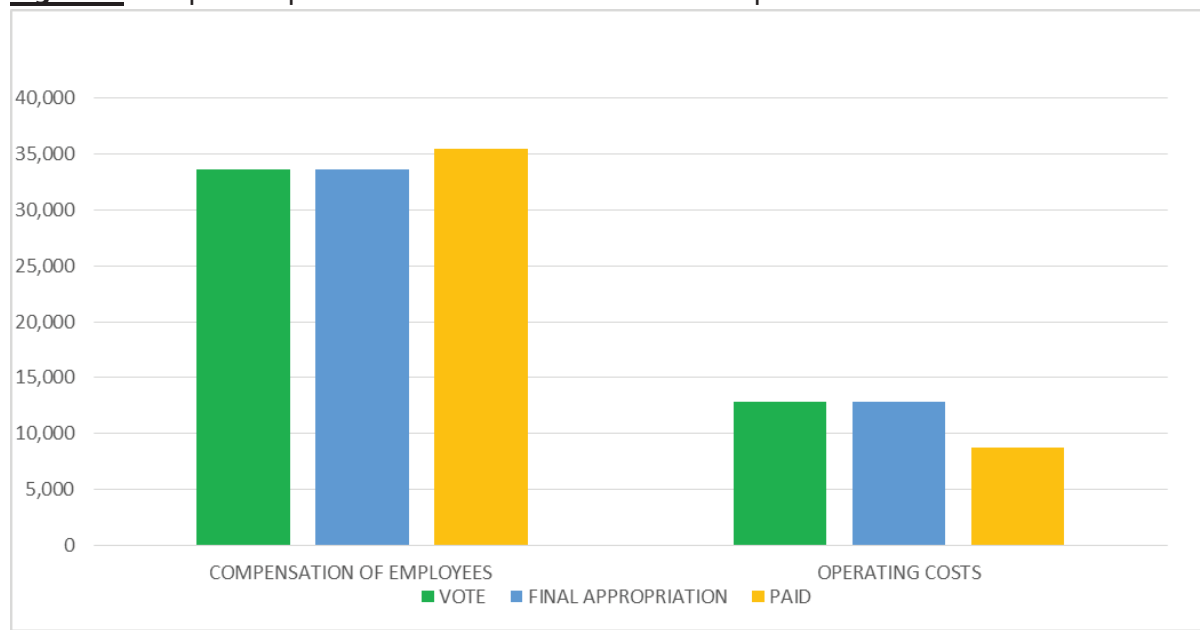
Expenditure Analysis

The vote for the Office for the FY2017/18 was Rm46,464. The Office had a total expenditure of Rm44,266 of which Rm35,474 was spent on Compensation of Employees and Rm8,792 was spent on Operating costs. The allocation for Compensation of Employees is 72% of the vote while 28% of the vote is available for operating costs. The Office underspent its vote in the financial year under review with Rm2,198. This under-expenditure is due to orders that were placed for furniture and servers that were not delivered in time by the suppliers to ensure payment in current financial year.

Plans to Address Future Financial Challenges

The Office is engaging the Sec Def to have the allocation of the Office adjusted to cater for Compensation of Employees that is not fully funded.

Figure 4: Graphic Representation of Allocation versus Expenditure



The Expenditure Report of the Office of the Military Ombud as Reflected on the Financial Management System, 31 March 2018. The figures in the table below could still change during the process of the DOD finalising the books of the Department as the Office has no control over the process and the process is ongoing after the finalisation of this report.

Table 21: Expenditure Report of the Office as at 31 March 2018

Standard Chart of Accounts Level 3 Description	Standard Chart of Accounts Level 4 Description	Vote R,000	Final Appropriation R,000	Amount Paid R,000	Remarks
a.	b.	c.	d.	e.	f.
Compensation of Employees	Salary and Wages	30,387	30,387	31,681	
	Social Contributions	3,239	3,239	3,793	
	<i>Sub-Total</i>	33,626	33,626	35,474	The deviation is due to the allocation received from DOD that does not cater for the posts staffed.
Goods and Services	Inventory: Food & Food Supplies	33	58	25	
	Inventory: Fuel, Oil and Gas	33	33	1	

Standard Chart of Accounts Level 3 Description	Standard Chart of Accounts Level 4 Description	Vote R,000	Final Appropriation R,000	Amount Paid R,000	Remarks
a.	b.	c.	d.	e.	f.
	Inventory: Materials and Supplies	0	80	47	
	Consumable Supplies	165	166	69	
	Cons: Stationery & Printing & Office Supplies	138	157	95	
	Operating Leases	4,512	120	82	
	Property Payments	242	631	216	
	Travel and Subsistence	2,629	3,078	2,118	
	Training and Development	542	865	781	
	Operating Payments	218	695	510	
	Venues and Facilities	209	401	258	
	Advertising	605	557	96	
	Minor Assets	133	1,311	550	
	Catering: Departmental Activities	126	126	76	
	Communication	658	732	1,134	
	Computer Services	2,167	2,164	1,945	
	Consultants: Business and Advisory Services	17	17	5	
	Contractors	27	94	90	
	Agency and Support/Outsourced Services	102	102	0	
	Entertainment	26	26	10	
	Fleet Services	0	15	6	
	<i>Sub-Total</i>	12,582	11,428	8,114	Major causes for the deviation is a result of non-delivery of furniture that was purchased and reduction in costs relating to foreign visits.
Machinery and Equipment	Transport Equipment	0	0	0	
	Other Machinery and Equipment	239	1,388	620	
	<i>Sub-Total</i>	239	1,388	620	Deviation is a result of non-delivery of office furniture that was purchased.
Software & Intangible Assets	Software and Other Intangible Assets	0	0	0	
Departmental Agencies and Accounts	Transfers and Subsidy: Departmental Agencies	0	1	1	
Households (HH)	H/H: Employee Social Benefits	13	13	50	

Standard Chart of Accounts Level 3 Description	Standard Chart of Accounts Level 4 Description	Vote R,000	Final Appropriation R,000	Amount Paid R,000	Remarks
a.	b.	c.	d.	e.	f.
Provincial and Local Governments	Transfers and Subsidy: Municipalities	4	8	7	
	<i>Sub-Total</i>	17	22	58	Deviation as result of the payment of employee settlement.
TOTAL		44,464	44,464	44,266	

Notes

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