

**OFFICE OF THE MILITARY OMBUD
ANNUAL ACTIVITY REPORT
FY2021/22**

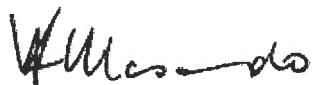




STATEMENT OF RESPONSIBILITY AND CONFIRMATION OF ACCURACY

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

- a. All information and amounts disclosed throughout the Annual Activity Report are consistent.
- b. The Annual Activity Report is complete, accurate and is free from any omissions.
- c. The Annual Activity Report has been prepared in accordance with the guidelines on Annual Reports as issued by National Treasury.
- d. The Financial Report herein reflects expenditure incurred in accordance with relevant legislation, instructions, policies and prescripts.
- e. 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 2022.



**(LT GEN (RET) V.R MASONDO)
MILITARY OMBUD**

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FOREWORD BY THE MINISTER OF DEFENCE AND MILITARY VETERANS (MOD&MV), THE HONOURABLE MS T.R. MODISE, MP



The Office of the Military Ombud continues to pursue excellence in serving current and former members of the South African National Defence Force (SANDF) concerning their conditions of service as defined under Section 1 of the Defence Act No 42 of 2002. Although members are encouraged to exhaust the internal mechanisms of the SANDF before lodging a complaint with the South African Military Ombud, all complaints that are lodged with the Office must be investigated fairly and expeditiously without fear, favour, or prejudice. The Office also gives members of the public an opportunity to resolve their grievances concerning the official conduct of a member of the SANDF in an independent, impartial, and expeditious manner. The Office of the Military Ombud is intended to be a simple and affordable remedy for current and former members of the SANDF and members of the public. In this way the Office promotes the fundamental human rights of key stakeholders of our country.

During the reporting period the Office continued to play an important role in helping to maintain a healthy balance between the SANDF powers and duties and the fundamental human rights of serving and former members and members of the public. It is independent and treats complaints with utmost confidentiality in line with the Military Ombud Act 4 of 2012, the Constitution of South Africa and related laws.

The Military Ombud Act 4 of 2012 provided for the establishment of an independent Office of the Military Ombud in order to ensure transparency in the defence sector. However, the Act is silent on the institutional form of the Office. Consequently, in addition to improving its operational efficiency, the Office has been exploring ways to improve its perceived independence and impartiality as these are a key enabling factor for the work that it performs. In light of the prevailing fiscal constraints and the declared intention to rationalise the state, any proposal to change the institutional form of the Office needs to be well considered and informed by a comprehensive analysis of its



functioning. Therefore, in order to take the organisation to the next level of efficiency, service excellence, and become fully independent, the Government Technical Advisory Centre (GTAC) is assisting in developing a business case for a cost effective and independent organisation. This step bodes well for the organisation as well as for the complainants that it serves.

The Office is a growing organisation that requires unreserved support from all stakeholders, mainly our government, to ensure that it fulfils its mandate as prescribed by the Act in support of public service standards. I am grateful for the support that the Office has received from my predecessor and I am committed to doing my part to ensure that the institution fulfils its mandate. The Minister is required to afford the Office such assistance as may be reasonably required for the protection of its independence, impartiality, and dignity. As a result the Office will continue to receive support from my office in order to strengthen its contributions to the integrity of our defence force in pursuance of public service standards.

I would like to thank the Military Ombud, Lt General (Ret) V.R. Masondo, the Deputy Military Ombud, Adv. S.T.B. Damane-Mkosana, management and staff members for their continued commitment to the public service. Their efforts in contributing towards the improvements of conditions of service and building complainant's confidence by resolving some of their complaints is noted.



(MS T.R. MODISE)
MINISTER OF DEFENCE AND MILITARY VETERANS

Date: 21. May 2022

**FOREWORD BY THE MILITARY OMBUD,
LT GEN (RET) V.R. MASONDO**




I am honoured to present the Annual Activity Report (AAR) of the South African Military Ombud for the Financial Year 2021/22. This is the third Annual Activity Report since my appointment in 2019. The past few years have seen noteworthy changes within the Office as we continued to establish and enhance systems and mechanisms to ensure that the institution delivers on its mandate as prescribed by the Military Ombud Act 4 of 2012.

The Annual Activity Report provides the details of a productive year and the progress that the Office has achieved in consolidating and aligning its systems in order to deliver its mandate. In terms of Section 3 of the Military Ombud Act, the objective of the Office is to investigate and ensure that complaints are resolved in a fair, economical, and expeditious manner. As per Section 4 (1) of the Act, the mandate of the Office is to investigate complaints lodged in writing by:

- A member and former member of the South African National Defence Force (SANDF) concerning their conditions of service;
- A member of the public regarding the official conduct of a member of the SANDF; or
- A person acting on behalf of a member.

It is worth highlighting that the Office achieved an 83% case resolution for the first time since its establishment nine (9) years ago. Two factors that have contributed to this achievement include a reduction in the number of carry-over complaints and improvements in investigation turn-around times.

As expected, most of the new complaints received by the Office during the year were lodged by serving members of the SANDF concerning their conditions of service. However, there was a decrease in the number of complaints lodged by members of



the public relating to the official conduct of SANDF members. This was mainly as result of the decrease in internal deployment of members of the SANDF to communities in order to assist with enforcing Lockdown Regulations in support of curbing the spread of COVID-19.


A strategic focus is critical to the implementation of the mandate and as such the priorities of the Office remain as follows:

- Effective and efficient resolution of complaints;
- The implementation of the integrated communications and marketing strategy plan;
- Institutional independence;
- Institutionalisation of the Governance, Risk and Compliance Framework;
- Securing adequate funding for the Compensation of Employees (COE);
- Resource management; and
- Operationalising the Ministerial Policy Directive on enterprise resource support to the Military Ombud.

I am incredibly impressed by the flexibility and reliability shown by staff in ensuring that our core business activities were sustained and accomplished as expected. We continued to strive for relevance and transparency in line with the *Batho Pele* principles. Nonetheless, there were challenges that had to be confronted. In particular the travel restrictions instituted as a result of the COVID-19 pandemic meant that we had to balance continued investigations with ensuring the safety of our staff. Furthermore, social distancing regulations meant that the Office had to explore alternative methods of receiving complaints as these were typically received via walk-ins, the post, or fax. Despite limited resources, the Office invested to enable staff members who had traditionally been office based to work remotely. It also improved accessibility through permitting complainants to contact the Office via the website, e-mail, WhatsApp, and making enquiries through social media platforms. These investments proved to be beneficial especially in maximizing dialogue with both local and international stakeholders by virtual means.

We continue our affiliation and memberships to international organisations such as the African Ombudsman and Mediators Association (AOMA), the Geneva Centre for Security Sector Governance (DCAF), and the International Ombudsman Institution (IOI). We participated in international and regional webinars to strengthen cooperative efforts to promote good governance, rule of law, and human rights on the continent and abroad through best practice sharing.

The Office also participated in different international dialogues and platforms such as the 13ICOAF Virtual Conference where I presented a paper on the '*Impact of COVID-19*'. Furthermore, I attended the Geneva Centre for Security Sector Governance Foundation (DCAF) Council meeting. Staff also participated in events and workshops



offered by member institutions for empowerment and to learn lessons on various topics presented by experts, such as *'Complaints Handling'*.

I am proud to say that on the 30th of September 2021 we held the Annual Military Ombud Symposium virtually in conjunction with the African Ombudsman Research Centre (AORC) and AOMA. The symposium was held under the banner topic: *'The Role of Military Ombud Institutions in Enhancing Democratic Oversight in the Civil-Military Relations: Its Use, Challenges and Implications'*.


The symposium provided a forum to explore and unpack challenges and opportunities on how to enhance the capacity of Ombudsman Institutions through the sharing of best practice and the implications thereof. It further explored the operational uses, institutional requirements, and implications for successfully implementing oversight over civil-military relations. Attempts were also made to explore novel approaches in order to foster democratic governance and transparency through the practice of oversight over the civil-military relations space.

The specific objectives of the symposium included the following:

- Highlight the benefits of participatory and inclusive development approaches and understanding of the linkages between oversight, society and armed forces to ensure that no one is left behind;
- Promote discussions for policy action and foster cooperation among all relevant stakeholders to stimulate participation through innovative approaches, particularly in the oversight and monitoring of the civil-military relations space;
- Share knowledge, experience and innovative approaches on increasing participation, inclusiveness and transparency in public policy and democratic governance of the civil-military relations at national, regional, and international level; and
- Advance the discourse for promoting inclusive, peaceful and resilient societies in realisation of the 2030 African Union Agenda towards a peaceful Africa.

The engaging discussions integrated the insights gained from a broad array of stakeholders into a set of comprehensive recommendations for policy action at all levels of oversight over civil-military relations. It also provided an opportunity to exchange positive practices and lessons learned from both national and international experiences in fostering and advancing domestic oversight by Ombud Institutions over civil-military relations. This exchange can inform policy-making by other member players and highlighted avenues for human rights and democratic system support.

As an Office we are pleased with the Outreach Programme as it continues to build mutually beneficial partnerships with stakeholders. The focus areas for our outreach activities were borderline areas and rural communities with activations performed at shopping malls and taxi ranks. Underpinning the Outreach Programme Strategy is the Stakeholder Perception Survey performed in partnership with SIGLA – Stellenbosch



University. The survey researches stakeholder perceptions in order to enhance our internal systems and public relations. These engagements and partnerships have created education and awareness about the Office and its services as evidenced by the increasing numbers of complainants seeking assistance with grievances. That being said, a lot still needs to be achieved to ensure that stakeholders know that there is a recourse outside of the Department of Defence.

Significantly in terms of Research and Development, the first step to establish a Resource Centre with reading material in the Office is in progress. The Centre aims to capacitate the Institution's knowledge management.

I am proud to announce that the Office has been listed as a National Preventative Mechanism (NPM) in terms of the Optional Protocol to the Convention against Torture and other Cruel, Inhuman and Degrading Treatment or Punishment (OPCAT), which was ratified by South Africa in 2019. The Office is therefore a member of the NPM Steering Committee to ensure that it complies with its obligations.

As the only Military Ombud Institution that currently exists in Africa, it is our mission to share our model and best practices with non-specialised Ombud Institutions on the continent. To this end, the Office was invited to present lessons learnt and best practices to the Ombudsman of Kenya, parliamentarians, and civil society organisations through a DCAF facilitated workshop.

We will continue to strengthen relations and foster mutual support and understanding with key stakeholders in South Africa and internationally. It is our collaborative approach and commitment that has contributed to the continuing growth of the Office.

I look forward to the new financial year where the Office will be celebrating its 10th Anniversary. We are maturing as an Office and we need to enter into a new phase of governance architecture and digitize our environment to enhance and tighten our complaints handling systems.

With continued support from the Minister of Defence and Military Veterans we are confident of being able to deal effectively with Members complaints and in this way ensure service delivery in the security sector.

I also wish to thank the Deputy Military Ombud, Advocate S.T.B. Damane Mkosana, Senior Managers and Staff Members for their support and cooperation.



(LT GEN (RET) V.R. MASONDO)

MILITARY OMBUD

Date: 29 April 2022

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ACRONYMS/ABBREVIATIONS

Acronyms / Abbreviations	Descriptions
ADR	Alternative Dispute Resolution
AFB	Air Force Base
AOMA	African Ombudsman and Mediators Association
AOP	Annual Operational Plan
APP	Annual Performance Plan
AU	African Union
AWOL	Absent Without Leave
BOI	Board of Inquiry
CCS	Chief Corporate Support
CD HRM	Chief Director Human Resource Management
CD OPS	Chief Director Operations
CFPP	Corruption and Fraud Prevention Plan
CHA	Concurrent Health Assessment
CMIS	Command Management Information Systems
COE	Compensation of Employees
C SANDF	Chief of the South African National Defence Force
CSS	Core Service System
DCAF	Geneva Centre for Security Sector Governance Foundation
Div	Division
DMO	Deputy Military Ombud
DMV	Department of Military Veterans
DOD	Department of Defence
DPME	Department of Planning Monitoring and Evaluation
DPSA	Department of Public Service and Administration
EC	Eastern Cape
EXCO	Executive Committee
Fin	Finance
FS	Free State
FSRM	Facility, Security and Reception Management
FY	Financial Year
GCIS	Government Communication Information System
GEPF	Government Employee Pension Fund
GP	Gauteng Province
GPAA	Government Pension Administration Agency
GRC	Governance, Risk and Compliance
GTAC	Government Technical Advisory Centre
HR	Human Resources
HRDC	Human Resource Development Committee

Acronyms / Abbreviations	Descriptions
IAD	Internal Audit Division (DOD)
ICT	Information and Communication Technology
IGR	Individual Grievance Regulations
ICOAF	International Conference of Ombuds Institutions for the Armed Forces
IOI	International Ombudsman Institute
IPID	Independent Police Investigative Directorate
JICS	Judicial Inspectorate for Correctional Services
KZN	Kwa-Zulu Natal
Log	Logistic
Lt Gen	Lieutenant General
LP	Limpopo
MANCO	Management Committee
MDC	Military Disciplinary Code
MOA	Memorandum of Agreement
MOD&MV	Minister of Defence and Military Veterans
MOU	Memorandum of Understanding
MP	Mpumalanga
MSDS	Military Skills Development System
MTEF	Medium Term Expenditure Framework
MTSF	Medium Term Strategic Framework
NC	Northern Cape
NDoH	National Department of Health
NPM	National Preventative Mechanism
NT	National Treasury
NW	North West
OC	Officer Commanding
OHO	Office of the Health Ombud
OHS	Occupational Health and Safety
OPCAT	Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
PCD	Portfolio Committee on Defence
PDL	Places of Deprivation of Liberty
PDSC	Plenary Defence Staff Council
PFMA	Public Finance Management Act
PSC	Public Service Commission
PSP	Policy, Strategy and Planning
R&D	Research and Development
RBM	Result Based Model
RFMCF	Regular Force Medical Continuation Fund
RSA	Republic of South Africa

Acronyms / Abbreviations	Descriptions
SA Army	South African Army
SAAF	South African Air Force
SABC	South African Broadcasting Corporation
SADC	Southern African Development Community
SAHRC	South African Human Rights Commission
SALGA	South African Local Government Association
SAMHS	South African Military Health Services
SAMIM	SADC Mission in Mozambique
SAN	South African Navy
SANDF	South African National Defence Force
SAPS	South African Police Services
SLA	Service Level Agreement
SPF	Strategic Planning Framework
UOC	Unit Officer Commanding
WC	Western Cape
WHO	World Health Organisation







PART A: STRATEGIC OVERVIEW

Introduction.

The Office of the Military Ombud is an Organ of State of the Department of Defence (DOD) tasked with the responsibility of handling complaints from former and current members of the South African National Defence Force (SANDF) relating to issues pertaining to their conditions of service and also complaints from members of the public regarding official conduct of a member of the Defence Force.

The Office is committed to investigating and resolving complaints of members of the SANDF and members of the Public in a fair and expeditious manner, with reference to the Military Ombud Act of 2012. During the reporting year the Office continued to deliver on its mandate as expected, while faced with the global challenge of COVID-19.

Mandate.

The mandate of the Office as captured in the Military Ombud Act, No 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.”*

Vision.

To be “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”.

Impact Statement.

Complaints from Members and Former members of the SANDF and the public are resolved fairly, economically and expeditiously in a manner that good administration and governance is ensured within the SANDF.

Values.

The values complement and enhance the ability of the Office members in engaging and striving to go an extra mile as far as emphasising the mandate of the Office. To ensure that core business is addressed effectively and efficiently.

- **Organisational Values.** The values reflect the work ethics and culture in support of the mission of the Office of the Military Ombud:

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 Office.
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.

- **Supporting Values.** In support of the above mentioned organisational values the following supporting values have been institutionalised.

Behaviour:	We behave in a manner that engenders respect from our clients.
Result 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 & 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 4 of 2012 and is reflected in the table below:

Table 1: Legislative Mandate

Legislative/ Other Mandates 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 function. • Development and implementation of policy in support of the Office mandate.

Powers and Functions of the Ombud and Deputy Ombud.

The powers and functions of the Military Ombud and Deputy Military Ombud are captured in Section 6 of the Military Ombud Act 4 of 2012.

- “6(1) The Ombud must investigate complaints lodged with the Office in accordance with this section.*
- (2) A complaint must be lodged in writing with the Office in the prescribed manner.*
 - (3) On receipt of a complaint the Ombud must register the complaint as may be prescribed.*
 - (4) The Ombud must investigate a complaint fairly and expeditiously without fear favour or prejudice.*
 - (5) The Ombud may not investigate a complaint unless the Ombud –*
 - (a) has in writing informed every other interested party to the complaint of the receipt thereof;*
 - (b) is satisfied that all interested parties have been provided with such particulars that will enable the parties to respond to the complaint; and*
 - (c) has afforded all interested parties the opportunity to submit a response to the complaint.*
 - (6) For the purpose of subsection (1), the Ombud –*
 - (a) 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;*
 - (b) may resolve any dispute by means of mediation, conciliation or negotiations or in any other expedient manner; and*
 - (c) must promote the observance of the fundamental rights of the members of the Defence Force.*
 - (7) After investigating a complaint, the Ombud must –*
 - (a) uphold or dismiss the complaint, or issue an alternative resolution;*
 - (b) recommend an alternative resolution to the Minister; or*
 - (c) refer the complainant to the appropriate public institution for finalisation, if the matter falls outside his or her jurisdiction.*
 - (8) If the Ombud upholds the complaint, the Ombud must recommend the appropriate relief for implementation to the Minister.*
 - (9) 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.*
 - (10) The Ombud must perform any other function allocated to him or her under this Act.*
 - (11) The Minister may assign to the Ombud any other additional functions which are not inconsistent with this Act.*
 - (12) The Deputy Ombud must perform any functions assigned to him or her by the Ombud.*
 - (13) The Deputy Ombud must perform the functions of the Ombud if the Ombud is for any reason unable to perform his or her functions.”*

Minister of Defence and Military Veterans Priorities.

The evolving Ministerial Priorities for the 2020 – 2025 planning period that give impetus to the execution of the Military Ombud mandate through ministerial direction over the short-, medium- and long term within available resources are confirmed as follows:

- **MOD&MV Priority 1: Provide Strategic Direction.**
 - **Strategic Direction.** Provide strategic direction to ensure that the Office meets the predetermined expectations of Government.
 - **Organisational Renewal: Ensure Appropriate Organisational Form and Structure.** Direct the positioning of the Office to ensure alignment to the Military Ombud Act. Structures must enhance accountability, effectiveness and efficiency within an ethical and corruption free organisation.

- **MOD&MV Priority 2: Ensure Departmental Governance, Administration and Accountability within the Regulatory Framework.**
 - **Strategic Resourcing.** This priority relates to the directing of an appropriate funding model thereby ensuring the adequate resourcing of the Office over multiple MTSF periods aligned with prevailing policy.
 - **Human Resources.** The directing of the renewal of the organisation human resource function to ensure that the personnel profile is able to meet both current and future obligations.


Military Ombud Priorities.

In support of the Revised Medium Term Strategic Framework (MTSF) Foundational Pillars and Apex Priorities of Government and Minister of Defence and Military Veterans (MOD&MV's) priorities the Military Ombud articulated the following priorities which were also presented to the Portfolio Committee on Defence (PCD) in February 2021. The priorities as listed below will be carried through for the 5 year planning cycle:

- Effective and efficient resolution of complaints;
- The implementation of the integrated communications and marketing strategy plan;
- Institutional independence;
- Institutionalisation of the Governance, Risk and Compliance Framework;
- Securing adequate funding for the Compensation of Employees (COE);
- Resource management; and
- Operationalising the Ministerial Policy Directive on enterprise resource support to the Military Ombud.

Organisational Environment.

The Office of the Military Ombud is an independent statutory body established; in terms of the Military Ombud Act, 4 of 2012, to investigate and resolve complaints as well as promote the observance of human rights of members, former members of the SANDF as well as members of the public.



Section 8 of the Act states that the Office must serve independently and impartially and must perform its functions in good faith and without fear, favour, bias or prejudice subject to the Constitution and the law.

The organisational structure is informed by the current mandate, vision, outcomes and processes. The organisational structure as depicted in figure 2 below provides for structures that enable the execution of the mandate of the Office and will furthermore enable the management and reporting arrangements of the organisational units. The current organisational structure was approved during June 2012 and comprises of two (2) functional lines namely Operations Management and Corporate Support. The approved organisational structure of the Office has never been fully funded, which hampers its ability to pursue the mandate.

