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MILITARY OMBUD 2020 ANNUAL PERFORMANCE PLAN ANALYSIS

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1. INTRODUCTION

The genesis of the Office of the South African Military Ombud may be traced back to May 1996 in the White Paper on Defence and subsequently the submission of the South African Military Ombud Bill in April 2006. This was followed by the introduction of the Military Ombudsman Bill in January 2011 by the Department of Defence (DOD). Following the enactment of the Military Ombud Act, No. 4 of 2012, the Office of the Military Ombud was established and the first Military Ombud, Lieutenant General (ret) T.T. Matanzima was appointed (He retired as Ombud in 2019). The mandate of the Office of the Military Ombud is to “investigate and ensure that complaints are resolved in a fair, economical and expeditious manner”.¹ Section 8 (1) of the Act states that “the Ombud and staff members must serve independently and impartially and must perform their functions in good faith and without fear, favour, bias or prejudice, subject to the Constitution and the law”.²

This paper provides an overview of the Military Ombud’s Annual Performance Plan (APP) for 2020/21. The paper is in preparation for the Portfolio Committee on Defence and Military Veterans (PCDMV) meeting on 17 June 2020.

2. MILITARY ONMBUD MACRO VIEW: A NOTE FROM THE STRATEGIC PLAN³

In line with the new Medium-term Strategic Framework (2019 – 2024)(MTSF), the Military Ombud launched a new five-year Strategic Plan. The information in the Strategic Plan largely overlaps with that contained in the APP, except for the addition of targets for the outlying years of the Medium-term Expenditure Framework (MTEF). Of importance is the broader internal and external environmental factors that can influence the Office of the Military Ombud over the medium-term. The areas of contribution by the Military Ombud, areas of concern to its efficiency and potential internal constraints are stated below.

¹ Military Ombud Act (No. 4 of 2012).

² Military Ombud Act (No. 4 of 2012).

³ Military Ombud (2020a) p. 15-20.



Areas to which the Military Ombud can contribute

Contribution to the MTSF targets:

- Outcome 1: A capable, ethical and developmental state
- Outcome 6: Social cohesion and safe communities
- Outcome 7: A better Africa and World

Contribution to the National Development Plan:

- Contribution to the insurance of an accountable government by serving as a fair, expeditious and impartial channel for members of the SANDF and public who have unresolved differences with the DOD.

Contribution to the Sustainable Development Goals:

- Goal 5: Achieve Gender Equality
- Goal 8: Promote sustained, inclusive and sustainable economic growth; full and productive employment and decent work for all
- Goal 16: Promote peaceful and inclusive societies.

Areas of concern to the Military Ombud's efficiency over the medium-term

Macroeconomic conditions:

- The Military Ombud states that “while there is always a risk of global economic downturn, generally, global economic growth rates are expected to improve and more particularly economic growth rates on the African continent are expected to be above the global average.” *The advent of Covid-19 will possibly change this economic outlook and may therefore influence the Military Ombud if its funding is affected.*

Social conditions:

- The Military Ombud will continue to utilise *interns* in its office in line with broader government directives.
- To ensure *accessibility* of the Military Ombud office, focus will be placed on communications, branding and events management.
- Due to increasing numbers of complaints submitted, the Military Ombud envisages the creation of a *national footprint* for Military Ombud offices.

All the envisaged social contributions above may be directly affected by an economic downturn such as the expected downturn post-Covid-19.

Technological conditions:

- The Military Ombud will ensure that measures are in place to limit operational risks from, for example, cyber security.
- The Military Ombud office will come under increasing pressure for speedy delivery of results through social media platforms that enhances the role of stakeholders.

Legal conditions:

- An effective interface between the Military Ombud legal advisors, state attorneys and the DOD is required to ensure timeous compliance with court decisions.



- The Military Ombud only serves to make recommendations to the Minister of Defence and current legislation does not bind the Minister to implement such recommendations. As such, the Military Ombud and Chief SANDF liaison forum was established as a platform to discuss complex cases.

Potential internal constraints and improvements

- Human resources management will be aligned to National Treasury requirements and talent management will be used to ensure that the right combination of talent is recruited and retained.
- In terms of financial factors, the office does not foresee a growth in its budget allocation. The Office will continue to find means of working more efficiently despite financial constraints.
- The Military Ombud will strengthen its Information Technology (IT) Policy framework through an IT Governance Framework.
- In terms of governance and Risk, the Military Ombud will develop and implement a Risk Management Policy which will direct the office towards an integrated, structured and systematic risk management process.

