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 2023.

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

OFFICE OF THE MILITARY OMBUD GENERAL INFORMATION

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

With the Office of the Military Ombud having reached its tenth year of existence, it is prudent to indicate that it has become an essential oversight vehicle for creating a solid foundation for peace and sustainable development through its successful complaints' resolution mechanisms.

The activity and the performance of the Office has been positive in so far as the creation of good governance amongst serving and former members of the SANDF and members of the public is concerned.

A proper legal framework, in accordance with the principle of the rule of law, is indispensable to the effectiveness of the armed forces. Weak legal norms and standards coupled with maladministration can exacerbate complaints and grievances, which can in turn become root causes of conflict. To mitigate against the latter, I have noted with interest that the activities and performance of the Office of the Military Ombud are geared towards administrative reform in the civil-military landscape.

I unequivocally believe in the flexibility of the Office of the Military Ombud through the use of its soft powers of persuasion and expeditious resolution of complaints. In this way, maladministration can become a thing of the past.

As a country, we value and expect Institutions such as the Office of the Military Ombud to promote the fundamental rights of its key target markets and their fair treatment. The Office has done well to strengthen complainants trust and confidence by resolving complaints in a fair and expeditious manner.

The Office is dedicated to improving the conditions of service of members and former members of the SANDF and the interaction between members of the SANDF and members of the Public within a framework of democratic governance, the rule of law, respect for human rights and gender equality.

Reform is an iterative process taking lessons learned and integrating them into new approaches to continually refine goals for greater impact. In this regard, such reforms have, to date, ensured reinforcement of public confidence in our armed forces, enhanced effective governance, and improved professionalisation.

This Annual Activity Report illustrates the continuous effort to enhance accountability and good governance. In this vein, I also wish to express my appreciation to the Portfolio Committee on Defence and Military Veterans and the Joint Standing Committee on Defence for supporting the reported activities of the Office in all its efforts.

Judging by the performance against this Annual Activity Report, I am confident that the strategic outcomes-oriented goals were reached in line with the *Batho Pele Principles* through the Results-Based Management approach of the Office.

In pursuit of reaffirming and strengthening the Office's security sector reform and contribution to international policy and practice, I am honoured to present the 2022/23 Annual Activity Report for the Office of the Military Ombud.

It is important to emphasise that, under the leadership of the Military Ombud, the Office of the Military Ombud and the Department of Defence have established an efficient working relationship.

I would like to thank the Military Ombud, Lt General (Ret) V.R. Masondo, the Deputy Military Ombud, Adv. S.T.B. Damane - Mkosana, and express appreciation to all Staff Members for their dedicated public service.

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

Date: 28 April 2023

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

I am grateful for the opportunity to present the Annual Activity Report (AAR) of the Office of the South African Military Ombud for the Financial Year 2022/23. I have enjoyed the expedition thus far as it has presented us with both challenges from which the Office has grown and achievements that fuel our continued journey to excellence.

The Office is mandated by the Military Ombud Act 4 of 2012 to investigate complaints received from serving and former members of the South African National Defence Force (SANDF) concerning their conditions of service, and members of the public regarding the official conduct of a member of the SANDF or a person acting on behalf of a member. The Office performs its investigations and puts forward appropriate remedies based on the principles of independence and impartiality. We execute our function in good faith, without fear, favour, bias, or prejudice and subject to the Constitution.

In the year under review, the Office resolved 82% of the complaints that were received thereby achieving its Annual Performance Target of 75%. Carry over complaints have drastically reduced owing to improvements in the investigation turnaround times. In the main, the Office continues to receive mostly new complaints that have been lodged by serving members of the SANDF concerning their conditions of service.

A significant milestone for the Office during the period was hosting the Annual Military Ombud Symposium and 10th Year Anniversary of promoting complaints resolution and the observance of the fundamental rights as per the Office mandate. This was a gathering of diverse stakeholders from our fellow African nations and South African role players. The anniversary took place on Friday, the 11th of November 2022 under the theme: "*The Role of the Ombud in providing oversight within the Civil-Military Architecture: Threats, Resilience, Responsiveness and Future Implications".*

- To interrogate the civil-military posture, the topics for discussion included, but were not limited to:
- How can Ombudsman Institutions build trust and manage the expectations of complainants?
- Why are armed forces personnel reluctant to complain, even when they acknowledge they have a problem?
- How Ombudsman Institutions overcome the reluctance to complain?
- In what ways can Ombudsman Institutions determine if their efforts to break down barriers are working?
- In what ways can Ombudsman Institutions promote inclusive armed forces and protection of vulnerable groups, both in the armed forces and members of the public?
- In what ways can Ombudsman Institutions protect their independence and distinctiveness through mutual support, cooperation, and joint activity?