Whilst the Office is currently functionally independent, it is not operationally independent as it operates as a Unit within the DOD. The current operating model poses reputational and credibility questions around the effectiveness of the Office. In order to give effect to the operational independence of the Office, the Office engaged GTAC with a request for assistance with the development of a cost-effective organisation model to ensure organisational independence.

Robust discussions took place during the reporting period with GTAC on its analysis of the current challenges facing the Office, since its Status Quo Report of 2019, to make recommendations on the most appropriate institutional form for the Office. Critical analysis of GTAC draft reports were conducted in the interest of the Office and to ensure compliance with the Project Charter with GTAC. Subsequent to engagements the final GTAC report was submitted on 29 March 2022. The options available to the Office remain those set out in the initial GTAC Report (2019) which suggested two scenarios which were not mutually exclusive:

- Enhanced autonomy and operational independence; and
- Schedule 3A Public Entity.

The Office has been seeking ways to improve its operational efficiencies and particularly its perceived independence and impartiality which is seen as a key enabling factor for the work it performs. On 25 October 2018, the former MOD&MV approved a Ministerial Directive for the purpose of enhancing the independence of the Office and currently there are continuous efforts to have this implemented.

The current approved organisational structure of the Office consists of 89 posts of which 66% (62 posts) focus on the execution of the core business, namely Operations.

Figure 1: Reporting Lines

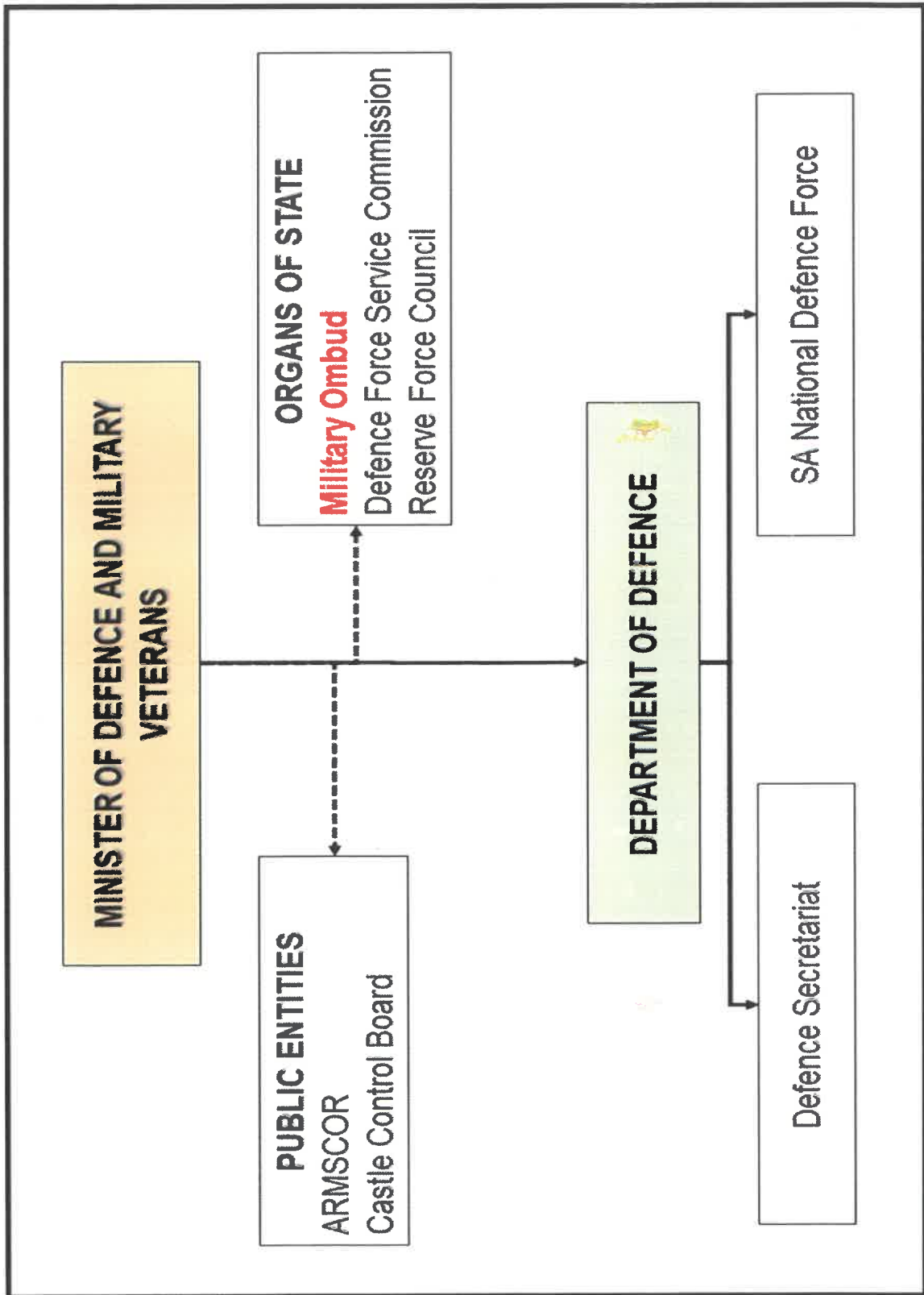


Figure 2: Organisational Structure of the Office of the Military Ombud

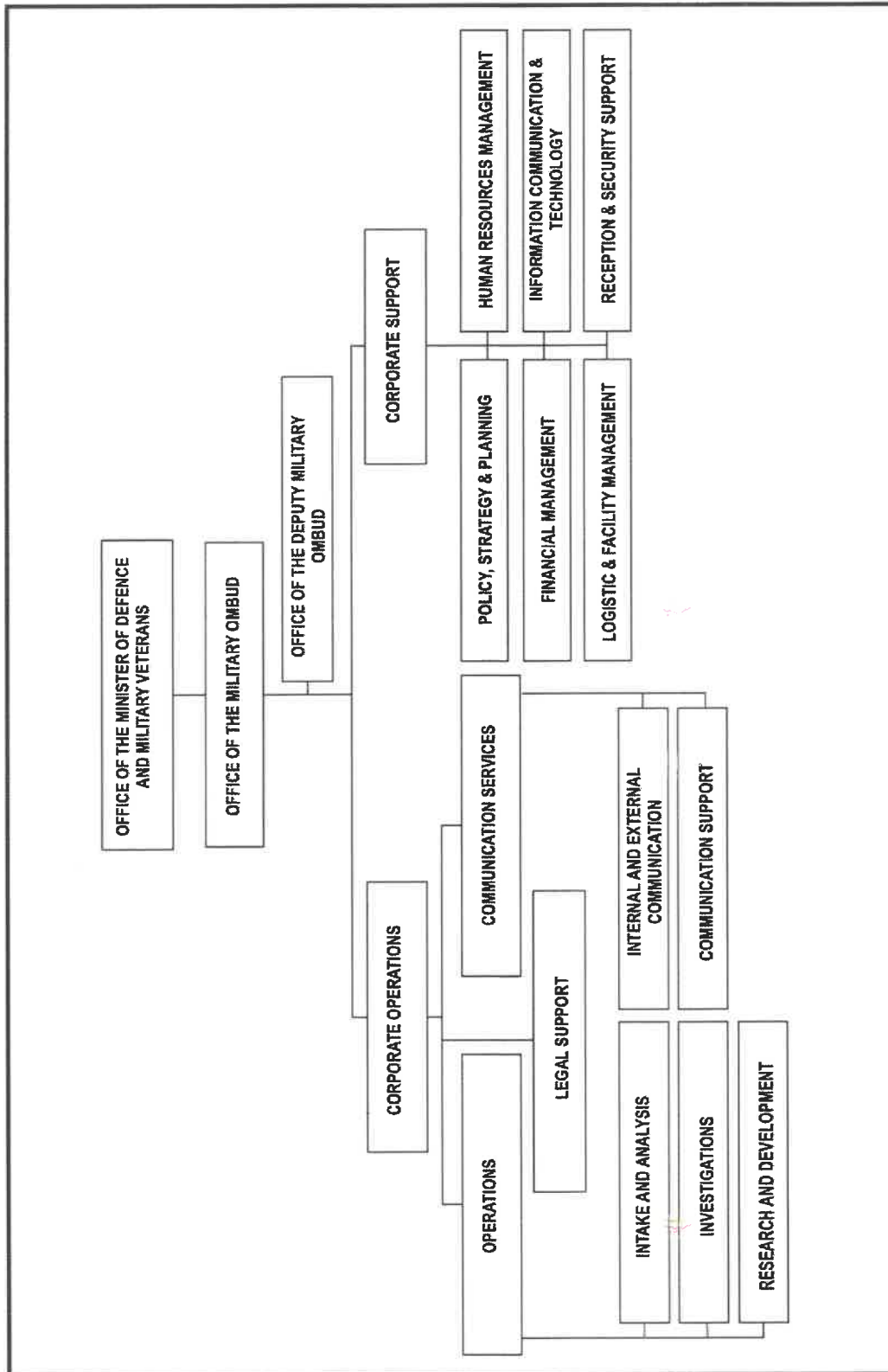
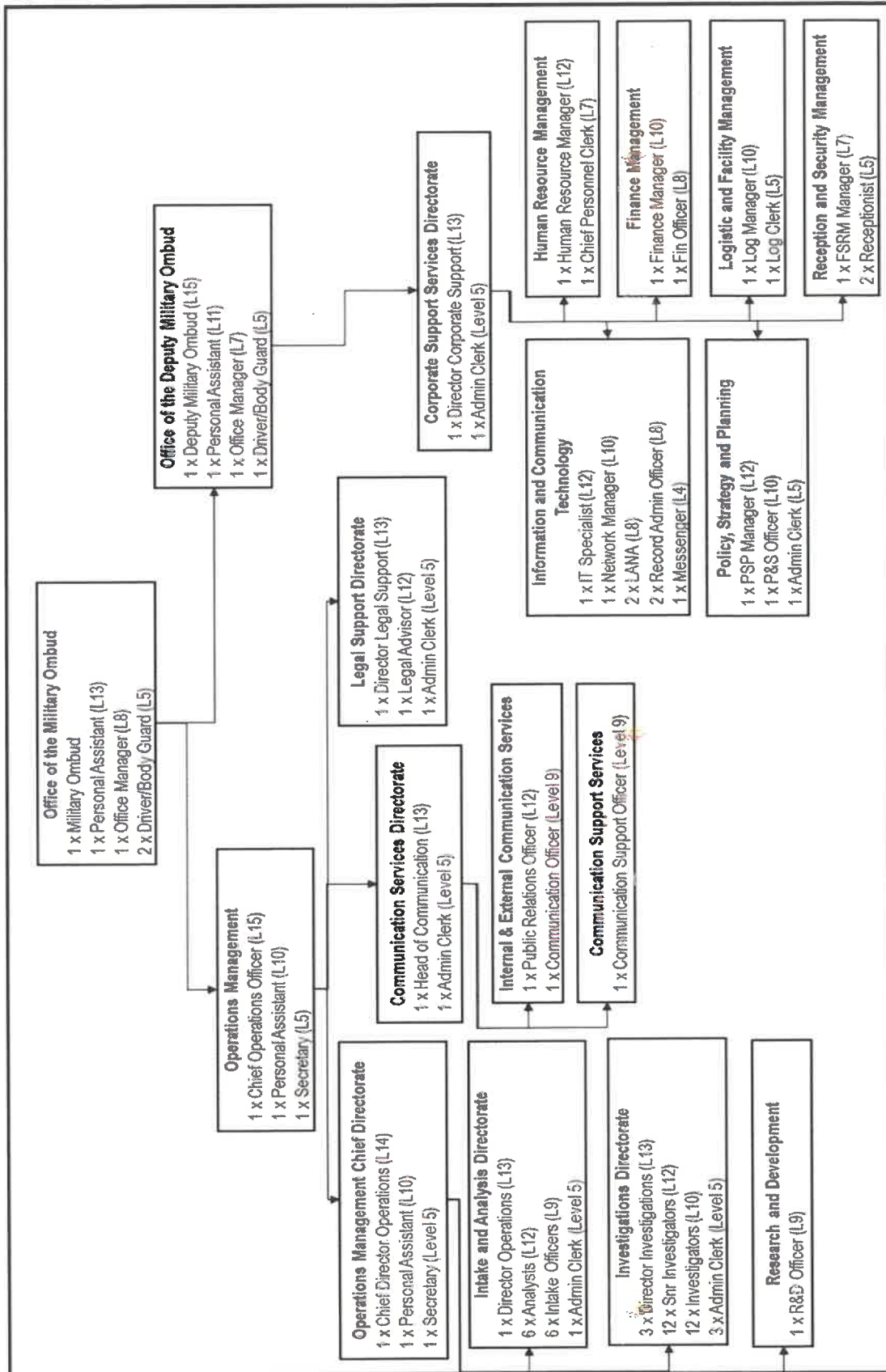


Figure 3: Post Structure of the Office







PART B: PERFORMANCE INFORMATION

Military Ombud Performance Information

Over the 2019-2024 MTSF period, the Office will continue to support the Government's priorities and ultimately the National Development Plan, Vision 2030 as well as the NDP 5-year Implementation Plan. To ensure the Office's alignment with the National Planning, Budgeting and Reporting Cycle, as articulated in the Revised Framework, as reflected in Figure 4 and 5 below, the Office updated its current Strategic Planning Framework.

Figure 4: National Planning, Budgeting and Reporting Cycle

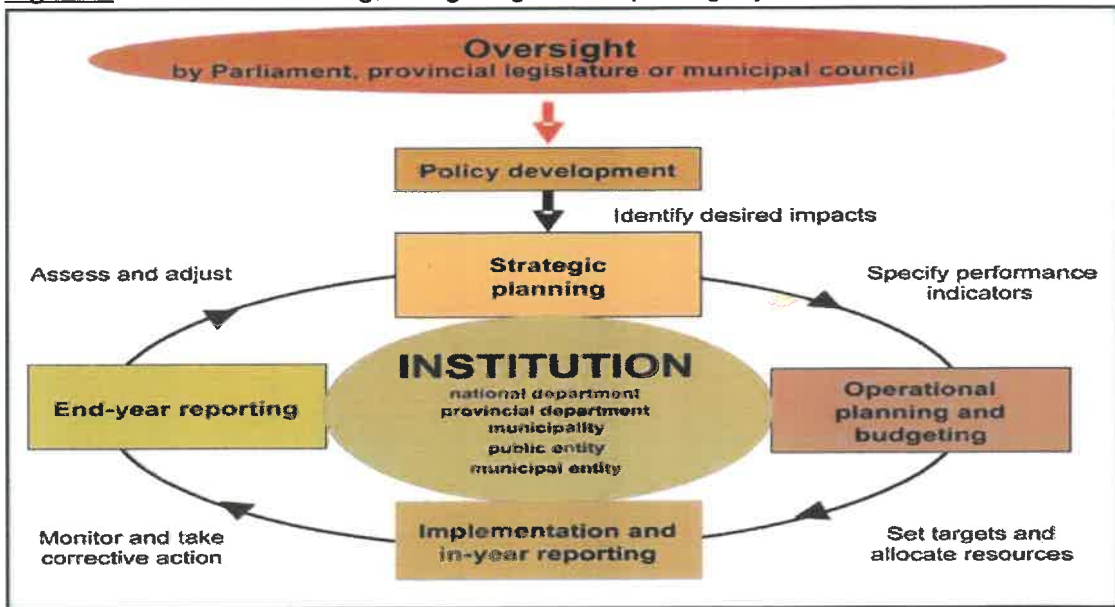
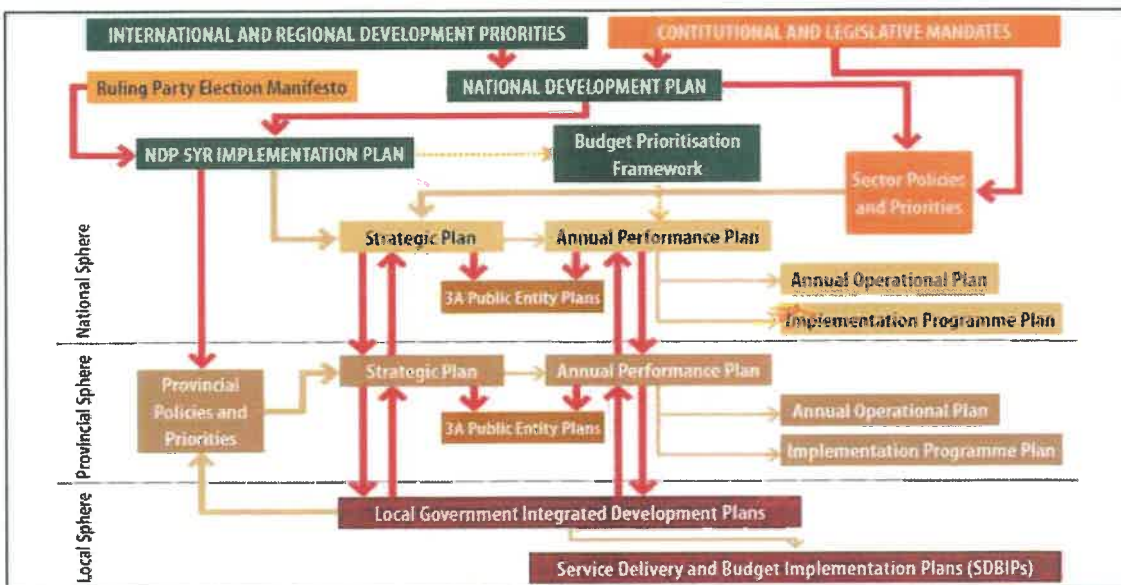


Figure 5: National, Provincial and Local Government Planning Alignment

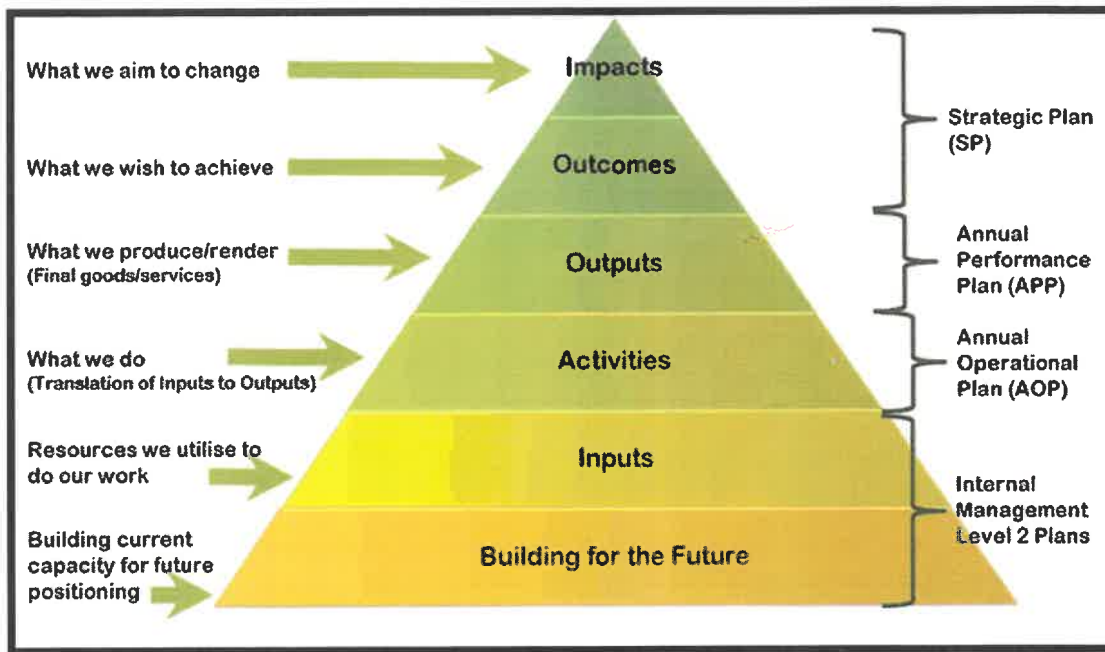


The updated/revised Strategic Planning Framework (SPF) will continue to provide the norms and standards within which the Office outcomes-based planning, budgeting, reporting and risk management process are executed in the realisation of the office's mandate.

The updated/revised SPF aims at primarily ensuring the following:

- The implementation of the outcomes-based (logic model) planning, budgeting, reporting and risk management in the Office of the Military Ombud. (Figure 6)
- The alignment of planning, budgeting, monitoring and evaluation (reporting) processes and risk management of the Office with the requirements of national legislation.
- Improved output delivery accountability and compliance.
- Office of the Military Ombud performance information management focused strategically on meeting the mandate as aligned with the intent and priorities of Government.