Based on the internal and external environmental scan, Members may consider the following questions:

- Given the expected economic impact of Covid-19, what will the potential impact on the Office of the Military Ombud and its functioning be?
- How many interns are currently hosted by the Military Ombud and will these positions be affected by a potential reduction in its budget?
- How many outreach programmes are planned for the financial year and how are these affected by Covid19?
- Is the Military Ombud making use of a variety of communication avenues, such as social media platforms and other virtual means, to reach out to communities and SANDF members?
- How does the Ombud plan to extend its geographic footprint? Where will regional/satellite offices be opened during 2020/21, if any?
- Does the Military Ombud have a cyber-security policy or strategy?
- The establishment of the Chief SANDF Liaison Forum should be welcomed. This will enable the discussion on complex cases and recommendations. How many times have this forum met since its establishment? How many of the Ombud's recommendations remain unimplemented by the Minister of Defence?
- What is the status of the Risk Management Policy and when can the Committee expect this to be finalised?

3. PERFORMANCE INDICATORS AND TARGETS

The Military Ombud has only two targets in its APP (See Table 1). Both targets remain unchanged over the five-year MTSF period. It is important to note that a new target related to the resolution of written complaints has been included. Several performance targets of previous years have been removed including the following:⁴

⁴ Military Ombud (2009) p. 16-18.



- The degree to which timely and effective legal services are provided to the Military Ombud, Operations and Support (Previously achieved target: 71.3%).
- Status of stakeholder opinion of the Military Ombud (Previously achieved target: 98.0%).
- Percentage compliance to Human Resources (HR) Plan (Previously achieved target: 90.2%).
- Percentage compliance to allocated budget (Previously achieved target: 98.0%).
- Percentage compliance to the Information Communication Technology (ICT) Plan (Previously achieved target: 83.8%).
- Percentage compliance to the Security Policy (Previously achieved target: 67.5%).

Table 1: Military Ombud Performance Indicators for the MTSF

Outcome	Outcome Indicator	Baseline	Five Year Target
Fair, economical and expeditious resolution of written complaints	Percentage of written complaints resolved fairly, economically and expeditiously within the Office of the Military Ombud	73%	73%
Accountable and effective governance of the Office of the Military Ombud	Percentage of Military Ombud accountability documents submitted in accordance with National prescripts	100%	100%

Members may consider the following questions:

- The inclusion of only two performance targets seems limiting and may make it difficult for tracking broader institutional performance. Why was a decision made to include only the two targets?
- Why was the target related to the 'stakeholder opinion' removed from the Ombud's performance indicators?
- Targets related to the HR Plan, ICT Plan and Security Policy were removed, despite some of them not being achieved in 2018/19. Why were these targets removed?
- Why does the target for 'resolution of written complaints' remain static over the medium-term? The target stays at 74% achievement every year, which could lead to stagnation in performance and service delivery.

4. PROJECTED EXPENDITURE ⁵

The Military Ombud allocation for 2020/21 is R53.867 million, which is slightly lower than the R54.026 million received in 2019/20. While it reflects a nominal decrease of 0.29%, it translates to a real percentage reduction of 4.49% when adjusted for inflation.

Given the nature of the work of the Office of the Military Ombud, the majority of the budget are allocated to Compensation of Employees. As such, R43.742 million (81.2%) of the Ombud's allocation will be spent on Compensation of Employees. Expenditure on Compensation of Employees increased from R40.579 million in 2019/20, largely due to salary adjustments. It

⁵ Military Ombud (2020b) p. 25-26.



should be noted that a *salary ceiling* was introduced by the DOD which is higher than the current expenditure on Compensation of Employees.

In terms of economic classification, the following should be noted -

- Expenditure on Household items increases from R391 578 in 2018/19 to R430 194 in 2020/21. (Members should note a misstatement of the figure for this line item for 2019/20 in the APP and may ask the Ombud for the correct figures to be provided).
- Expenditure on machinery and equipment increases from R430 537 in 2019/20 to R895 381 in 2020/21.

The APP notes that the Ombud maintains an operating budget of R11.46 million of which R2.3 million is spent on Travel and Subsistence, R1.6 million on Computer Equipment and R1.2 million on communication as the largest operating expenditures.

Members may consider the following questions:

- Members should seek clarity on the Compensation of Employees ceiling introduced by the DOD which is lower than the current allocation for staffed posts. The DOD is in a similar situation given the ceiling on Compensation of Employees imposed by National Treasury, yet the DOD is not implementing expenditure adjustments accordingly. If the Ombud spend more on Compensation of Employees than the ceiling, it will constitute irregular expenditure. An urgent resolution to this impasse is required.
- Expenditure on Household items increases from R391 578 in 2018/19 to R430 194 in 2020/21. What is the reason for this increase of almost 10%?
- Expenditure on machinery and equipment increases from R430 537 in 2019/20 to R895 381 in 2020/21. What is the reason for this increase of more than 100%?
- It is likely that the Covid19 Lockdown will affect expenditure patterns on items such as Travel and Subsistence. What changes in expenditure can be expected throughout the year?

REFERENCE

Office of the Military Ombud. (2019). Military Ombud annual Report for 2018/19.

Office of the Military Ombud. (2020a). *Strategic Plan 2020 - 2025*.

Office of the Military Ombud. (2020b). *Annual Performance Plan 2020*.