The Office of the Military Ombud focus areas for the 2023/24 Financial Year support the Mid-Term Strategic Framework (MTSF), Government Priorities, and Minister of Defence and Military Veterans (MOD&MV) priorities and remain as follows:

- Effective and efficient resolution of complaints.

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

Stakeholder support plays an important role in the achievement of our mandate as it helps to enable the Office in its pursuit of excellence as a contributor towards improving service delivery. I am pleased to acknowledge that we have received this support from internal and external stakeholders, and we continue our efforts to deepen this engagement.

Regarding serving and former members civic and community engagement, the Office has introduced Pop-Up offices to empower people and receive complaints. The Office conducted targeted pop-up offices at military bases and in public spaces for commuters and shoppers as activations that have yielded fruits in creating awareness of the Office and its mandate.

We are also pleased with the Outreach Programme as it continues to build mutually beneficial partnerships with stakeholders. The focus of our outreach activity was the country border areas, rural communities, shopping malls and taxi rank activations and awareness. These engagements and partnerships have also contributed to educating stakeholders and raising awareness about the Office and its services as evidenced by the increasing numbers of complainants seeking assistance with their grievances.

That said, there remains a lot that is still to be achieved to ensure that stakeholders know that they have recourse outside of the Department of Defence. Consequently, the Office is investing in research and development as research informs the outreach approach and other related Office activities through the outcomes of surveys, identifying systemic issues and adding to Office policy and practices. Consequently, the Office has taken a first step to establish a Resource Centre with reference material as a knowledge bank within the Office. Once completed, the Centre will help to capacitate the Institution's knowledge management, research and innovation to help better position out activities.

The Office operates in an environment where both domestic and international stakeholders have high expectations. There is also a significant demand for our services and inputs on strategic matters involving Ombudsman Institutions. In response, we retain our memberships to the African Ombudsman and Mediators Association (AOMA), the International Ombudsman Institution (IOI), and the Geneva Centre for Security Sector Governance (DCAF).

The objective of these memberships is to share knowledge, experiences, and innovative approaches on increasing participation, inclusiveness and transparency in public policy and democratic governance of the civil-military relations at the national, regional and international level. Furthermore, these engagements help to advance the discourse for promoting inclusive, peaceful and resilient societies in realisation of the 2030 African Union Agenda towards a peaceful Africa.

We also continue to actively participate in international and regional webinars to strengthen supportive determinants that promote good governance, rule of law and human rights on the continent and abroad through sharing the best practices. To this end, the Office participated in various international dialogues and platforms such as the 14ICOAF Conference where the Military Ombud presented a paper at *a special session of 14ICOAF dedicated to the implementation of the 2021 "Resolution on the intensified international partnership of Ombuds Institutions for the armed forces"* on 03 October 2022 in Norway.

The Military Ombud also attended the DCAF Foundation Council meetings in June and December 2022. Finally, staff members 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 announce that the Office is an active participant at the National Preventative Mechanism (NPM) and continues to be a member of its Steering Committee to ensure that it complies with its obligations.

As the only Military Ombud Institution that exists in Africa currently, it is our mission to share our model and best practices with our counterparts on the continent.

Consequently, it was our pleasure to host the Ombudsman of Kenya who paid a courtesy visit as well as the Ombudsman of Malawi who visited the Office on a study tour in the reporting period.

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

We are maturing as an Office and have identified the need to accelerate our new phase of governance architecture and digitise our environment to enhance our complaints handling systems approach. I look forward to the new financial year.

I am appreciative of the continued support received from the Minister of Defence and Military Veterans. This support gives us the confidence to be able to deal effectively with members' complaints and, in the process, ensure service delivery.