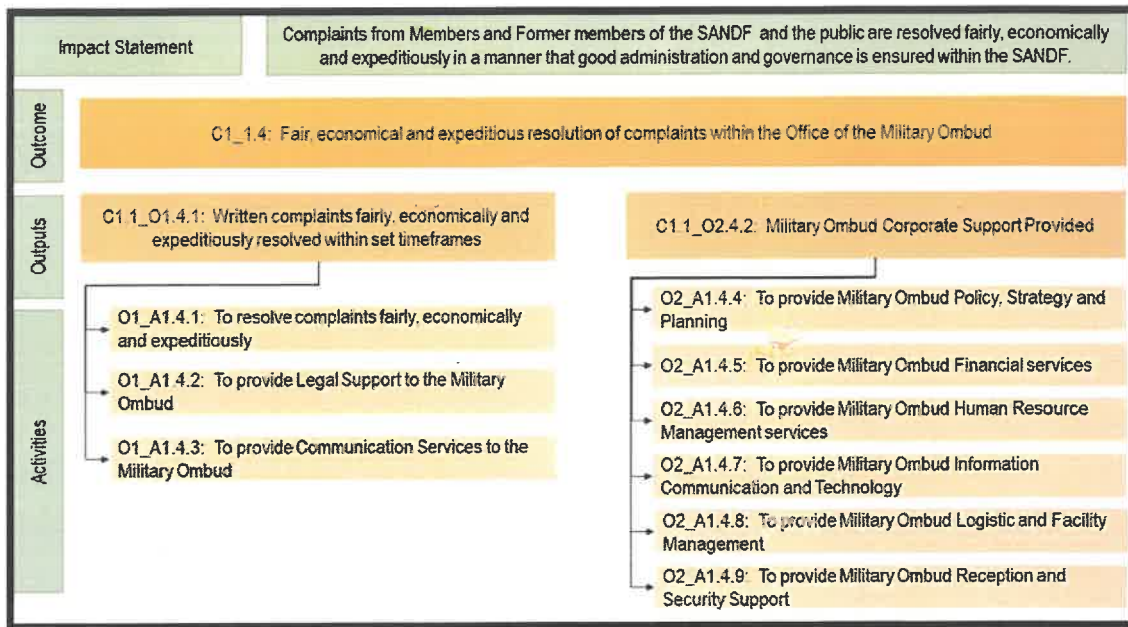
Figure 6: Logic Model (Result Based Concepts)



The below Result Based Model (RBM) and the components provided therein, systematically add value to the Office of the Military Ombud when supported by well-defined and auditable performance information (Impact, Outcome, Output, Performance Indicators and Targets), thereby providing for and enabling the “measuring of what must be done and what has been achieved”.

For the Office of the Military Ombud to ensure alignment with its legislative mandate and the Results-Based Model, the Military Ombud RBM is reflected in Figure 7 below.

Figure 7: Office of the Military Ombud Results-Based Model



Outcomes, Outputs, Performance Indicators and Targets

For the Office to ensure alignment with its Legislative Mandate, the impact statement as captured in the Office’s Annual Performance Plan (APP) for FY2021/22 is reflected in Table 2 below:

Table 2: Impact Statement

Impact Statement	Complaints from Members and Former members of the SANDF and the public are resolved fairly, economically and expeditiously in a manner that good administration and governance is ensured within the SANDF.
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The detailed performance outcomes in support of the above Impact Statement and captured in the FY2021/22 APP is provided in table 3 below.

Table 3: Measuring of Outcomes

Outcome	Outcome Indicator	Baseline	Five Year Target	FY21/22 APP Target	FY21/22 Output Validated
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%	73%	83%
Accountable and effective governance of the Office of the Military Ombud	Percentage of Military Ombud accountability documents submitted in	100%	100%	100%	100%

Outcome	Outcome Indicator	Baseline	Five Year Target	FY21/22 APP Target	FY21/22 Output Validated
	accordance with National prescripts				

The outcomes of the Office as defined above highlights what the Office aims to achieve. The strategic outcomes are directly aligned with the legislative mandate of the Office

Table 4. Overview of Performance – AOP Level

Performance Indicator	Annual Target as per APP	Performance								FY2020/21 Annual Performance Pre-Audited	Achievement/Reason for Deviation/Corrective Action/Planned Management Intervention
		Qtr 1 Target as per AOP	Qtr 1 Output - Validated	Qtr 2 Target as per AOP	Qtr 2 Output - Validated	Qtr 3 Target as per AOP	Qtr 3 Output - Validated	Qtr 4 Target as per AOP	Qtr 4 Output - Validated		
a	b	c	d	e	f	g	h	i	j	k	l
Strategic Outcome 1: Fair, economical and expeditious resolution of written complaints											
Percentage investigation and resolution of simple complaints bi-annually.	75%	-	-	37.5%	68%	-	-	75%	96.4%	96.4%	Achieved
Percentage investigation and resolution of complex complaints annually.	70%	-	-	-	-	-	-	70%	59%	59%	Due to the complexity as well as date of submission of complaints the set target was not achieved.
Percentage investigation and resolution of carry over complaints quarterly.	75%	18.75	36.3%	37.5% (18.75%)	63%	56.25% (18.75%)	76%	75% (18.75%)	95%	95%	Achieved
Percentage Compliance with R&D Plan.	80%	20%	20%	20%	20%	20%	20%	20%	20%	80%	Achieved
Percentage of timely effective and efficient legal services provided to the Office.	70%	70%	67%	70%	76%	70%	72%	70%	86%	75.3%	Achieved
Percentage Compliance to the Communication Plan.	100%	100%	73.6%	100%	84.6%	100%	96%	100%	78%	82.9%	Non achievement as some of the events / interventions that the Office planned for did not occur due to Covid-19 pandemic.

Performance Indicator	Annual Target as per APP	Performance								FY2020/21 Annual Performance Pre-Audited	Achievement/Reason for Deviation/Corrective Action/Planned Management Intervention
		Qtr 1 Target as per AOP	Qtr 1 Output - Validated	Qtr 2 Target as per AOP	Qtr 2 Output - Validated	Qtr 3 Target as per AOP	Qtr 3 Output - Validated	Qtr 4 Target as per AOP	Qtr 4 Output - Validated		
Strategic Outcome 2: Accountable and effective governance of the Office of the Military Ombud											
Percentage of requirements received versus requirements finalised within the Office of the Military Ombud aligned to the Regulatory Framework ¹ .	100%	100%	72.9%	100%	75.6%	100%	78.25%	100%	77.4%	76%	Non achievement as some of the events / activities / requirements could not be satisfied due to Covid-19 pandemic and regulations.
Percentage Compliance to implementation of GRC Framework.	100%	100%	40%	100%	50%	100%	50%	100%	50%	47.5%	As a reasonably new indicator the Office is in process of institutionalising the approved framework.

¹ This indicator includes the following functional areas:

- HR which annual target was set at 85% and 93.5% was achieved
- PSP which annual target was set at 90% and 80% was achieved
- ICT which annual target was set at 95% and 70% was achieved
- Fin which annual target was set at 97.5% and managed to achieve 90%
- Log which annual target was set at 95% and 73.6% was achieved
- FSRM addressing two (2) sub-indicators namely OHS and security. This environment managed to achieve 38% and 95% respectively.



Office Performance Overview.

Performance Information indicates how well the organisation is meeting its impact statement and outcomes, and which policies and processes are working. Performance information is key to effective management, including planning, budgeting, and implementation, monitoring and reporting to ensure efficiency, effectiveness and the impact of service delivery by the Office of the Military Ombud.

In order to fulfill the mandate of the Military Ombud Office, the Office strives to be innovative, agile, and focused on the core business and mandate given to the Office. It is important for the Office to be vigilant and responsive to ensure that issues are addressed as per the mandate. During the FY2021/22 the Office delivered services in accordance to vision, mission, impact statement and values as previously articulated by the Military Ombud's priorities during 2020 Strategic Planning Work Session.

The Office of the Military Ombud continues to grow in its pursuit to fulfil the mandate as prescribed in the Military Ombud Act, 4 of 2012. The progress is confirmed in the deepened understanding, application and internalisation of the legislative mandate by the Senior Management and the employees of the Office.


The emphasis on service provision that is mindful of the members of the SANDF and members of the Public meant pursuing all priorities and initiatives in ensuring complaints are resolved without fear and favour in an expeditious manner.

The Office will continue supporting the MTSF of 2019-2024 which articulates Government priorities for the 6th Administration and also the National Development Plan and Vision 2030 which is the long term socio economic policy blue print of government, while the Office makes contribution to a number of the seven MTSF Apex priorities namely:

- Outcome 1: A Capable, Ethical and Developmental State.
- Outcome 2: Social Cohesion and Safer Communities.
- Outcome 7: A Better Africa and World.

The Office is committed to continuously communicate with members of the SANDF, former members of the SANDF, members of the Public and other stakeholders pertaining to the challenges faced due to COVID-19 pandemic.

In 2021, the Office moved to a (predominately) online model in response to regulations that were put in place by government to deal with the COVID-19 pandemic; thus ensuring that work continued under the circumstances; that complaints were attended to on time and feedback given to stakeholders.



The Office furthermore continued to demonstrate value for money by conducting outreach programmes in various Provinces ensuring accessibility of the Office to its stakeholders (complainants) by making use of technological innovations like online engagements and in this way continued performing duties required of the Office. (Operational innovation and performance measurement)

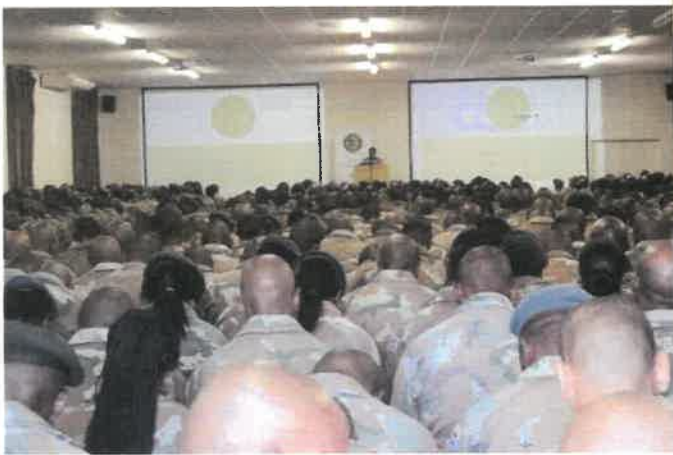
Internal financial monitoring and evaluation were conducted to ensure effective financial management processes and compliance to financial acts, regulations, processes, procedures and rigorous budgeting processes to ensure efficient and effective use of funds, while maintaining a performance measurement framework to ensure our internal activities are effective and achieving their intended results.

A few Policies and standard operating procedures were developed and promulgated in order to guide, influence and assist in objective decision making in the Office.

The Office engaged in many activities and achieved a great deal in strengthening Relationship Management with different institutions.

The Office also abided with the rules and regulations of the COVID-19 pandemic and ensured safety of the employees.





PART C: OPERATIONS

Operations.

As prescribed in the Military Ombud Act, 4 of 2012, Section 3, the objective of the Office is to investigate and ensure that complaints are resolved in a fair, economical and expeditious manner.

This part of the report provides feedback with regards to achievements within the core business of the Office.

- Historic Overview. The three (3) tables below provides an overview of the complaints flow within the Office over the past 10 financial years.

Table 5: Ten (10) Financial Year Statistical Overview of Cases

Financial Year	Total Carried Over Cases	Total Cases Received in the FY	Total Caseload	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
FY2018/19	135	390	525	246	279
FY2019/20	279	308	587	439	148
FY2020/21	148	297	445	357	88
FY 2021/22	88	263	351	293	58

Table 6: Carry-Over Cases as at 31 March 2021

FY17/18	FY18/19	FY19/20	FY 20/21	Total
1	11	15	61	88

Table 7: Carry-Over Cases as at 31 March 2022

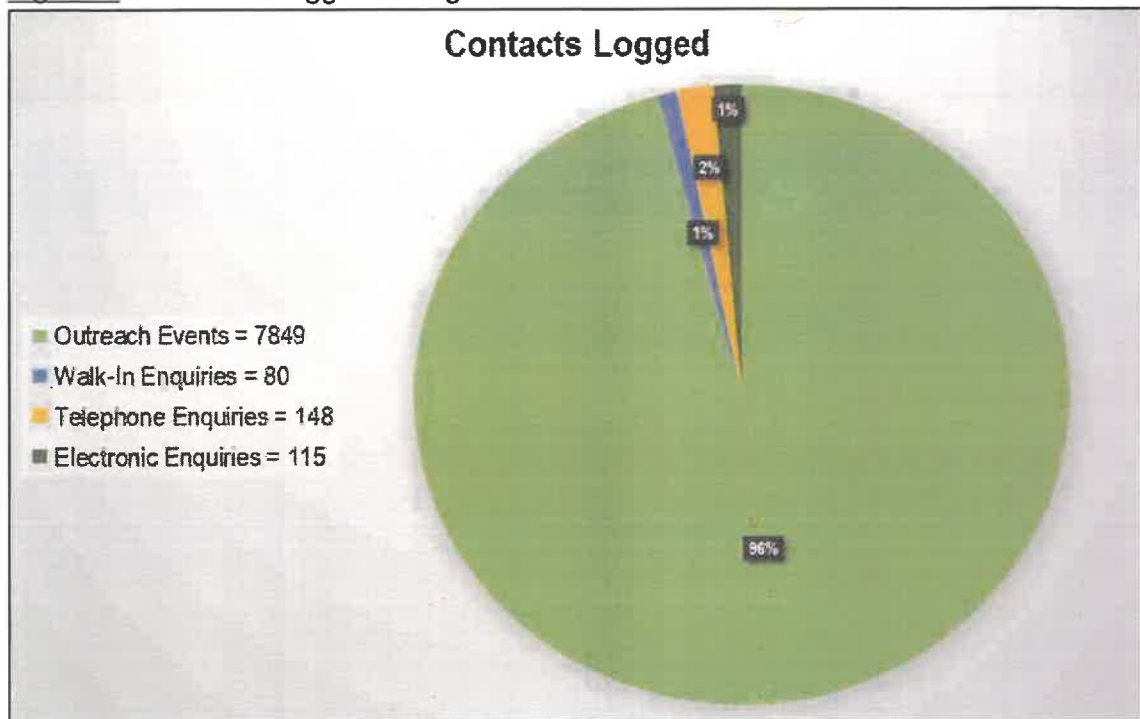
FY17/18	FY 18/19	FY 19/20	FY 20/21	FY 21/22	Total
0	0	0	4	54	58

- Age Analysis of Carry-Over Complaints. In terms of section 3 of the Military Ombud Act the objective of the Office is to investigate and ensure that complaints are resolved in a fair, economical and expeditious manner. In furtherance of this key legislative imperative, improvement in the speed within which complaints are dealt with, as well as the overall improvement in the complaints handling and investigation turn-around times, was a critical continued focus area for the Office during the year under review. The Office thus made great strides in achieving a

95.5% reduction of the carry-over complaints as reflected in table 7, thereby decreasing the overall total number of complaints older than a year.

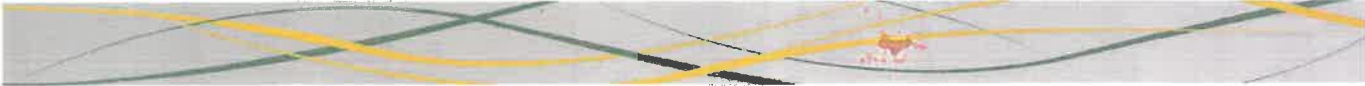
- Performance and Analysis of FY2021/22. During the year under review the Office logged **8 192** physical contacts with the Office. This comprises of people who attended outreach events organised by the Communications Directorate and attended to by Operations personnel. It also includes walk-in enquiries, telephone enquiries and electronic enquiries which includes emails and postings on social media that required assistance from operations staff.

Figure 8: Contacts Logged during FY2021/22



Whilst in terms of section 6(2) of the Military Ombud Act, read with the Military Ombud Complaints Regulations of 2015, Complainants must lodge complaints in writing in a prescribed Complaint Form, the Office has opened various modes of contact in addition to the traditional methods of posting and faxing complaints as a way of promoting accessibility, as reported on above.

During the 2021/22 financial year, the Office of the Military Ombud had a caseload of **351** which is made up of **263** new complaints that were received in the year and **88** complaints that were carried over from the previous financial year. A total of **293** complaints were finalised. This represents an **83%** resolution rate.



Achieving an **83%** resolution is a key highlight in performance of the Office this financial year. The annual performance target of **73%** resolution rate was exceeded by **10%**, which is the maximum variance planned for in the APP and AOP.

In the year under review, the Office recorded a minor decline in the average intake of new complaints per month. The average intake per month in the 2021/22 financial year was approximately **22** compared with the average monthly intake of **25** in the previous financial year. Although the percentage decrease is not that significant, the Office has re-evaluated its outreach plans in order to target specific audiences that should better address the mandate of the Office.

Another key performance milestone that is worth highlighting is the fact that the Office managed to reduce the number of carry-over complaints to **only 58**. This is the lowest in the nine (9) years of existence of the Office.

The finalisation of the investigation in terms of section 6(11) of the Military Ombud Act 4 of 2012 (Ministerial Instruction) into the official conduct of the members of the SANDF in relation to serving rotten or spoiled food and water to the SANDF contingent deployed under Southern African Development Community (SADC) Mission in Mozambique (SAMIM), in record time, given the complexity and high profile nature of this matter, was a significant achievement for the Office.

- Analysis of Complaints Received in FY2021/22. In the year under review, a total of **263** new complaints were received as compared to the **297** new complaints received in the FY2020/21 financial year. This is a slight decrease in the number of complaints that were lodged with the Office.
- Nature of Complaints. Of the **263** new complaints that were lodged with the Office during the year under review, **226** were lodged by members of the SANDF concerning their conditions of service and **1** was investigated as tasked by the Minister of Defence and Military Veterans. The Office saw a decline in the complaints that were lodged by members of the public relating to the conduct of the SANDF members in comparison to the previous financial year. This may have occurred as a result of the termination of internal deployment of members of the SANDF, who were deployed to assist in the enforcement of Lockdown Regulations in the previous financial year.

Figure 9: Nature of Complaints

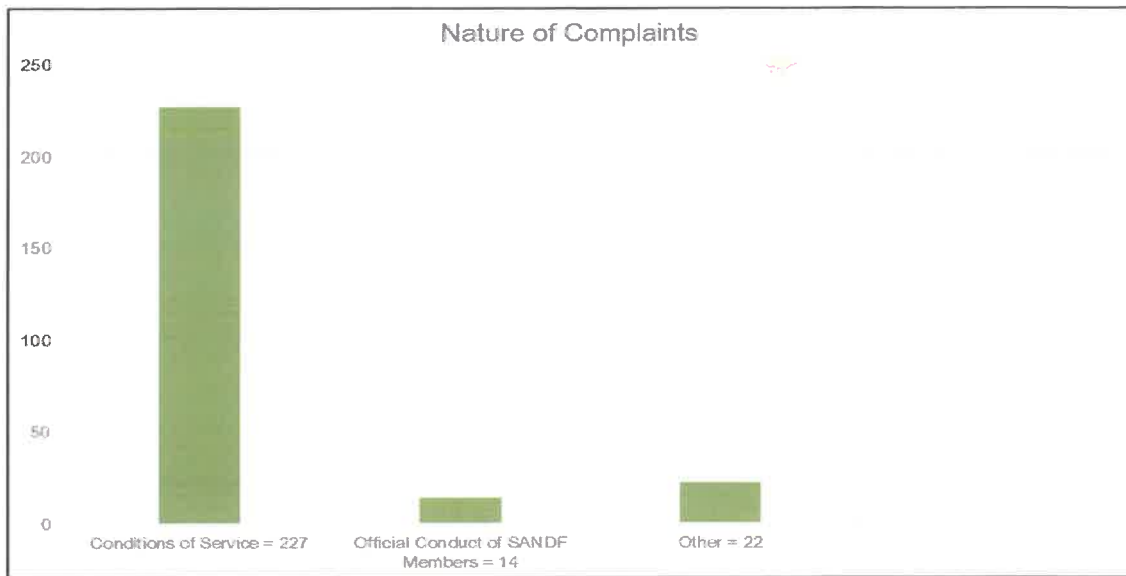


Table 8: Category of Complaints

Category	Received in FY2021/22	Carry Over as at 31 March 2022
a.	b.	c.
Official Conduct of Member of SANDF	14	6
Other	22	0
Placement / Utilisation	35	8
Remuneration	30	10
Service Termination	56	10
Education, Training and Development	1	0
Grievance and Disciplinary Procedures	15	6
Promotion and Demotion	29	8
Service Benefits	42	7
Working Environment (<i>Including Section 6(11) Investigation</i>)	19	3
Total	263	58

The category of 'Other complaints' relate to those that fall outside the mandate of the Office, such as Military Veterans benefits, domestic disputes and intimidation (not in an official capacity). At 86% of the total complaints registered, SANDF service conditions complaints thus constitute the highest number of complaints.

Service Conditions can be collectively categorised as in the table 9 below.

Table 9: Service Conditions

Service Condition	Number
a.	b.
Placement/ Utilisation	35
Remuneration	30
Service Termination	56
Education, Training and Development	1
Grievance and Disciplinary Procedures	15
Promotion and Demotion	29
Service Benefits	42
Working Environment (Including 1 Sec 6(11) Investigation)	19

- Profile of Complainants. Complaints from current members of the SANDF constitute the highest number of the matters that were lodged with the Office during FY2021/22. The **142** complaints from current member's amount to **54%** of the total new complaints received. Complaints from former members remain the second highest at **85** which constitute about **32%** of the new complaints lodged. The Office received **36** complaints from members of the public, which amounts to **14%** of the **263** complaints lodged during the period under review.

Figure 10: Complaints Submitted as per Mandate of the Office

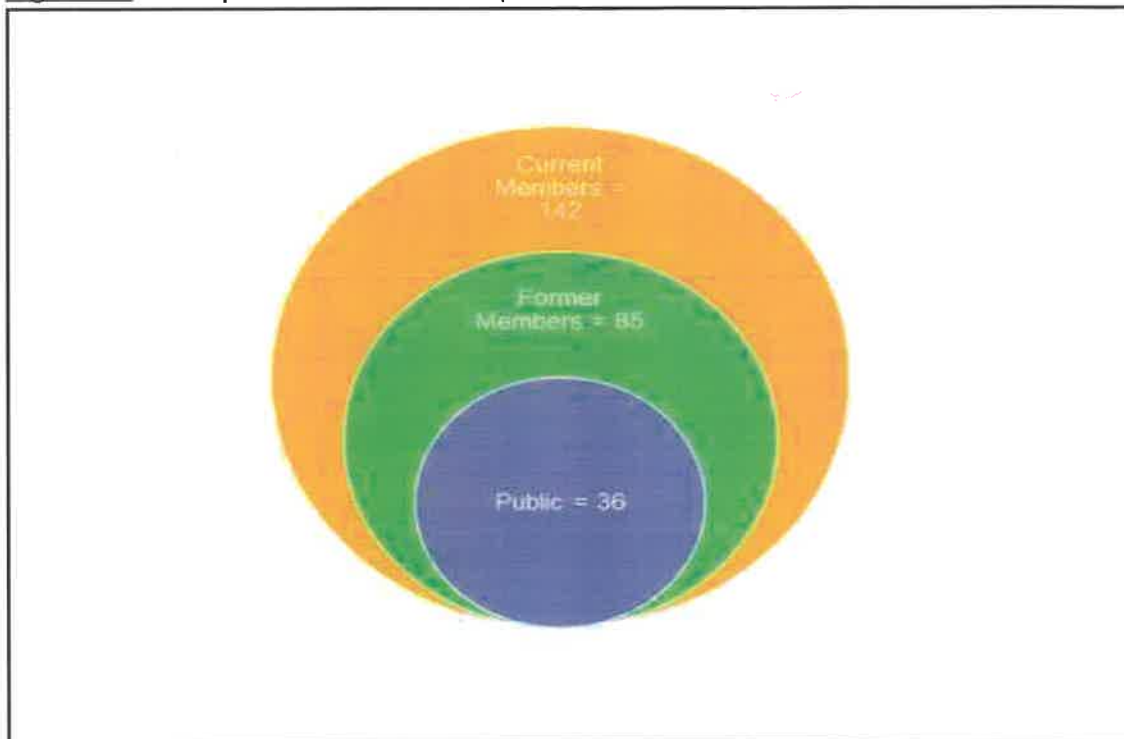
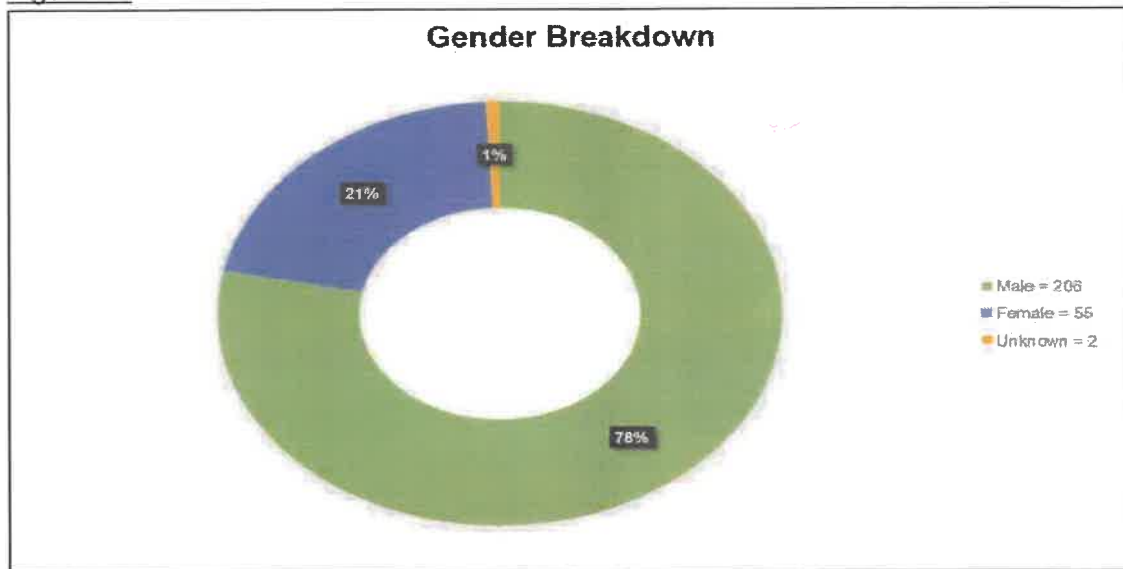


Table 10: Rank Level of Complaints by Members

Ser No	Rank Levels	Number
	a.	b.
1	Generals/ Flag Officers	0
2	Senior Officers	38
3	Officers	21
4	Candidate Officers	5
5	Warrant Officers	15
6	NCO's	94
7	Other Ranks	48
8	Undefined	5
Total		226

It is noteworthy that **94** complaints were received from Non-Commissioned Officers constituting **36%** of complaints received from Regular and Reserve Force Members. Even though only a third in the number of these complaints received, it is significant that **38** complaints were received from Senior Officers constituting **15%**.

Figure 11: Gender Distribution



The Office still recorded a high number of complaints from males which accounts for **78%** of the total **263** complaints lodged. Those from female's amounts to **21%**. The gender of **2** Complainants remains unknown at **1%**. This trend is consistent with the statistics of previous financial years and appears to be in accordance with the gender demographics within the SANDF.

- Origin of Complainants. As per the annual historical trend the SA Army had the most complaints at **129** which accounts for **49%** of complaints lodged during the period under review.

Figure 12: Complaints per Service, Division and Public for FY2021/22

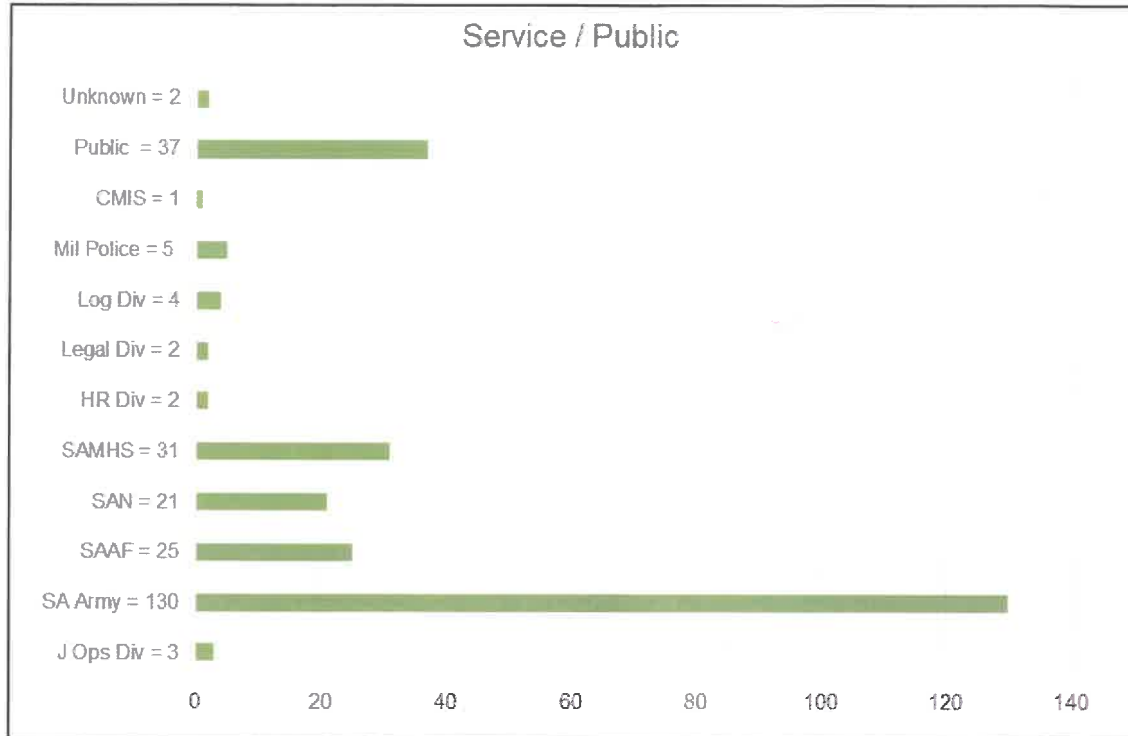
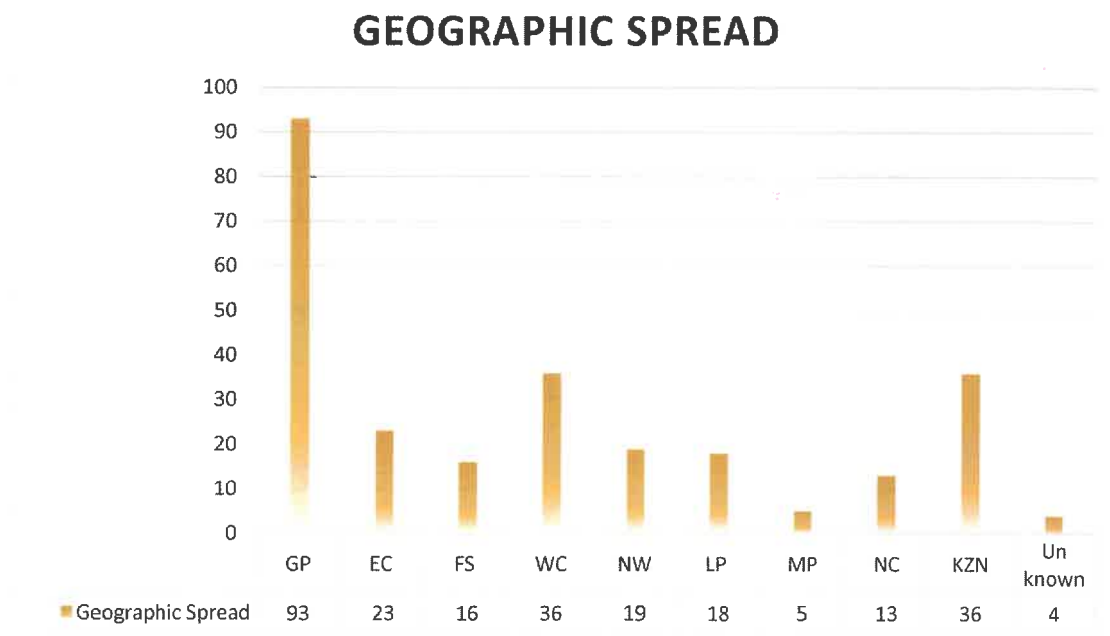


Figure 13: Geographic Spread



- Geographic Spread.** Complaints from Gauteng still registered the highest at **35%** followed by the Western Cape and Kwa-Zulu Natal at around **14%**. The remainder is spread across the other provinces as shown in the above graph.

- **Manner of Finalisation.** The table below details how the Office finalised **293** (84 from FY2020/21 and 209 from FY2021/22) complaints of the total caseload of **351** complaints. Although the Office performed well, there is still room for further improvement which the Office will pursue.

Table 11: Manner of Finalisation for FY2021/22

MANNER RESOLVED	
Collective Investigation	3
Complaint Dismissed for lack of jurisdiction	2
Complaint Dismissed ito Sec 4 – not a condition of service	20
Complaint Dismissed ito Sec 6(7)(a) – on merits of complaint	7
Complaint Dismissed ito Sec 7(1)(c) – matter was decided by Court	1
Jurisdiction declined ito Sec 7(2)(c) due to extreme late lodging	20
Jurisdiction declined ito Sec 7(2)(d) – matter referred to SANDF IGR	123
Complaint Referred to an institution that is better suited	8
Complaint Upheld Ito Sec 6(7)(a) – on merits of complaint	9
Complaint Withdrawn	3
Duplicate	4
Matter Resolved Ito Sec 6(6)(b) by using ADR	9
TOTAL	209


Legal Support.

The Directorate provides legal services and legal support to the Office. Its strategic direction is aligned to and supports the mandate of the Office as reflected in its Operational Plan and output deliverables. The primary role of Legal Services is to provide legal advice, legal drafting, legislative drafting, litigation management and conduct legal compliance audits.

The Directorate continued to provide effective and efficient legal services to the Office. While the drafting of the Amendment Bill was placed in abeyance, the Directorate was in rigorous engagement with GTAC and its study to determine existing challenges facing the Office in order to expedite the legislative review process. The report on the GTAC study was finalised on 29 March 2022 and recommendations contained therein will be considered for purposes of addressing amendments to the Draft Bill.

Litigation managed in this financial year continued to range from applications instituted by Complainants in the High Court either seeking orders against the Minister of Defence and Military Veterans for the implementation of the Military Ombud's findings and recommendations and applications to review and set aside the Military Ombud's findings and recommendations.

Legal services to the Operations Directorate leans toward the execution of the core business of the Office. The primary role in this regard is to enhance complaints



handling through legal reviews of investigation reports to limit foreseeable legal risks in an effort to contain and possibly minimise exorbitant litigation costs to the Office, Complainants and the DOD. Further, key stakeholder relations that impacted on the core business of the Office were managed through Memorandum of Understanding (MOU) and Service Level Agreements (SLA). While these MOU's and SLA's are being continuously reviewed for effectiveness and efficiency, new agreements were entered into or identified to ensure significant stakeholder relationships are formalised and sustained.

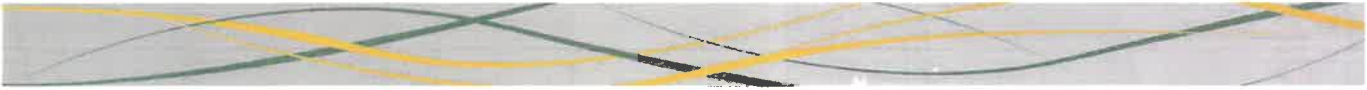
Significant to mention are the MOU's with the Defence Force Service Commission (DFSC) and the DOD which are being reviewed to address developments in sustaining these working relationships. A need to enter into a MOU with South African Local Government Association (SALGA) and Independent Police Investigative Directorate (IPID) was identified and negotiations on the provisions of these agreements are being addressed. A Memorandum of Agreement (MOA) has been entered into with the South African Human Rights Commission (SAHRC), which, emanating from the MOU, is meant to regulate the relationship between the SAHRC and the Office on the National Preventative Mechanism (NPM) mandate which is discussed further below.

On 20 September 2006, South Africa signed the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT or Optional Protocol). Meanwhile, on 28 February 2019, the Cabinet referred the OPCAT to Parliament for ratification. Both the National Assembly and the National Council of Provinces approved the ratification of OPCAT on 18 and 28 March 2019 respectively. South Africa deposited the instrument of ratification of the OPCAT with the Secretary-General of the United Nations in New York on 20 June 2019. Under Article 28 (2), the OPCAT came into effect for South Africa on 20 July 2019.

In terms of Article 19 of the OPCAT, the NPM is, inter alia, mandated to regularly examine the treatment of persons deprived of their liberty in Places of Deprivation of Liberty (PDL) as defined in Article 4, to strengthen, if necessary, their protection against torture and other cruel, inhuman or degrading treatment or punishment.

As a multi-body mechanism, the South African NPM consists of the Judicial Inspectorate for Correctional Services (JICS), IPID, Office of the Military Ombud and the Office of the Health Ombud (OHO). The NPM is functionally and structurally coordinated by the SAHRC.

Quarterly meetings are held with the NPM Steering Committee, during which quarterly reports are submitted in an effort to ensure the Office and other designated NPM's complies with its obligations in terms of the OPCAT. The Office conducted inspection visits to the two Military Detention Centres in October 2021 and a report on these visits was submitted to the Minister at the end of the financial year.



Optimal performance, high standards of professional ethics, accountability and service delivery are key concepts for the Directorate in advancing forward. In dealing with these concepts the Directorate will continue to be guided by the strategic priorities of the Office and its strategic focus areas. The Directorate did and will continue to fulfil all its mandatory obligations in support of the priorities of the Office.

Communication.

Communication is the chain of understanding that binds the Office from top to bottom and from side to side. The functions performed including achievements in accordance with the communication plan are discussed hereunder:


- **Stakeholder Relations Management.** Stakeholder collaboration has indeed bolstered the profile of the Office in a positive light. The Office of the South African Military Ombud, represents a link for the public to lodge complaints that relate to the conduct of SANDF members, current and former members of the SANDF to lodge complaints that relate to conditions of service. It is also essential to work with other human rights organisations and other government institutions to collaborate and reach a broader diverse audience.

The Office aims to strengthen relations between the Office and the Department of Defence and Military Veterans, regional and international bodies and members of the public in order to reinforce mutual understanding and cooperation. Furthermore, the Office aims to expand awareness of its mandate by augmenting the existing outreach programme by proactively reaching out to the members of the public.

Of the planned 20 stakeholder engagements only 16 were achieved constituting 80% against the annual target of 100% compliance with the communications plan. COVID-19 played a negative role in the delivery of services this financial year.

- **Broadening Stakeholder Engagements: South African National Defence Force (SANDF).** In pursuit of a mutually beneficial stakeholder relation with strategic partners, the Office has continued to ensure an optimal consensus approach to the investigation process with stakeholders concerned. This consensus building approach is a continuous effort sought by the Office to optimise efficiency, effectiveness, optimal performance and a culture of being purpose-driven in its operations.

The Military Ombud identified the SANDF as one of the critical stakeholders in its investigations process. As a result, two pertinent mechanisms between the Office and the SANDF have been established, that is, the Joint Liaison Forum and high level bilateral meetings with the SANDF. These



mechanisms seek to assist the Office in expeditious resolution of complaints received pertaining to conditions of service of serving and former members of the Defence Force; and members of the public pertaining to the official conduct of the members of the Defence Force.

The intent of the Office in its preamble as established in terms of Military Ombud Act No. 4 of 2012

- *“is to provide for the establishment of an independent Office of the Military Ombud; and*
- *to provide for the appointment and functions of the Military Ombud; and*
- *to provide for matters connected therewith”.*

Pursuant to the above, the Office by virtue of its establishment inadvertently serves as a *force multiplier that increases the ability of the C SANDF to have a disciplined Defence Force.*

The high level monthly bilateral engagements between the Military Ombud and the C SANDF during FY2021/22 have yielded positive results and improved performance in the Operations environment by unlocking undue delays on investigations, turnaround times of investigations and final recommendations being implemented and achieving **83%** complaints resolution.

The Office will continue to build on this strategic partnership to ensure improved internal mechanisms and strengthening quality assurance including maintenance of these structured interactions with the Department of Defence and the C SANDF.

The Office's goal is to reach as many people as possible through its stakeholder engagements and outreach activities to be accessible to all persons and communities. In the next financial year, the plan is to ensure that specific groups that were previously not serviced will be targeted.

- Institutional Independence. Military Ombud Act does not expressly state the legal nature of the Office. As a result it has not been defined as a “national public entity” in terms of section 1 of the PFMA. In pursuit of improving operational efficiencies, particularly structural independence and impartiality which are seen as key enabling factors for the work the Office performs, engagements with GTAC are underway.

¹ Military Ombud Act No.4 of 2012, Preamble

GTAC engagements intended to assist the Office of the Military Ombud to determine the legal status of the Office are ongoing. The business process mapping requirements for Schedule 3 Public Entity are to commence pending discussions and concurrence from the Minister of Defence and Military Veterans.

“Ombudsman is an important element in a State based on democracy, the rule of law, the respect for human rights and fundamental freedoms and good administration; taking action independently against maladministration and alleged violations of human rights and fundamental freedoms affecting individuals or legal persons. While there is no standardised model, the State shall support and protect the Ombudsman Institution and refrain from any action undermining its independence”²

Table 12: External Stakeholder Interaction Planned Versus Achieved FY2021/22

Stakeholder	Date	Event	Outcome
a.	b.	c.	d.
DPME	20 May 2021	To discuss public outreach programme	Achieved Shared public activations in Sasolburg, Khayelitsha, Delft and Nyanga
Meeting with Joint Ops	21 May 2021	On the outreach during deployment and demobilization period including border activations.	Letter to be written to Chief Joint Ops for assistance to access SANDF in this regard
Department of Sport, Arts and Culture	07 June 2021	To discuss public outreach programme	Achieved Shared public activations during indigenous games, Tsolo, Botlokwa
Mpumalanga Department of Community Safety, Security and Liaison	08 June 2021	To discuss public outreach programme	Achieved Public Participation Programme in Ngwenyeni, Dluhluma, Mbuzini Chief Homestead and Mbagwane Mbuzini
Department of Tourism – Tourism Month	03 September 2021	To discuss public outreach programme	Not Achieved The Office mandate was viewed not relevant for Tourism month
GCIS KZN	27 September 2021	To discuss public outreach programme	Achieved GCIS arranged interviews for the Office on Pongola FM and Izwi lo Mzansi FM

² Referring to United Nations General Assembly Resolution 48/134 on the principles relating to the status of national institutions for the promotion and protection of human rights (“the Paris Principles”) of 20 December 1993, Resolution 69/168 of 18 December 2014 and Resolution 72/186 of 19 December 2017 on the role of the Ombudsman

Stakeholder	Date	Event	Outcome
a.	b.	c.	d.
SAPS Tonga/Nkomazi	28 September 2021	To discuss public outreach programme	Achieved Public activations in Tonga Mall & Taxi Rank, Nkomazi Plaza & Taxi Rank, Nelspruit Plaza & Taxi Rank
GCIS National	08 October 2021	To discuss public outreach programme	Achieved The Office to be included in the Security Cluster meetings
GCIS Northern Cape	25 October 2021	Stakeholder interactions to discuss public outreach programmes	Achieved Shared public activations in Kimberley, Postmasburg and Upington
GCIS National	25 October 2021	Heads of Communications Interactions	Achieved
SAPS Nelspruit	28 October 2021	To discuss public outreach programme	Achieved
Newspaper Direct	22 November 2021	Stakeholder Interactions on online newspapers	Achieved
8 SAI Upington meeting with 2IC Major Joubert	02 December 2021	To discuss outreach programme plan	Achieved The Unit is always busy, the Communication Unit and the OCs will keep in touch to discuss available dates for presentations
Department of Sports, Arts and Culture	31 January 2022	Stakeholder interactions to discuss public outreach programmes	Achieved
Department of Monitoring and Evaluation	31 January 2022	Stakeholder interactions to discuss public outreach programmes	Achieved
Defence Corporate Communications	03 February 2022	Stakeholder interactions for the website management	Achieved
SABC	16-17 March 2022	Stakeholder interactions on media relations	Achieved
GCIS Free State	30 March 2022	Stakeholder interactions to discuss public outreach programmes	Achieved

- Internal Communications. Internal staff engagements remain a priority in order to inform Staff Members of strategic matters as well as decisions taken. The internal newsletter was another tool that was used by the Office to disseminate the information and achievements by the Office.

Various Internal communication platforms are utilised to disseminate pertinent information for the Office such as:

- The Military Ombud Communications Sessions;
- The Executive Committee;
- The Management Committee;
- E-mail broadcast services; and
- Newsletters.

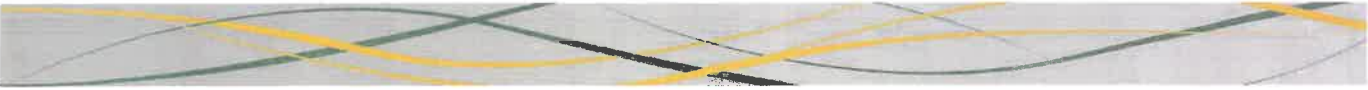
Table 13: Internal Stakeholder Interaction Planned Versus Achieved FY2021/22

Stakeholder	Date	Event	Outcome
a.	b.	c.	d.
Military Ombud Staff Communications Session	08 November 2021	The staff sessions are a platform used by the Military Ombud to communicate strategic and operational matters with staff members.	Not Achieved Four (4) Military Ombud Staff Communication sessions were planned and only one (1) was achieved during the financial year due to COVID-19 National Lockdown Regulations
Military Ombud Welcome Back Communications Session	18 February 2022	The welcome back to the Office session is a Social Committee initiative and a platform the Military Ombud utilises to welcome back staff members and to encourage them to deliver on targets.	Achieved
Annual Military Ombud Recognition Awards	11 March 2022	This is a platform used to recognise Staff Members achievements and contributions. Certificate and accolades are awarded to those who performed over and above the call of duty in line with Batho Pele Principles.	Achieved
Human Rights Day Celebrations	18 March 2022	A lecture on gender based violence and human rights was delivered by a guest from the South African Human Rights Commission.	Achieved
Urgent Military Ombud Staff Communications Session	22 March 2022	This event was unplanned. The Military Ombud engaged Staff Members concerning the death of a colleague.	Unplanned
Memorial Service	23 March 2022	This event was unplanned. A memorial service to celebrate the life of a colleague was organised.	Unplanned

- External Communications. As part of its external communication objective of reaching out to different stakeholders, the Office has used the main stream media and community media as means to communicate its mandate and create awareness. The Office has issued media statements, conducted radio interviews and also used Social Media Platforms as well as advertorials in different community newspapers (where there is a presence of SANDF members) to disseminate information as part of awareness on the mandate of the Office. This was done to educate the members of the public of their rights and in the event they are aggrieved by the official conduct of serving members of SANDF.
 - Annual Military Ombud Symposium. The Office held its first virtual Military Ombud Symposium on 30 September 2021 in conjunction with AORC and AOMA. The symposium was held under the banner topic: “The role of Military Ombud Institutions in Enhancing Democratic Oversight in the Civil Military Relations: Its Use, Challenges and Implications”. The symposium was an overwhelming success.


Of the planned 100 external engagements only 57 were achieved constituting 57% against the annual target of 100% compliance with the communications plan.

- Outreach Programme. For the FY2021/22, the Communication Directorate conceptualised a comprehensive Outreach Programme that did not only include presentations to members of SANDF in Military Bases, but also focused on creating awareness about the mandate and role of the Office to the Members of the Public. The Outreach programme strategy was mostly informed by the outcomes of the Stakeholder Perception Survey conducted the previous financial year by SIGLA. The outcomes suggested that the Office has to increase its visibility and raise awareness about its existence to members of the public and some pockets of the SANDF. Subsequently, the Office established relations with various external stakeholders including government departments and other entities in order to be part of their public participation programmes. The purpose of these relations is to promote the Office to Members of the Public nationwide and local communities residing around the border areas. The outcomes/ recommendation shared as per the SIGLA report were:
 - Specific recommendations in relation to Military Ombud outreach initiatives:
 - Many uniformed respondents claimed to approach their Career Manager with complaints. Given the prominence of this indication in the survey responses, the Military Ombud may consider engaging directly with individuals who work as Career Managers during outreaches.
 - At least 21% of respondents indicated that, following the outreach, it was not clear how to submit a complaint to the Military Ombud. The



Military Ombud may therefore wish to make this process clearer to SANDF members during outreaches and on bulletin boards in particular.

- The responses to this question to find out what course of action uniformed members prefer to take when they do not believe the SANDF has sufficient internal complaints measures suggest that those who do not believe the SANDF has sufficient internal complaints measures are more prone to speak to their superior officers. This suggests the need for a concerted effort to educate the officer corps on the role and functions of the Military Ombud.
- The Military Ombud may further consider cooperation with the Public Service Commission in educating Public Service Act Personnel (PSAP) members of the functions of the Military Ombud. The Commission can, through its own outreach and marketing initiatives, assist the Military Ombud by informing and educating PSAP members on the role of the Military Ombud regarding uniformed members and the public in particular.
- Given the different interests that emerged between PSAP and uniformed members, it may be suggested that the Military Ombud designs different outreach programmes for the two groups and brief them separately. It should, however, be clearly articulated to both audiences what the extent and limits of the Military Ombud mandate are as it relates to PSAP members. The responses are too indicative of the Military Ombud being a 'cure all' complaints mechanism.
- Specific recommendations in relation to the Military Ombud Communication Strategy:
 - As noted in Section 3.2.5, the survey found that a multitude of channels are effective in relaying information about the Military Ombud. While outreach initiatives still remain highly relevant, it should be used in conjunction with other methods. Specific note should be taken of the effectiveness of Bulletin Boards at military units, regimental communication channels for RFP members, the Military Ombud Website, and traditional media and social media platforms (for PSAP and members of the public).
 - The Military Ombud should develop an online strategy to effectively manage its various online platforms. Specific (unique) targets for reaching SANDF members, Reserve Force members, and the public are required in this strategy. This also correlates with the finding that the majority of SANDF members indicate they wish to lay a complaint by online means (E-mail, Military Ombud Website or Facebook).
- Specific recommendations in relation to the complaints process:
 - In terms of the outcomes of Military Ombud decisions, the majority of respondents noted they are satisfied with the outcome. However, close to 30% of respondents either disagreed or strongly disagreed

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- with the outcome of Military Ombud decisions. Further research may be required as to the reasons for the higher levels of dissatisfaction on the outcome for example if findings that did not suit a complainant be the reason for the disagreement.
- The public responses to the survey suggest a need for potential proactive investigations by the Military Ombud. There were several instances where members of the public indicated that they read about SANDF misconduct on social media. This may be a space for the Military Ombud to monitor and to launch independent proactive investigations (without having received an official complaint).
 - While the majority of respondents (60%+) to the Survey did not fear their superiors finding out if they submit a complaint to the Military Ombud, the fact that more than at least 26% (agree or strongly agree) did indicate this fear is cause for concern. This finding may direct the Military Ombud to address this concern directly during outreach initiatives. Furthermore, information to allay these fears may be included in the Military Ombud website, information sheets and other forms of communication with SANDF members. Another option is to inform members who do lodge a complaint explicitly about this when commencing the process.
 - o Specific recommendations in relation to Military Ombud activities during SANDF domestic deployments:
 - Deployments often include stressful environments and accentuate the need for knowledge dissemination about the Military Ombud's services before deployments. This aspect is a matter to be considered as several uniformed members indicated their exclusion from Military Ombud outreaches due to deployments. Given the rise in using Reserve Force Personnel (RFP) for deployments, this group should also be captured in the extending of knowledge to uniformed members around deployments
 - In efforts to reach members of the public, the Military Ombud may consider identifying interest groups, such as agricultural unions, business entities or community-based organisations in places where the DOD is deployed, to distribute information on the presence and function of the Military Ombud. Public trust levels in such community-based groups seems to be high and serve as a vehicle for the Military Ombud to consider, specifically in rural areas.
 - The Military Ombud should liaise with commanders of SANDF members in deployment areas to ensure that complaints from the public can be referred to the Military Ombud. Broader cooperation between the Military Ombud and the SAPS should be considered, especially in areas where the SANDF is deployed. This will allow the SAPS to point members of the public with complaints against members of the SANDF to the Military Ombud.

Of the planned 59 event management initiatives, including, the outreach programme, only 50 (of which 48 were the outreach programme, revived extensively during the last two quarters of the financial year) were achieved constituting 84% against the annual target of 100% compliance with the communications plan.

Table 14. Outreach Programme per Province

Province	Base/Unit	Planned As Per Outreach Programme				Date Visited
		Qtr 1	Qtr 2	Qtr 3	Qtr 4	
a.	b.	c.	d.	e.	f.	g.
Eastern Cape	Tsolo (Public)	1				23 May 2021
Limpopo	Botlokwa (Public)	1				25 May 2021
	Lebowakgomo				1	11 March 2022
	Polokwane				1	12 March 2022
Mpumalanga	Ngwenyeni Nkomazi (Public)			1		17 June 2021
	Dludluma Nkomazi (Public)			1		17 June 2021
	Mbuzini Chief Homestead (Public)			1		18 June 202
	Mbagwane Mbuzini (Public)			1		18 June 202
	Tonga Mall & Taxi Rank(Public)			1		27 October 2021
	Nkomazi Plaza & Taxi Rank (Public)			1		28 October 2021
	Nelspruit Plaza & Taxi Rank			1		29 October 2021
	Nelspruit Safer Festival Season Operation (Commuters/Public)			1		29 October 2021
	General Botha Regiment Military Base			1		27 October 2021
	Macadamia Military Base			1		28 October 2021
	Sandriver Military Base			1		29 October 2021
Northern Cape	GCIS Office, Post Office, Sol Plaatje Municipal Offices, Taxi Rank, Shoprite Kimberley Centre			1		23 November 2021
	Taxi Rank, Labour, Home Affairs Offices, Sibilo Shopping Centre – Postmasburg.			1		24 November 2021
	GCIS Office, SASSA Office, Taxi Rank, Post Office, Home Affairs Office, SAPS – Upington			1		25 November 2021
	Ga-Segonyana Municipal Offices, Taxi Rank and Kuruman Mall			1		26 November 2021
	De Aar (Ammunition Depo) Military Base			1		23 November 2021
	101 Field Workshop Lohatla Military Base -			1		25 November 2021

Province	Base/Unit	Planned As Per Outreach Programme				Date Visited
		Qtr 1	Qtr 2	Qtr 3	Qtr 4	
a.	b.	c.	d.	e.	f.	g.
	SAMHS Military Command Post (MCP), Lohatla Military Base			1		25 November 2021
	Combat Training Centre, Lohatla Military Base			1		26 November 2021
	525 Squadron, Olifantshoek Military Base			1		01 December 2021
	AMHU NC Kimberley Military Base			1		02 December 2021
	Kuruman Shopping Centre and Taxi Rank				1	25 February 2022
	Mothibistad Shopping Mall and Taxi Rank				1	26 February 2022
	Platfontein Shopping Mall and Taxi Rank				1	28 February 2022
Free State	Golden Ash Park, Sasolburg			1		10 December 2021
KwaZulu-Natal	Indigenous Games (Public)	1				24-29 September 2021
	AMHU Military Base & Bluff Military Base				1	25 – 26 January 2022
	KZN Signal Unit Military Base				1	27 January 2022
	J Ops Tac HQ Bluff Military Base				1	28 January 2022
	Military Police Military Base				1	31 January 2022
	AFB Durban Military Base				1	1 February 2022
	MOSD Military Base				1	2 February 2022
	ASB KZN Military Base & MOSD Durban				1	3 February 2022
	Naval Station Durban Military Base				1	8 February 2022
	Regional Works Unit Military Base				1	10 February 2022
	1 Medical Battalion				1	11 February 2022
Western Cape	Nonceba Family Centre, Zokufa Media Production - Khayelitsha				1	8 February 2022
	Youth Media Movement, Mitchell's Plain High School				1	8 February 2022
	Clinic, Taxi Rank & Intersections, Mall - Delft				1	09 February 2022
	Nyanga Bus Terminus & Taxi Rank, Nyanga East Hostels				1	10 February 2022
North West	Rustenburg Municipality. Department of Labour – Rustenburg. SASSA Offices – Rustenburg. Post Office – Rustenburg.				1	18 March 2022

Province	Base/Unit	Planned As Per Outreach Programme				Date Visited
		Qtr 1	Qtr 2	Qtr 3	Qtr 4	
a.	b.	c.	d.	e.	f.	g.
	Phokeng Shopping Mall and Taxi Rank. Waterfall Shopping Mall and Taxi Rank					
	Rustenburg Taxi Rank.				1	19 March 2022
	Kgetlengrivier Local Municipality-Koster				1	20 March 2022
	Human Rights Day Celebrations Sports Field- Reagile Community Centre – Koster.				1	21 March 2022

Table 15. Number of Military Units Visited per Province

Province	Number of Outreaches
a.	b.
Eastern Cape	1
Limpopo	3
Mpumalanga	11
Northern Cape	13
KwaZulu Natal	11
Western Cape	4
North West	4
Free State	1
Total	48

- **Brand and Reputation Management.** The perception people have of an organisation is closely linked to its brand. In the reporting year, it became increasingly important to manage and raise awareness about the brand of the Office of the Military Ombud to address the outcomes of the perception survey conducted in the FY2020/21. Branding and reputation management thus played a significant role in how stakeholders perceived and dealt with the Office.

Outreaches, community activations and media statements were activated to shape and protect the image and perception of the Office as well as to raise awareness of the functions and duties of the Military Ombud. The rationale of this public relations exercise was to create and promote brand trust. The brand identity and corporate branding depicted in newspaper advertisements, social media platforms, promotional and marketing material distributed during outreaches helped to translate and convey the mandate of the office to stakeholders and the general public. This is critical to improve perception,



manage negative sentiments, inform stakeholder opinion and profile Complainant engagements.

In order to create and instil a favourable impression and reputation of the Office amongst the organisation's stakeholders, information was constantly updated and uploaded on the Military Ombud website (*until end January 2022 when the contract with the Service Provider ended*) and social media pages. This fostered brand loyalty and reduced site abandonment. The Office also continues to use the WhatsApp number to interact with stakeholders as an integral part of brand reputation management. This ensured all queries and complaints were handled in an appropriate and timeous manner and it provided a great platform for the organisation to be accessible, personable and stakeholder focused. Ultimately, this led to the production of lead-generating content across an array of military formations and public platforms that raised awareness about our brand and its benefits.

Furthermore, staff members were rewarded for their achievements in the past year through the issuing of branded certificates and trophies to the most deserving individuals and Directorates during the Annual Military Ombud Employee Recognition Awards ceremony, thereby instilling a brand culture within the organisation. All these activities contributed towards the brand positioning of the Office with all relevant stakeholders.

Of the planned 36 Brand Management initiatives only 33 were achieved constituting 91% against the annual target of 100% compliance with the communications plan.

- International Relations. The intention of the Office on international relations engagements is to build and enhance fruitful relationships with international stakeholders. International relation collaborations have consistently strengthened the profile of the Office in a positive way internationally.


The Office is an affiliate voting member of the International Ombudsman Institute (IOI), African Ombudsman and Mediators Association (AOMA) and Geneva Centre for Security Sector Governance (DCAF) and continue to derive value from these international memberships. The value of being a member of these institutions has proven to be a necessary tool to strengthen the capacity of Ombudsman institutions to be an efficient service that is responsive to the needs of the citizens of their respective countries and enhanced complaints handling.

During the financial year, the Office derived value and benefited immensely through exchange of knowledge and expertise with other Ombuds institutions globally through high level discussions and capacity building interventions via

virtual platforms. The following engagements with counterparts globally are worth noting:

- IOI Membership and Military Ombud Active Participation.
 - The Office as an affiliate member to IOI³ participated in a facilitated discussion on 25 January 2022, coordinated jointly by both institutions on the topic, “AOMA, the IOI and the value of being a member”. Invited speakers and members discussed the role that AOMA and the IOI play in Africa; their function, how they operate, the value of being a member and how these institutions could be tools to strengthen the capacity of Ombudsman institutions.
 - IOI General Secretariat Office organised together with the European Network of NHRIs a webinar that was well attended by members including the Office on the 17th March 2022, under the topic of “Impacts of COVID-19 Restrictive Measures on Persons with Disabilities”.
 - The Office as IOI voting member participated in the electronic ballot to elect the 2nd IOI Vice-President on the 25th March 2022. Two candidates contested for this position i.e. Peter Boshier (Chief Ombudsman, New Zealand) and Gabriel Savino (Ombudsman of the Province of Santa Fe, Argentina). On 30 March 2022, IOI Secretary General Werner Amon announced Peter Boshier (Chief Ombudsman, New Zealand) as the elected 2nd Vice-President of the International Ombudsman Institute (IOI), pursuant to Article 19.11 of the IOI By-laws.
 - The Office actively participated on the 24th March 2022 in an IOI Survey as part of a data collection process among Ombudsman institutions around the world conducted in collaboration with the Ombudsman Santa Fe (Argentina) Center for Mediation and Conflict Resolution. The survey was conducted in preparation of the commemoration of the 30th anniversary of the creation of the Ombudsman Santa Fe (Argentina) Center for Mediation and Conflict Resolution. The congress will be held in the city of Rosario, Santa Fe, Argentina during the month of July 2022.
 - The Office benefited from virtual presentations and discussions coordinated by IOI entitled “Leveraging the Venice Principles and UN Resolution on the Role of Ombudsman to promote and protect Ombudsman organizations”, hosted by Ontario Ombudsman and North American President of the International Ombudsman Institute, Paul Dubé. There was also a brief presentation by Acting Catalan

³ The International Ombudsman Institute (IOI), established in 1978, is the only global organisation for the cooperation of more than 200 independent Ombudsman institutions from more than 100 countries worldwide. The IOI is committed to promoting the Ombudsman concept and it does so in a variety of ways. It raises awareness and encourages the creation of Ombudsman institutions where they do not exist. It promotes information exchange and helps members build capacity by way of shared learning and training.



Ombudsman Rafael Ribó about his experience using the Venice Principles to protect his office.


- The Office accepted a skills training invitation from the IOI General Secretariat sent to members to register for the IOI's Online Virtual Presentation Skills Training held on 31st March 2022, provided by Media First, an experienced media training agency.
- o DCAF Membership and Military Ombud Active Participation. The Military Ombud and DCAF bilateral relation has grown substantially over the years, including mutual collaboration in Africa to support the establishment of similar military ombuds institutions in the continent through open dialogue and consultative approach with actors at national, sub-regional and regional levels, promoting good governance of the security sector.

The objectives of DCAF's engagement with Ombuds-institutions for the armed forces are:

- To formulate policy recommendations to strengthen the functioning of these institutions on the basis of policy-oriented research;
- To support international cooperation between these institutions of various countries;
- To document best practices and lessons learned.
- o African Footprint Project. The Office was invited to attend a joint workshop in Nairobi, Kenya from 28 - 30 November 2021. The workshop was organised together with the Kenyan Commission on Administrative Justice (Office of the Ombudsman), Chairperson Hon. Florence Kajuju, within the framework of DCAF's project "Supporting ombuds institutions for the armed forces to resolve grievances" and the SA Military Ombud African Footprint Project framework. The aim of the workshop was to explore the potentials of establishing a separate military ombuds office in Kenya and assist our local partners in choosing the best option.

DCAF prepared a comparative paper on a few ombuds institutions. The South African Military Ombud, presented its model as a very successful case of a separate military ombuds institution, including an overview of the mandate, functions, guarantees of independence, appointment and dismissal procedures, terms of office, and reporting. The workshop gathered some of the key Kenyan local stakeholders, including parliamentarians, representatives of civil society and international development community.

- o DCAF Foundation Council Meetings. On 28 June 2021, the Office on behalf of South Africa as a DCAF member state participated with other member states in a Foundation Council meeting in the form of a written vote due to Corona virus travel restrictions globally, including Switzerland. DCAF Bureau of the Council decided to conduct the 42nd Foundation Council meeting in the form of a written vote, so as to allow the Council and its



members to fulfil its statutory obligations and adopt urgent matters requiring decisions, especially the following subjects:

- Approval of report from the last Council meeting.
- Appointment of new Council members representing Bulgaria, Burundi, Georgia, Malta, Mexico, and Russia.
- Approval of DCAF's Performance Report for year 2020.
- Approval of DCAF's Financial Statements for year 2020.
- Approval of the Auditors' Report for year 2020.
- Appointment of the auditor company KPMG as DCAF's new statutory auditors.

The 43rd DCAF's Foundation Council meeting due to Coronavirus restrictions gradually being eased in Switzerland was attended in-person on the 24th November 2021 in Geneva, Switzerland. The purpose of the meeting was to consider and approve the following:

- Approval of the report from the last Council meeting.
- New Council members (3); new Bureau member.
- Signatory authority.
- Report of the Secretary for the period between Council meetings.
- Approval of the work plan for year 2022.
- Approval of the budget for year 2022.

In addition to the above, the Military Ombud conducted courtesy visits to RSA Ambassadors accredited to Bern and Geneva, Switzerland.

- o AOMA Membership and Military Ombud Active Participation. The Office is an active member of the African Ombudsman and Mediators Association (AOMA). AOMA was founded in 2003, is a membership organization of 41 National Ombudsman and 6 sector Ombudsman. The objectives of AOMA are to;

- encourage the establishment of African Ombudsman institutions;
- provide information, training and development for Ombudsman and staff;
- promote good governance;
- support the independence of Ombudsman offices; and
- foster affiliation among Ombudsman offices and other relevant institutions.

Due to the restriction of the COVID-19 pandemic, that is still affecting traveling and physical meetings, the Office participated and benefited immensely from facilitated virtual engagements with AOMA members under African Ombudsman Research Centre (AORC), a research and training arm of AOMA. Some of the notable events that the Office participated in during FY2021/22 are as follows:

- On 22 October 2021, the Office as an associate voting member for AOMA and IOI participated in the virtual Elections process for the IOI Africa Regional President in accordance with Article 22 (3b) of the IOI by-laws. AOMA and IOI jointly announced on 9 November 2021, Hon. Florence Kajuju- Chairperson of the Commission on Administrative Justice – Kenya as the elected the IOI Africa Regional President.
- On 27 November 2021, AORC facilitated a discussion dealing with “*Conflict Resolution and Management*”. This webinar explored the realities of Ombuds work, and their ability to deal with a broad range of conflicts, either in the workplace or as part of their investigations. The focus areas were to exchange knowledge and better equip the Ombudsman to resolve such conflicts in the most cost effective and timeous manner to limit any negative impact on the individuals and organisations concerned.
- On 14 December 2021, Hon. Soleman M. Hatteea Ombudsman Mauritius facilitated an AORC discussion on effective leadership skills – “Ethical, transparent and accountable leadership”. Speakers and members discussed the role that Ombudsman Institutions can play in delivering openness and transparency and promoting ethics and accountability in government and Ombudsman institutions.
- On 08 March 2022, a webinar facilitated by Hon. Nichole Tirant - Ombudsman of Seychelles was coordinated by AORC under the theme: “*Complaint Handling*”. This webinar has been identified in AORC’s ongoing needs assessment as one of the training priorities required by African Ombudsman. In responding to this need, AORC has planned a webinar entitled ‘Complaint Handling’ for African Ombudsman and their staff. The Complaint Handling webinar discussed the process and methodology needed to formulate an effective complaints handling procedure, provided participants with the skills and confidence to improve their handling of complaints, with the goal of reaching a satisfactory solution to the complaint.
- On 30 March 2022, AORC coordinated a webinar themed, “*Seeking Higher Ground: Values and Ethics of the Ombudsman*”. The aim of the Webinar was to discuss whether there is a need for a general code of ethics for Ombudsman and promoting ethics and accountability in government and Ombudsman institutions. “*While the office of the Ombudsman is involved in a wide range of activities, there is no one aspect of our work that is more obviously important than ensuring integrity and ethics in the performance of public service.*” *Accountability, in turn, is essential for the effective functioning of administrative institutions and the delivery of public services*⁴.

⁴ African Ombudsman Research Centre (AORC) webinar, 30 March 2022

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- Southern African Development Community (SADC) and African Union (AU) Member States - African Footprint Project. The South African Military Ombud established a special project titled, the “African Footprint Project”. The objective of the project is to share the mandate of the Office and present its model as a very successful case of a separate military ombuds institution in Africa.

The Office is a unique and the only defence sector military ombud institution established in Africa. The Defence Force plays a crucial role in our democracy. Whether it is in private or public spaces, the role of Defence Forces cannot be over-emphasised. In order to realise the democratic governance of the defence forces and ensure the protection of human rights of both the soldiers and the public, the exercise of oversight by Ombud Institutions should be impartial and independent.

It is generally assumed that when soldiers’ operational and service requirements are sufficiently addressed, they are likely to perform better and adhere to military discipline. Conversely, where these are not addressed, there will be a corresponding increase in the propensity to challenge military and/or civilian authority, which ultimately leads to mutinies and coups. Hence, a pilot study was conducted in 2018/19 to determine the need for sharing the mandate and supporting the drive of establishing ombuds offices across the continent in line with AU’s Agenda 2063 strategy for peace and security in the continent from individual country context and applicable legislative framework.

It is envisaged that the African Footprint Project will be rolled-out in a phased-in approach with local partners in the continent with an expressed interest of learning from the SA model as a very successful case of a separate military ombuds institution in Africa.

The Office has partnered with Stellenbosch University (Faculty of Military Science), a credible military academic institution, to implement the project jointly in the continent, conduct scholarly research and training programmes in relation to the African Footprint project.

Three (3) joint planning work-sessions were conducted in FY2021/22 to discuss and map out the African Footprint Project and implementation plan. The project will be rolled out in phases over a three year plan, starting from SADC member states to African Union member states, dependent on country context, legislative framework, and political, financial and local ownership.



Research & Development (R&D).

The Research and Development Unit's key performance is to:


- Contribute to the professional development and excellence of the Office;
- Increase the understanding, visibility and development of the mandate of the Office;
- Support and influence policy-making for the Office; and
- Effective and efficient management of the Research Centre.

The Unit was expected to achieve **80%** compliance with the Research & Development plan. The overall R&D performance is **80%** and thus the financial year target, as captured in the Annual Operational Plan (AOP) was met. All twelve (12) planned R&D annual targets for the FY2020/21 were achieved without any deviation.

In light of this, the commissioned partnership Stakeholder Perception Survey between the Office and SIGLA-Stellenbosch University was finalised. The objective of the survey was to assess stakeholder perception, gather relevant input on service delivery and improve the service of the Office. The Office envisages that the survey will enhance the repositioning of the Office, better the Office's internal systems, public relations and improve public trust and confidence. In summary, a number of key recommendations were made arising from the survey which are geared towards bolstering the Office's service levels in the area of complaints handling, outreach and awareness as well as general improvement in the perception concerning the Office's independence.

Building on the recommendations emanating from the Stakeholder Perception Survey conducted by SIGLA-Stellenbosch University, the Research and Development Unit in the Office undertook a Complainants Satisfaction Survey in order to understand the perceptions of the complainants pertaining to customer service satisfaction levels in the Office. The objectives of the Complainant satisfaction survey, amongst others, was to assess and gauge the level of Complainant satisfaction within the Office; to identify insights into the prevalent gaps, expectations and to provide recommendations to the findings thereof. The survey researched how satisfied Complainants are with the courtesy, responsiveness, information, speed and overall service level of the Office. The data gathered will help to improve the service levels of the Office even further and the recommendations are to be implemented during FY2022/23.

Given that the complaints handling and investigation environment is dynamic and forever evolving, more innovative ways and methods of resolving complaints expeditiously needs to be developed to further improve on the high standards set during FY2020/21 and FY2021/22. In order to address this, the R&D environment tabled various research briefs and best practices that were benchmarked locally and internationally. These are amongst others, reports on systemic issues arising from the



complaints lodged with the Office. This is an ongoing activity aimed at helping the Office to identify trends and operational gaps so as to improve the complaints handling mechanisms within the Office.

The nature, scope and capacity of the R&D environment is demonstrated in the drafting of thematic papers. The R&D Unit also participated in the 2021 hybrid preparatory meeting of the 13ICOAF themed “*Ombuds’ Contribution to the Operational Effectiveness of the Armed Forces*”. And further drafted a thematic paper entitled “*Covid 19 & Ombuds Institution*” for the Office that was presented at the 13ICOAF. Such papers help enhance the understanding and visibility of the Office.

In the current reporting year the Research Centre has been resourced with purpose specific research material. The research material strengthens the institutional capacity and knowledge management within the Office. Further efforts are underway to capacitate the Research Centre by procuring more material.







PART D: CASE STUDIES

Below are some extracts of the complaints the Military Ombud received during FY 21/22.


Case 1: Complaint Regarding Promotion

The Office of the Military Ombud received a complaint from a current serving member of the South African National Defence Force (SANDF), who complained that he was denied promotion. However, the Chief of the South African National Defence Force (CSANDF) had ratified the decision of the Grievance Board that he should be promoted. The crux of the Complainant's complaint was based on a specific paragraph wherein the Grievance Board stated that, "*C Navy will be requested to consider your placement into a suitable WO2 post as soon as one becomes vacant.*" The Complainant argued that despite the above, and the fact that he completed all courses pertaining to his mustering and rank group he was not being considered for promotion even though there was a suitable post which has been vacant since 2019. He alleged that he felt that he was being overlooked amongst others because he was a person living with disabilities since he is a T10 paraplegic and wheelchair bound after injuries sustained in a motor vehicle accident while he was on duty outside the borders of the country.

The Office assumed jurisdiction and investigated the matter as per its mandate contained in section 4 of the Military Ombud Act 4 of 2012 (the Act), to investigate complaints from, *inter alia*, members and former members of the Defence Force regarding their conditions of service. The investigation established that even though the member was found to be suitable for the post in question he was not staffed into the post despite a career meeting being held with him. No explanation was given with regards to why he was not staffed in the post. The investigation could not find any evidence to the effect that there was discrimination on the member on the basis of his disability.

At the conclusion of the investigation it was established that the complaint regarding non-compliance with the instruction of the CSANDF was resolved in terms of section 6(6)(b) of the Act only in as far as it related to compliance with the CSANDF instruction to consider the placement of the Complainant into a WO2 post.

It was recommended that since it was reported that there was a vacant WO2 post which was suitable for the member as a person with disabilities, the CSANDF should intervene and ensure that the Service proceeds with staffing process for the relevant WO2 post for which the member is deemed suitable.




The report was accepted by the MOD&MV who instructed the CSANDF to implement the recommendations by the Office. The Complainant has since been promoted and staffed into the relevant WO2 post.

Case 2: Complaint Regarding Official Conduct

This is a complaint from a member of the public complaining about the official conduct of a member of the SANDF (Withdrawal from MSDS programme). The Complainant is complaining on behalf of his younger brother who had a Diploma in Analytical Chemistry and was called by the Defence Force to commence with Basic Military Training in Oudtshoorn on 20 January 2020. His brother duly reported at Oudtshoorn however, he was returned back on the basis that his medical results were late and his fingerprints were not received by the Defence Force. The relief sought by the Complainant was that his brother be called back to partake in the basic Military Training in 2021. This matter was investigated and the Military Ombud found that the withdrawal of the Complainant's brother from the MSDS programme was prejudicial, because all the shortcomings were not of his own doing considering that the Defence Force is an Organisation that is well equipped with all the systems in place. Therefore the Military Ombud recommended to the Minister that the Complainant's brother be enlisted into the 2022 MSDS programme. The Minister accepted the Military Ombud recommendations.

Case 3: Complaint Regarding Service Benefits (RFMCF)

The Office of the Military Ombud received a complaint from the Complainant, who is a former member of the South African National Defence Force (SANDF). The Complainant alleged that she took early retirement on 30 November 2020, after having served in the Defence Force for 33 years. She indicated that she has been contributing towards Regular Force Medical Continuation Fund (RFMCF) from May 2001, as required by the rules of the RFMCF, despite being a dependent of her husband who also took early retirement and elected to continue with his membership of the RFMCF. The Complainant and her husband were compelled to contribute to the fund in terms of the Regulatory Framework governing the RFMCF. She also indicated that she was informed by another RFMCF that, a permanent force spouse contributing towards the fund will be refunded her contributions when she retires and is still married to the husband. Upon enquiry, the RFMCF informed her that the refund on medical contributions has ceased since 2018, in terms of the new policy. The Complainant could not locate the said policy. She sought to be refunded her medical contributions, as relief. According to the General Regulation for the South African National Defence Force Chapter XV, Part IV on the Regular Force Medical Continuation Fund, the Board of RFMCF has a discretion to exempt or not exempt members from making payments to the fund. In this case the Board had previously permitted spouses of the contributing member to contribute but reversed this decision in 2018. The Regulation provides the Board with discretionary powers with regards to the issue of exemption from paying contributions. Taking into consideration the response from the fund it is clear that the Board of the fund was within its discretionary powers to take the decision to reverse




the refunding of contributions. However, the Complainant indicated that she never received communication concerning the reversal of this decision but the Military Ombud obtained evidence which confirms that communication was sent to the members of the fund via the DOD Information Bulletin published on the DOD Intranet on 6 September 2018. In 2018 the Board took a decision to stop refunding members who withdraw from the Fund, due to financial pressure that the Fund was experiencing and it was published on the DOD Intranet. The Complainant confirmed telephonically on 13 May 2021 that she had access to Intranet at her Unit (Regional Works Unit North West). The Complainant further alleged discrimination in that members who retired in 2018, received their RFMCF contributions. The fund processed all applications which were submitted on or before 31 August 2018. The Complainant retired on 30 November 2020. The Military Ombud found that this does not amount to discrimination as the decision to terminate refunding SANDF members was taken in 2018. In terms of section 6(7)(a) of the Act, the Military Ombud dismissed the complaint in relation to non-payment of RFMCF contributions.

Case 4: Complaint Regarding Termination of Service

The Office of the Military Ombud conducted an investigation into the alleged unfair termination of service by the South African Navy (SAN). The Complainant alleged that the termination of her service by the SAN, was unfair and unlawful. She mistakenly submitted the wrong certificate for Military Training for Officers Part 1 selection. She was charged and found guilty of fraud by a Military Court, sentenced to a fine and reduction to the ranks and three months imprisonment suspended for three years. After the implementation of the sentence, the Chief of the South African Navy recommended to the Chief of the Defence Force (CSANDF), that the Complainant be discharged from the SANDF for the same misconduct that she was tried and sentenced for, by the Court of Senior Military Judge. The Complainant was of the view that she was unfairly discharged from service by SANDF on the grounds that she was punished twice for the same offence by the SANDF. After thorough investigation, the Military Ombud dismissed the complaint in terms of section 6(7)(a) of the Act on the basis that CSANDF had substantial reasons for the decision taken in terms of the Regulatory Framework and the file was closed.

Case 5: Complaint Regarding Withholding of Pilot Wings and Withdrawal from Course

The Office of the Military Ombud conducted an investigation into allegations of withholding of pilot wings and withdrawal from Conversion Training Course (BAT course) of the Complainant, by the South African Air Force (SAAF). The Complainant was a student pilot in Langebaanweg in 2009, who successfully completed the Basic Flying Training Course. On successful completion of this course, according to him he was entitled to be awarded pilot wings. During the medal parade, he was not awarded his pilot wings on the basis that there was a charge of AWOL against him. As a result he was then sentenced to a fine of R200,00 (two hundred rands) by the Military Court.



During the 2nd pilot wings parade held at Langebaanweg AFB in May 2010, his name was again on the signal for him to receive his pilot wing. However, during this wings parade he was busy with a BAT Course at 41 Squadron (SQN). The signal was not given or shown to him until after the parade. On the 28th of May 2010, he received a call asking him about his absence from the wings parade rehearsal at AFB Langebaanweg. Upon asking the Officer Commanding (OC), he was informed that he cannot attend as he was busy with the BAT Course. Having not been awarded the pilot wings, the Complainant remained a Candidate Officer for more than five (5) years. He was not happy with the overall treatment he received from the SAAF. He eventually requested transfer to another Unit where his career progressed until he became a Captain. He is of the view that, the delay in awarding him his pilot wings had resulted in the delay in his career progress as a whole. The relief sought by the Complainant was to be awarded pilot wings effective from 2010 and rectification of promotion. Upon conclusion of the investigation and in terms of section 6(7) (a) of the Act, the complaint in relation to withholding of the pilot wings due to the Complainant by the Respondent was upheld by the Military Ombud. The complaint relating to withdrawal from the BAT Course at 41 SQN was dismissed.

Case 6: Complaint Regarding Termination of Service

Complainant alleges that he was wrongfully accused of misconduct and arrested on 01 February 2020. He was only released on 05 February 2020 and informed that he would be given a date on which to attend the Board of Inquiry (BOI). While waiting for the BOI to begin, he was made to be responsible for cleaning of toilets even though he was a qualified Instructor. He was also refused leave for the whole year even though everyone in the Unit got the opportunity to go home. However, a year passed without the BOI being initiated. All the critical witnesses, including the President of the Board were transferred without finalising the inquiry. Furthermore, he and other members were arrested on a charge of possession of dagga. As a result of the treatment from the Unit, he resigned from the South African National Defence Force (SANDF) on 31 December 2020. The BOI had not been started when he resigned. He claimed that he was constructively dismissed. The relief sought by the Complainant was to be reinstated into the SANDF, so that he could carry on with the five (5) years extended Core Service System (CSS) contract.

The investigation revealed that during October 2020, the Complainant received a CSS contract offer. However, on 22 October 2020, the Complainant declined the offer. This was supported by a copy of the offer of acceptance received from the Defence Force. The Complainant confirmed during the Military Ombud investigation that he had indeed declined the offer. The principles of constructive dismissal were applied and it was found that the Complainant did not complain or lodge a grievance against the alleged ill-treatment while he was still in service. He was offered a Core Service System Contract (CSS), but he refused or rejected the offer on 22 October 2020. The Constructive dismissal/unfair Termination of Service claim was therefore not justified.

Case 7: Complaint Regarding Remuneration


The Office of the Military Ombud conducted an investigation into the allegations of non-payment of Ops Corona salary and allowance. The Complainant alleges that he is a member of the Reserve Force under 3 Medical Battalion Group. In September 2019 he was deployed with General de la Rey of Potchefstroom on the border line between South Africa and Botswana as a medical personnel rendering medical cover for deployed soldiers. The deployment was from September 2019 to March 2020.

On 29 January 2020, he was charged in terms of Sec 6(e) of the Military Discipline Code (MDC) and subsequently discharged from the SANDF. However, the SANDF continued to utilise him further until 21 February 2020. He further alleges that he was not paid the allowances for the period 02 February 2020 to 21 February 2020. The relief sought by the Complainant was to be assisted with his outstanding salary and allowances for Ops Corona for the month of February 2020.

Upon investigation, the Military Ombud found that the Complainant was not paid the salary and allowance for the month of February 2020 and this was caused by failure of his Unit to manage his documents properly. However, the Respondent self-corrected in that the member was paid his salary and allowance that was due to him to the amount of R19, 896.09 on 23 September 2021. Receipt of the payment was confirmed by the Complainant. The matter was regarded as resolved.

Case 8: Complaint Regarding Service Benefits (Leave)

The Office of the Military Ombud received a complaint from a former member of the South African National Defence Force (SANDF) regarding non-payment of his capped leave days. The incident arose in November 2019, when he received payment for his pension benefits. He explains that the pension benefits excluded payment for his capped leave days. He alleges that at the time he had 59.6 capped leave days. His service was terminated as a result of the Military Court decision which sentenced him to a discharge from the SANDF. Due to the period of the incident, the Complainant had to first make an application for condonation and provide reasons for the late submission of his complaint. In terms of Regulation 4(b) of the Military Ombud Complaints Regulations, 2015, a complaint must be lodged with the Ombud by a former member, within a period of 180 days from the date on which he or she became aware of the issue that gave rise to the complaint. In considering an application for condonation, the Ombud has to take into account the provisions of Regulation 6(2) of the Military Ombud Regulations, 2015. Upon deliberation of the application for condonation, the Military Ombud found that the application lacked prospects of success and as a result declined to investigate. The reasoning by the Military Ombud to decline the application for condonation was based on the nature of termination of service of the Complainant (discharge from the SANDF by Military Court). The Military Ombud qualified his reasoning in terms of Paragraph 5 of the Implementation Instruction: 07/2016: Additional Measures to the Policy on Leave Of Absence for South African National Defence Force Members (SANDF) And Public Service Act Personnel



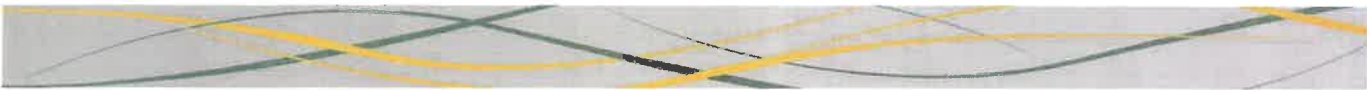
(PSAP), deals with the payment of leave benefits to SANDF members, which essentially provides that *as from 01 April 2002, no leave may be accrued. Furthermore, all capped leave credits not utilised or forfeited before June every year shall be paid out to a SANDF member upon service termination.* Based on the aforesaid, the Military Ombud concluded that due to the nature of termination of the Complainant's service, he did not qualify for the payment of the capped leave days. Therefore, the condonation was not granted due to poor prospects of success.

Case 9: Complaint Regarding Termination of Service

The Complainant complained that on 31 December 2020, he terminated his service via resignation from the South African Navy (SAN), however, he had not received his pension. He alleged that he contacted the SAN to inquire regarding the delay and was informed that the SAN is struggling with his documentation, but the matter would be resolved. On 16 August 2021, upon further enquiry regarding the status of his pension administration, the SAN informed him that his documentation was still in Simon's Town and the matter was not resolved. On the same date, he approached this Office to investigate the matter. The investigation revealed that the SAN was unable to transact phase III due to a system error on the Personnel Mainframe System (PERSOL) and this was hindering the other role players in the terminations process such as the Chief Director Human Resource Management (CDHRM) and Directorate Personnel Payments (DPP) from executing their functions. Once the system error was resolved, the SAN transacted phase III and CDHRM and DPP were able to finalise the terminations process. The SAN instituted disciplinary steps against its member who caused the delay in finalisation of the Complainant's service termination and instituted a management monitoring system to ensure that same does not recur. The member received his pension and the complaint was resolved expeditiously, through the intervention of the Military Ombud Office, in terms of section 6(6)(b) of the Military Ombud Act, 2012.

Case 10: Complaint Regarding Pension Benefits

The Complainant is a current member of the South African National Defence Force (SANDF), who was stationed at the SA Army, 101 Field Workshop. He lodged a complaint with the Office regarding grievance and grievance procedures, after his attempts to resolve his grievance with regards to issues of his service records and pension benefits failed through the Individual Grievance Regulations (IGR) of 2016. The Complainant stated that his service was mistakenly terminated by the SA Army on 23 June 2000, without his knowledge which ultimately led to him having two pension numbers with the Government Employee Pension Fund (GEPF). He avers that his current GEPF service record indicates that he joined the SANDF on 01 June 2003 as opposed to 01 August 1991. The Complainant has further expressed his wish to urgently resolve this predicament as he intends to go on early retirement next year. He further states that his attempts to address the matter through various internal avenues have yielded no positive result. The Complainant therefore sought the intervention of the Military Ombud to assist him with the rectification of his service



record and ensuring that his service date is aligned with his pension commencement date with the GEPP.


The Office assessed the Complainant's service record on PERSOL and it was confirmed that there was a contradiction with regards to his pension dates. His service record indicated that he commenced on 01 April 1995 whereas his actual in-service date was 01 August 1991. Furthermore, the Office noted that his GPAA pension date was from 01 June 2003, confirming the Complainant's assertions that his PERSOL service record was not aligned with that of the GEPP. The Office further took note that he lodged a formal grievance on the matter on 26 November 2020 and his grievance remains pending at Unit level with a target date of 29 December 2020. In light of the above, it was recommended that the Military Ombud assume jurisdiction over the complaint and referred the matter for further investigations.

Case 11: Complaint Regarding Termination of Service

The complaint was received from a former member of the South African National Defence Force (SANDF), accompanied by an application for the late referral. The Applicant stated that, on 06 May 1994, while he was deployed to 4 Artillery Regiment he was assaulted by his superiors, as a result, he suffered facial injuries, a painful knee and abdomen. The incident took place at around 20h00 while he was on guard duty. He alleged that his superiors took his rifle and gave it to a Driver on duty. He was then taken to Sickbay since he was injured. He was hospitalised from 06 May 1994 to 09 May 1994. The incident was not initially reported to the Military Police and he was of the view that he was unfairly treated by his superiors. Subsequently, the Applicant reported the incident to the Unit Officer Commanding (UOC) who informed him not to talk to anybody about the incident. He then reported the matter to the Military Police through a letter.

The Applicant states that he was intimidated by his superiors, who also accused him of being absent without leave (AWOL). He was detained at the Detention Barracks for seven (07) days. Further, he was released and reported for duty on 06 March 1995. On his arrival at the Unit, he found three (3) live rounds of ammunition and two (2) blanks of R4 Rifle hidden under his pillow as they wanted to frame him for stealing them. The Military Police were sent to search the Bungalows which caused him to panic decided to resign due to anxiety. He resigned in June 1995 and joined Reserve Force in 2000. The Applicant alleges that his claim for compensation for the injuries sustained as a result of the alleged assault was not processed. The Applicant seeks reinstatement and compensation for injuries sustained as a relief to his complaint.

The Applicant's application for condonation was unsuccessful due to poor prospects of success in that his services were terminated in terms of section 12(1)(f) of the Defence Act, 1957 read with Chapter IV, Regulation 21(1)(a) of the General Regulations for the SANDF which prescribes that, the Minister may under section 12(1)(f) of the Act, discharge an officer of the Permanent Force- on account of



misconduct, where- he or she has been absent from duty, without leave for an unbroken period of three months or more. Furthermore, in terms of Section 7(2)(c) of the Military Ombud Act 4 of 2012, the Ombud may refuse to investigate a complaint if the Complainant has failed to lodge a complaint within a reasonable time as prescribed. The Applicant's lateness was not condoned in view of the excessive delay since he was dismissed from service and the poor prospects of success.

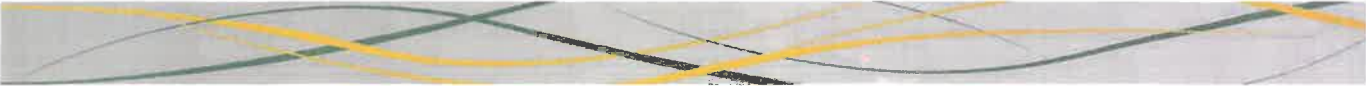
Case 12: Complaint Regarding Pension Benefits and Military Veterans' Benefits

The Complaint was received from a member of the South African National Defence Force (SANDF) who was complaining on behalf of her late husband, a former member of the SANDF who was deceased on 12 August 2021. The Complainant alleges that they were married in community of property with two (02) children born within the marriage. Further, in 2000, the deceased demilitarised and was employed by the Department of Communications, however, his pension benefits and the Military Veteran's benefits are still outstanding. On 13 August 2021, she enquired from the Department of Military Veterans (DMV) and she was informed that she has been removed as a beneficiary and replaced by another lady. Further, she was informed that the Military Veterans' benefits will not be paid to her directly as she is not a beneficiary to the deceased. The Complainant seeks payment of the Military Veterans benefits and pension benefits for her late husband as a relief to her complaint.

Upon assessment of the complaint, "*Personnel Soldy*" (PERSOL system) revealed that in 2000 her husband demilitarised when he was departmentally transferred from the Department of Defence (DOD) to the Department of Communications with his pension benefits. The complaint relating to pension benefits was referred to the Government Employees Pension Fund (GEPF) as the deceased's service/pension benefits were transferred to the Department of Communications, and the complaint relating to the Military Veterans' benefits was referred to the DMV in terms of section 6(7) (c) of the Military Ombud Act 4 of 2012.

Case 13: Jurisdictional Ruling Declining Condonation for a Late Referral

The Office of the Military Ombud received a complaint from a retired member of the South African National Defence Force on 14 September 2021. The Applicant was involved in a motor vehicle accident with his spouse while in Mpumalanga on 22 September 2019. Subsequently, the Applicant and his wife were transferred to the nearest private hospital in Nelspruit (Medi Clinic) where they were medically treated before being transferred to Unitas Hospital, and then 1 Military Hospital, Pretoria for further treatment. The Applicant incurred medical bills during his recovery from the accident and being a member of the Regular Force Medical Continuation Fund (RFMCF), he contacted the fund for assistance. However, the fund could not assist him as he was informed that there was no authority for their hospitalisation and treatment in the private hospitals and medical practices. The Applicant submitted an application for condonation in terms of Regulation 6(3) of the Military Ombud Complaints Regulations, 2015 due to the fact that the incident occurred in 2019.



The Applicant was unable to provide adequate reasons for the excessive delay to file his complaint with the Military Ombud and was not able to demonstrate that he had taken reasonable steps between the time that he became aware of the outstanding medical accounts and the time that he lodged his complaint with the Military Ombud. The Military Ombud determined that the criteria contained in Regulation 6 (2) (a) to (f) of the Military Ombud Regulations, 2015 cannot be applied in isolation of each other. The court in *Grootboom v National Prosecuting Authority* held that "as a general proposition, the various factors are not individually decisive but should all be taken into account to arrive at a conclusion as to what is in the interest of justice". The Applicant was unable to make out a case that entitled his late filing to be condoned, let alone make a convincing case that his complaint would succeed. He failed to show sufficient cause and for this reason, his application for condonation was dismissed in terms of regulation 6(2) of the Military Ombud Regulations, 2015.

Case 14: Complaint Regarding Official Conduct of SANDF Members

The Complainant indicates that there was a Gala concert on 20 to 22 November 2019 during the Military Veterans week in Cape Town. He was part of the members who were given a chance to perform in an Orchestra. He alleges that they were on active duty for 6 weeks, during which they were asked to do a Concurrent Health Assessment (CHA). There was no S & T paid and no compensation has been received. He stated that they have been sent from pillar to post when they make enquiries. He stated that the Orchestra members were issued with uniforms and were transported with military transport and they stayed in the military barracks. He alleges that each member should have been paid approximately R14,250.00. They used their savings. He further alleges that they were promised employment after all the CHA procedures and police clearance and psychometric tests were completed. He sought assistance in receiving the outstanding payments that the SANDF owes and also to be assisted with Force numbers that are long overdue.

The Complainant approached this Office for assistance as he was not getting help from the SANDF. Upon assessment it was established that his complaint was late. The Office dealt with an application for condonation, which was granted and his matter was accepted for further investigation.



**Independent
&
Impartial**





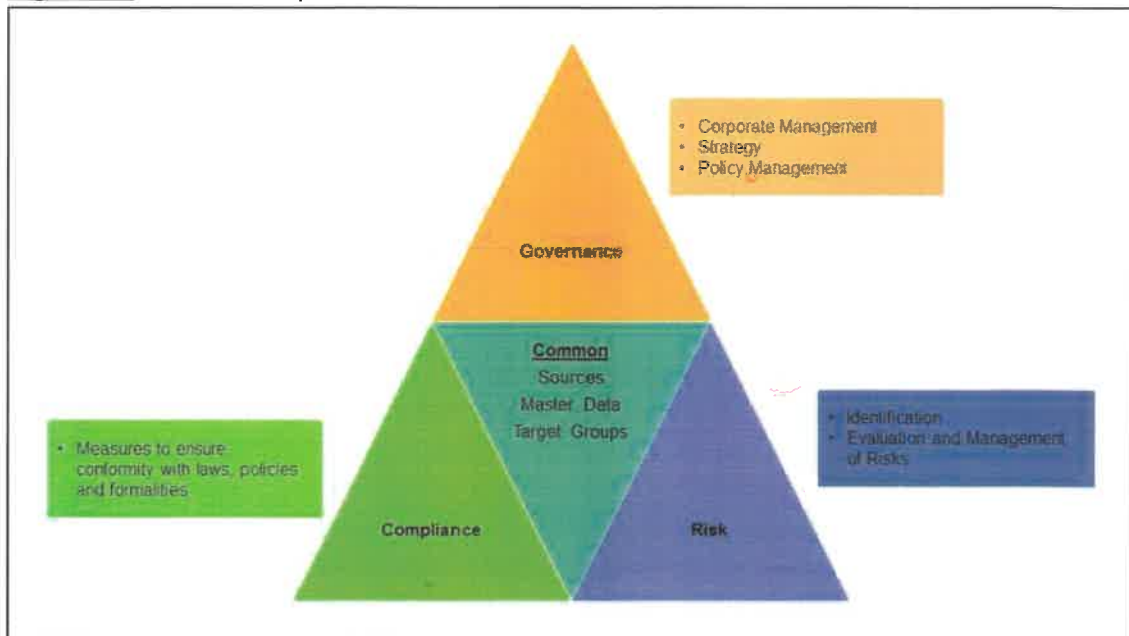
PART E: GOVERNANCE, RISK AND COMPLIANCE

Governance

The Office of the Military Ombud institutionalised the Result-Based Management Framework as prescribed in the Department of Planning, Monitoring and Evaluation's Revised Framework for Strategic Plans and Annual Performance Plans with effect from FY2020/21 as a tool to ensure that the Office fulfils its legislative mandate as expressed in terms of the intended impact, outcomes and outputs.

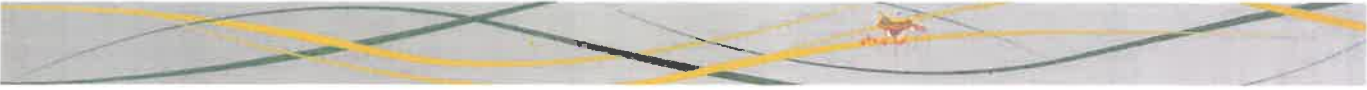
Accountability for performance was upheld by the Military Ombud, who further delegated execution of specific responsibilities to Functional Owners/Heads. Respective quarterly reports were discussed and tabled at MANCO, mandated as one (1) of the oversight structures within the Office. Organisational performance was continuously monitored against the approved Annual Performance Plan (APP) and Annual Operational Plan (AOP) and reporting was appropriately aligned to the development of corrective measures, thus the creation of a Corporate Support Services Dashboard which will be institutionalised in the FY2022/23.

Figure 14: GRC Components



Committee, Authorities and Responsibilities

Effective Governance, Risk and Compliance (GRC) Committee and Management Committee structures can help define the number, terms, and qualifications of members, committee responsibilities, reporting, and ways in which executive and management committees will interact.



The Office of the Military Ombud aligned itself with governance and developed a Governance, Risk and Compliance (GRC) Framework whereby the Office will be responsible to ensure it supports effective and efficient functioning.

All the organisational units in the Office are the foundation of GRC, providing the underpinning culture, discipline and structure that influence how strategy and objectives are established, how Office activities are planned and executed and how risks are identified, assessed and acted upon.

The Good Governance structures and principles of the Office identify the distribution of rights and responsibilities among different participants in the organisation and includes the rules and procedures for making decisions.

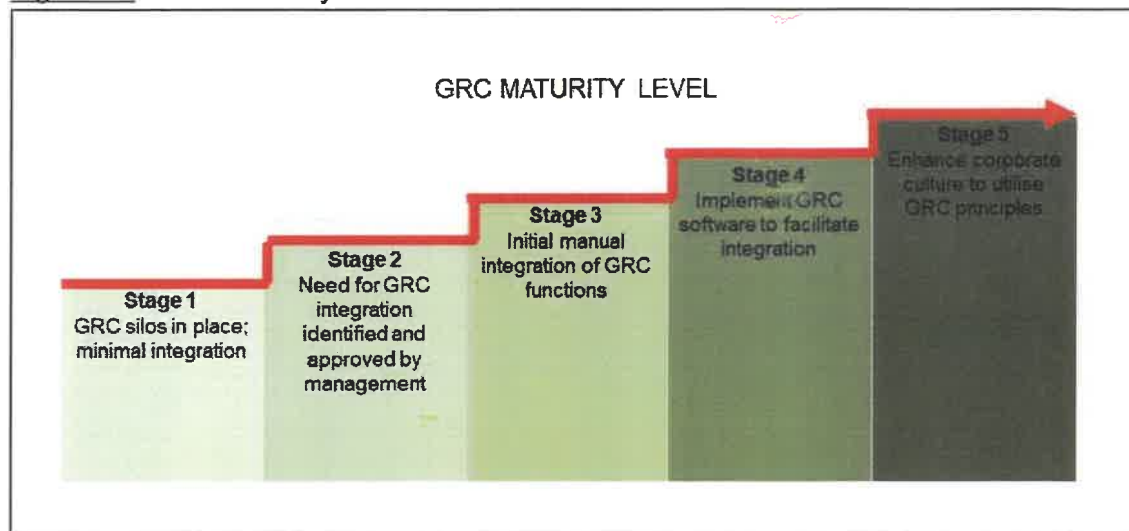
The governance mechanisms in place include monitoring actions, policies, practices, and decisions of the Office. Mechanisms are also in place to regulate formal and informal relationships between the Office and its stakeholders and in embracing good corporate governance the Office seeks to align its own goals with those of its stakeholders in order to strengthen cohesion and synergy.

The Office institutionalised a governance structure approach to enhance accountability, ensure timely and accurate disclosure, deal fairly with stakeholder interests and maintain high standard of business ethics and integrity.

The Office has taken steps to address its own internal governance structures and requirements and has made significant progress in this regard as the following internal controls were institutionalised:

- Executive and Management Committee (EXCO and MANCO). During the period under review, sound leadership and management practices continued to be the foundation of the operations of the Office. The Military Ombud and his Deputy in their endeavour to contribute towards strengthening accountability in the Office, convened quarterly Executive Committee meetings and monthly Management Committee meetings; and provided strategic direction on matters of governance, accountability and effective management.
- Fraud and Corruption Prevention Strategy;
- Legal Compliance Plan;
- Finance Governance Risk Compliance Sub-Committee;
- Human Resource Development Committee; as well as a
- COVID-19 Compliance Committee. This committee was created to ensure compliance with Government Gazette No 43257 dated 29 April 2020.

Figure 15: GRC Maturity Level Model



The purpose of the Governance Structures is to serve the Office and help them adapt to their changing role which is to keep pace with rapidly changing information related to governance, risk management, audit issues, accounting, financial reporting, current issues, future changes and keep up with National Treasury (NT) guidelines and Public Financial Management Act (PFMA).

It provided guidance for Audit Committees based on the latest legislative and regulatory requirements. It also highlights best practice guidance to enable Management Committee (MANCO) and Executive Committee (EXCO) to carry out their responsibilities effectively. To this end, it provides a valuable source of information as a resource which provides information and share knowledge.

The Military Ombud Office despite lack of human capacity in the internal audit environment, established a Governance, Risk and Compliance Committee (GRC) with special focus on Finance and Procurement functions. A framework to regulate GRC functions was put in place and bi-monthly Committee meetings were conducted during FY2021/22 including "Round Robins" to ensure that Office resources, are monitored and accounted for in a transparent, cost-effective, efficient and equitable manner.

- The purpose of soliciting the Department of Defence (DOD) Internal Audit Division (IAD) is to assist the Military Ombud to ensure the Office maintains effective, efficient and transparent systems of financial, risk management and internal controls as required by the Public Finance Management Act, Act No 1 of 1999 as amended by Act No 29 of 1999 (PFMA). Ultimately, the Military Ombud must *in lieu* of limited resources with the assistance of DOD Internal Auditors, give assurance to the Secretary for Defence as the Accounting Officer on the adequacy and effectiveness of the Office internal control systems of risk management, accountability and governance.

- A detailed report from the IAD was received in April 2021 and subsequent to that IAD was requested by the Military Ombud to conduct an ad hoc review with the focus on the organisations key risks under procurement and contract processes and the final report was submitted at end of March 2022.

The Office continues to improve internal control systems and control in line with the Public Finance Management Act, section 38, “*The accounting officer for a department, trading entity or constitutional institution must ensure that that department, trading entity or constitutional institution has and maintains effective, efficient and transparent systems of financial and risk management and internal control.*” As a result, the Military Ombud has introduced towards end of the financial year a secondary Corporate Support Services Dashboard that will be fully operationalised in the new financial year (FY2022/23).

Table 16: Governance Structures

Governance Structure	Function/Aim	Frequency	Chairperson	Number of Meetings Planned versus Achieved	
				Planned	Achieved
a.	b.	c.	d.	e.	f.
Executive Meeting (EXCO)	To provide strategic direction to the Office of the Military Ombud	Quarterly	Military Ombud	4	3 ⁵
Management Committee (MANCO)	To outline 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	Deputy Military Ombud	12	9
Military Ombud Dashboard (Operations)	To act as an oversight body ensuring standardisation compliance to service delivery standards.	10 per Annum	Military Ombud	10	13

⁵ 2 x Special EXCO's (September and November 2021) were convened during the reporting period.
1 x Extended EXCO were convened in March 2022

Governance Structure	Function/Aim	Frequency	Chairperson	Number of Meetings Planned versus Achieved	
				Planned	Achieved
a.	b.	c.	d.	e.	f.
Operations Management Meeting	The management and co-ordination of the Operations environments daily activities (i.e assessment meetings and internal quality assurance meetings for complaints and investigation report)	Weekly Assessments	Chief Director Operations (CD Ops)	52	45
Operations Dashboard	To provide guidance wrt the standardisation of complaints handling and investigation approach.	Fortnightly Quality Assurance	Chief Director Operations	26	21
Corporate Support Management Meeting	The management and co-ordination of the Corporate Support environments daily activities.	Monthly	Chief Corporate Support (CCS)	12	9
Finance Governance Risk Compliance Sub Committee	To ensure that the Office has accountable, transparent, cost effective, efficient and equitable financial management.	Fortnightly	Deputy Military Ombud	26	17 ⁶
Human Resource Development Committee (HRDC)	To promote education, training and development within the organisation in order to enhance organisational performance	Bi-monthly	Director Investigations	10	5 ⁷
COVID-19 Compliance Committee	The aim of the committee is to ensure that the Office comply with the State of National Disaster.	Quarterly	Chief Corporate Support	4	4

COVID-19 Office Response

The world experienced the most devastating pandemic COVID-19 commencing December 2019. In March 2020 the President of the Republic of South Africa, His Excellency the Honourable President Mr. Cyril Matamela Ramaphosa announced that the country will go into lockdown to slow the rapid spread of the COVID-19 virus.

⁶ Over and above the actual 17 Finance GRC meetings conducted 30 requirements were "Round-Robined" to ensure compliance to the approved process.

⁷ The constitution of HRDC was signed into effect on 14 October 2021.

Countries, organisations and institutions worldwide had to scramble and put in place measures to curb the spread as directed by the World Health Organisation (WHO). We all had to change the way things were done previously and adapt to the new normal of social distancing, regular washing/ sanitising of hands, stop hand shaking, wearing of masks, when in public etc.

In line with guidelines from the Department of Public Service and Administration (DPSA) and the National Department of Health (NDoH) a committee (COVID-19 Steering Committee) consisting of various staff members chaired by Chief Corporate Support was set up to monitor compliance to national protocols, guidelines and also to advise the Executive and Management around COVID-19 matters. The committee met on an ad hoc basis to discuss cases and measures to be taken for a particular case.

The Office had to resort to the new normal of holding virtual meetings and allow staff members to work remotely with the use of technology (IT) in order to reduce the spread of the virus. Staff members who tested positive were expected and advised to isolate and those who were in contact went on quarantine and to receive medical care. The Office was fortunate not to lose a member of staff to COVID-19. The building was decontaminated after each case was reported.

The Office provided staff members with the necessary Personal Protective Equipment like masks, sanitisers and gloves. Daily temperature screening, weekly symptoms and contact screening are some of the measures put in place to protect staff.

Table 17: Corruption and Fraud Prevention Plan

Objective	Activity	Responsibility	Target Date	Achievements
a	b	c	d	e.
Implemented Corruption and Fraud Prevention Plan (CFPP)	<ul style="list-style-type: none"> - Empower the Office to implement the CFPP within the Office - Execute the assigned responsibilities as per the approved CFPP 	FSRM Organisational Units	Continuous Continuous	Plan gets reviewed and updated on an annual basis
Evaluate the implementation of the CFPP	<ul style="list-style-type: none"> - Compile a matrix and questionnaire for self-assessment - Execute self-assessment 	FSRM Organisational Units	Annually Annually	Continuous evaluation.
Functional corruption and fraud whistleblowing capability	<ul style="list-style-type: none"> - Organisational Unit Heads to remind their members of the duty to report incidents of corruption and fraud 	Organisational Units	Continuous	Regular feedback provided during Governance Structure meetings

Objective	Activity	Responsibility	Target Date	Achievements
All members are informed about corruption and fraud prevention measures	- FSRM to execute corruption and fraud awareness education	FSRM	Continuous	Quarterly news flashes are distributed reminding members of the actions and requirements
	- Organisational Units to communicate the corruption and fraud reporting mechanisms to the lowest level	Organisational Units	Continuous	
Accurate Corruption and Fraud Register	- FSRM must compile and maintain a register of reported incidents of corruption and fraud	FSRM	Continuous	Register is implemented and reported on during the quarterly reports.
	- All incidents of corruption and fraud, as well as disciplinary action taken, to be reported to FSRM/Log	Organisational Units	Continuous	

Enterprise Risk Management

During the reporting year the Office continued its commitment in ensuring that high level risks are managed organisationally and through management committees and oversight governance structures such as EXCO and MANCO.

These committees are responsible for not only determining the risks that the Military Ombud is willing and able to take to achieve the mandate, impact and strategic outcomes but also ensure that all the risks are properly identified, evaluated and managed.

The Office of the Military Ombud risks manifest themselves in a range of ways and may have a positive or negative outcome for the Office. It is vital that those responsible for the management of the Office are aware of the best methods for identifying and subsequently managing these risks. The governance of risk requires the establishment and maintenance of effective systems of internal control.

The Office has institutionalised internal controls comprising of policies, processes and tasks, to ensure effective, efficient and economical delivery of services.

Table 18: Strategic Risks Table

Risk Ref No	Risk Description	Risk Response
MO01/20	The Military Ombud Act does not address the governance and accountability framework. The Military Ombud Act, Act 4 of 2012 does not address the scope of the Military Ombud	The Office will follow the Legislative amendment/review process to ensure updating and alignment of the Military Ombud Act.

Risk Ref No	Risk Description	Risk Response
	function which influences the accountability framework, resolution enforcement and powers. The Act furthermore is not aligned with higher order legislation (PFMA) wrt reporting timeframes.	The legislative review process is placed in abeyance and is dependent on further interaction with the Minister of Defence and Military Veterans (MOD&MV) and Government Technical Advisory Centre (GTAC).
MO02/20	<u>The independence of the Office is at risk.</u> The credibility of the Military Ombud to deliver on the mandate is compromised due to a lack of understanding and trust by all stakeholders.	The Office has been conducting a number of outreach events, including radio interviews to promote the image, clarify the mandate and engage with stakeholders to ensure that the Office is seen to be independent and fair wrt the finalisation of complaints.
MO03/21	<u>Shortfall on Compensation of Employees (COE) Budget.</u> Since the Office was created as a line-item, numerous requests were submitted to the DOD explaining that the allocation did not fulfil the requirement wrt the number of staffed posts.	The Military Ombud will continue addressing this matter with the Executive Authority.





PART F: CORPORATE SUPPORT

Human Resource Management

Human Resources (HR) function such as recruitment, performance management, wellness, training and development, labour relations and records management.

In FY2021/22 priorities for the HR Unit included filling of vacancies to achieve a target of 63 staff members as approved by the Plenary Defence Staff Council (PDSC), improve and monitor compliance to HR systems, policy, adherence to Performance Management System and compliance to approved HR Plans.

In the FY2021/22, the Office planned for a strength of 63. However, only 60 was achieved due to delays in the recruiting process. The Office will strive to maintain the same strength in FY2022/23.

Figure 16: Approved Post Structure versus Staffed Posts⁸

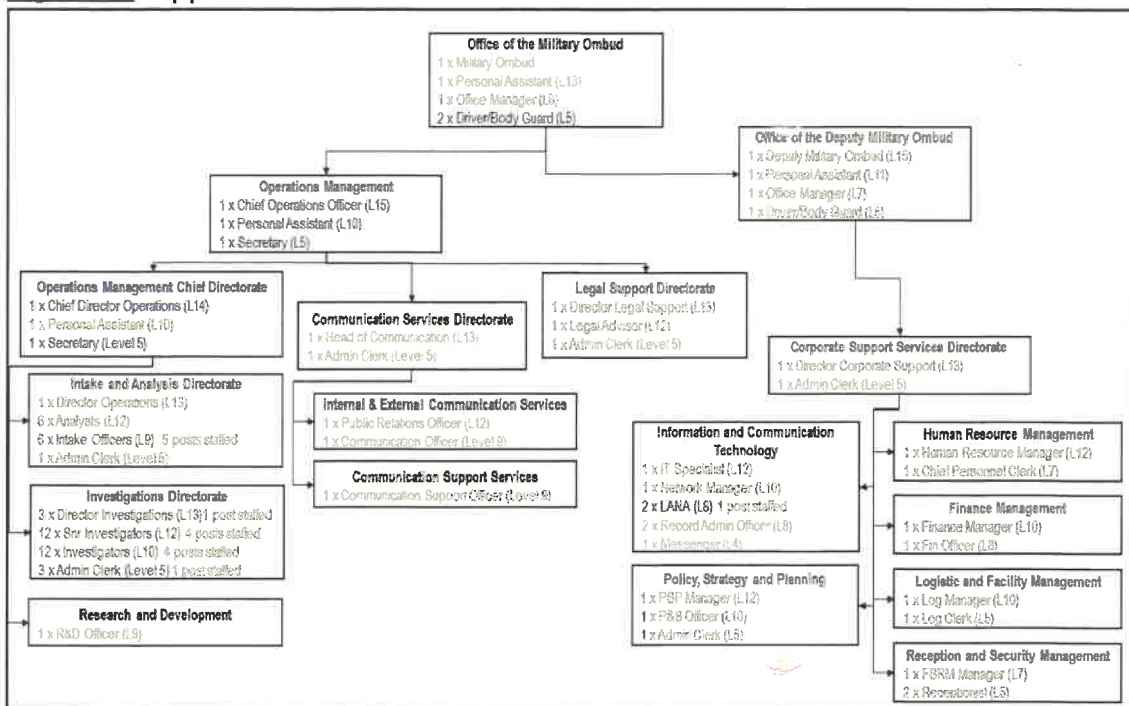


Table 19: Planned versus Actual Strength as at 31 March 2022

Environment	Planned Strength	Actual Strength
a.	b.	c.
Executive	7	7
Operational	36	33
Support	20	20
Total	63	60

⁸ Posts indicated in green are staffed posts.

Table 20: Employment and Vacancies per Environment as at 31 March 2022

Environment	Approved Posts	Staffed Posts	Vacant Posts
a.	b.	c.	d.
Executive	9	7	2
Operational	59	35	26
Support	21	20	1
Total	89	60	29

- Compensation of Employees (COE). The Office Item 10 Vote for FY2021/22 was Rm38,738 which represents 69% of the allocation. Rm43,868 was paid leading to an over expenditure of Rm5,130 on the COE.

Table 21: Compensation of Employees

Expenditure	Number of Approved Posts	Number of Staffed Posts	R-Value
a.	b.	c.	d.
Total Expenditure	89	60	R43,867,638

- Attrition. The Office has in recent years experienced a reduction in the attrition rate. This is attributed to the stabilisation of the Office as an Employer. A clear Office culture that creates a sense of job security has now formed. The recent attritions are generally a result of a need for growth that cannot always be offered by the Office due to structural limitations.

Table 22: Attrition

Environment	Number
a.	b.
Operations Chief Directorate	2
Corporate Support	0

- Skills Development. The Office has been taking deliberate measures to increase the uptake on skills development opportunities by offering employer initiated training opportunities and information sharing through word of mouth by the HRDC, HR and managers to enhance interest by employees.

Table 23: Skills Development Opportunities as at 31 March 2022

Category	Skills Development Opportunities
a.	b.
Short Courses	67
Workshops	0
Total	67

- Equity Status. The Office has in the MTEF managed to maintain a representivity ratio of 50/50 on gender. However, there is a need to undergo robust improvement of initiatives to enhance race representivity due to the fact that, there is an oversupply of Africans and not enough of other races.

Table 24: Employment Equity Figures per Environment as at 31 March 2022

Environment	Male				Female			
	African	Asian	Coloured	White	African	Asian	Coloured	White
a.	b.	c.	d.	e.	f.	g.	h.	i.
Executive	3	0	0	0	4	0	0	0
Support	9	0	0	1	7	0	1	2
Operational	16	0	0	1	15	1	0	0

Annual Financial Information.

The purpose of the report is to provide an overview of the financial expenditure for the Office of the Military Ombud from 01 April 2021 to 31 March 2022.

The year being reported on saw the Office faced with many challenges in its endeavours to efficiently and effectively conduct its business within the constraints imposed on it as the country continued to face the COVID-19 pandemic and restrictions on movement and interaction with clients were limited.

The Office could not continue as planned with a number of its planned events, like the annual symposium, the strategic work session and outreaches. Delays were experienced with the whole procurement process over the reporting period due to the restrictions that were in place.

The Office was allocated **Rm56,122** for the 2021/22FY, of this **Rm38,738** representing 69% of the allocation was for Compensation of Employees and **Rm17,384** representing 31% of the allocation was for Operating costs. Taking the constraints and challenges that were faced, the Office spent **Rm50,803** of its allocation. **Rm43,868** on Compensation of Employees and **Rm6,933** on Operating expenses.

- Personnel Expenditure. Personnel expenditure increased from R42,951 million in the 2020/21 financial year to Rm43,868 in the 2021/22 financial year. There were a number of vacancies during the financial year that reduced the over-expenditure, e.g. the CD Ops post was vacant for six (6) months. The COE was overspent with Rm5,130.

Should the posts have been staffed then the personnel expenditure would have exceeded the allocation even further. This is a result of when the Office became a line-item in the National Treasury letter of allocation, the ceiling on Compensation of Employees did not take into account the 63 staffed posts and the Office was underfunded for the staffed posts.

- Operating Expenditure. Operating expenditure decreased from Rm9,199 in the 2020/21 financial year to Rm6,935 in the 2021/22 financial year. The variance of Rm2,264 is as a result of delays in the procurement processes and due to the constraints caused by the pandemic in the beginning of the financial year.

Table 25: Expenditure Report of the Office of the Military Ombud

STANDARD CHART OF ACCOUNTS LEVEL 3 DESCRIPTION	STANDARD CHART OF ACCOUNTS LEVEL 4 DESCRIPTION	VOTE R'000	FINAL APPROPRIATION R'000	PAID R'000
a.	b.	c.	d.	e.
Compensation of Employees	Salaries and Wages	34,716	34,716	38,762
	Social Contributions	4,021	4,021	5,105
Compensation of Employees Total		38,738	38,738	43,868
Goods and Services	Advertising	1,703	2,616	380
	Catering: Departmental Activities	190	155	47
	Communication	1,268	1,269	950
	Computer Services	4,731	1,884	1,801
	Cons Supplies	192	192	35
	Cons: Sta_Print & Off Sup	281	816	120
	Consult: Business & Advisory Serv	40	552	494
	Contractors	8	9	2
	Entertainment	20	20	6
	Fleet Services(F/Ser)	159	188	60
	Inv:			
	Chems_Fuel_Oil_Gas_Wood&Coal	27	77	26
	Inv: Food & Food Supplies	63	63	27
	Inv: Materials & Supplies	1	6	4
	Inv: Medical Supplies	0	6	4
	Minor Assets	358	459	70
	Operating Payments	779	805	223
	Property Payments	946	1,381	911
	Training & Development	1,566	1,540	201
	Travel & Subsistence	3,145	3,145	1,016
	Venues & Facilities	153	153	0
Goods And Services Total		15,629	15,335	6,376
Departmental Agencies & Accounts	Trnsf & Sub: Departmental Agencies	1	1	1
Departmental Agencies & Accounts Total		1	1	1
Provincial And Local Governments	Trnsf & Sub: Municipalities	8	11	10

STANDARD CHART OF ACCOUNTS LEVEL 3 DESCRIPTION	STANDARD CHART OF ACCOUNTS LEVEL 4 DESCRIPTION	VOTE R'000	FINAL APPROPRIATION R'000	PAID R'000
a.	b.	c.	d.	e.
Provincial And Local Governments Total		8	11	10
Households (Hh)	H/H: Employee Social Benefits	138	138	36
Households (Hh) Total		138	138	36
Machinery And Equipment	Other Machinery & Equipment	756	1,047	513
	Transport Equipment	500	500	0
Machinery And Equipment Total		1,256	1,547	513
Software & Intangible Assets	Softw & Other Intangible Assets	352	352	0
Software & Intangible Assets Total		352	352	0
Grand Total		56,122	56,122	50,803

IN MEMORIUM

Mr L.D. Panyane
1984/01/15 – 2022/03/17



May your soul rest in peace, colleague.