Notwithstanding the challenges the Office encountered in the year, I remain resolute that the Deputy Military Ombud, senior management, and staff members should be given credit for a job well done. I am enormously thankful for their efforts, professionalism, dedication, and hard work. We continue to strive for excellence and transparency in our operations in line with *Batho Pele Principles*.

LT GEN (RET) V.R. MASONDO
SOUTH AFRICAN MILITARY OMBUD

Date: 28 April 2023

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ACRONYMS/ABBREVIATIONS

Acronyms/Abbreviations	Descriptions
AF/HSPT	Air Force Base Hoedspruit
AOMA	African Ombudsman and Mediators Association
APP	Annual Performance Plan
AWOL	Absence Without Leave
BMT	Basic Military Training
BOI	Board Of Inquiry
CCS	Chief Corporate Support
CDHRM	Chief Director Human Resource Management
CDOPS	Chief Director Operations
CFPP	Corruption and Fraud Prevention Plan
CMJ	Court of Military Judge
CPL	Corporal
CSANDF	Chief of South African Defence Force
CSS	Core Service System
DCAF	Geneva Centre For Security Sector Governance
DHR/SEP	Director Human Resource Separation
DI	Defence Intelligence
DLSR	Director Labour and Service Relations
DMO	Deputy Military Ombud
DOD	Department of Defence
DOD FMD	Department of Defence Finance Management Division
DODI	Department Of Defence Instruction
DPME	Department of Planning Monitoring & Evaluation
DPSA	Department of Public Service & Administration
EC	Eastern Cape
EXCO	Executive Committee
FSRM	Facility Security Reception Management
GB	Grievance Board
GEPF	Government Employee Pension Fund
GRC	Governance Risk & Compliance
GTAC	Government Technical Advisory Centre
HR	Human Resources
IAD	Internal Audit Division
IGR	Individual Grievance Regulation
IOI	International Ombudsman Institute
J/TAC HQ	Joint Tactical Headquarters
JDP	Joint Defence Publication
L/BRD	Lance Bombardier
Lt Gen	Lieutenant General
MANCO	Management Committee
MOD&MV	Minister of Defence Force and Military Veterans
MOU	Memoranda Of Understanding
MSDS	Military Skills Development System
MTSF	Medium Term Strategic Framework
NDOH	National Department of Health
NDP	National Development Plan
NPM	National Preventative Mechanism

OC	Officer Commanding
OP FLIKKER	Operation Flikker
OPSC	Office of the Public Service Commission
PFMA	Public Finance Management Act
PSC	Public Service Commission
PTE	Private
RBM	Result Based Model
S&T	Substance and Transport
S/SGT	Staff Seargent
SAAF	South African Air Force
SAMHS	South African Military Health Service
SAN	South African Navy
SANDF	South African National Defence Force
SEBO	Sefalana Employee Benefit Organisation
SLA	Service Level Agreement
SOP	Standard Operating Procedure
SPF	Strategic Planning Framework
SPT	Sub-Committee on Prevention of Torture
UN	United Nations
UP	University of Pretoria
WHO	World Health Organisation

PART A: STRATEGIC OVERVIEW

INTRODUCTION

The Office of the Military Ombud continued to pursue the advancement of its mandate. This was achieved by reducing the turnaround times in the resolution of complaints through cooperation received from the Department of Defence (DOD).

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.
Promote fundamental rights of members of the SANDF, Former Members and the Public.

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

Organisational Values

Accountability	We are responsible for our decisions and actions.
Confidentiality	We ensure all information is treated with confidentiality.
Commitment	We are dedicated to achieving the objectives of the organisation.
Impartiality	We aim for fairness by striking a balance between conflicting interests and rights
Professionalism	We aim to provide highest quality service to all stakeholders
Integrity	We value ethical conduct and honesty.
Courtesy	We continue to show politeness, attitude and behaviour towards *stakeholders*
Transparency	We strive to be open and strike the balance of fairness

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

Supporting Values

Behaviour	We behave in a manner that engenders respect from our clients.
Results Driven	We go the extra mile to ensure that the solutions that are developed adhere to and enhance organisational requirements.
Teamwork	We take joint responsibility through teamwork.
Excellence	We strive for excellence in all we do.
Responsibility	We individually take responsibility for our actions.
Care & Respect	We foster diversity; value our people; and treat each other with dignity and respect.

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

Table 1: Legislative Mandate

Legislative/ Other Mandates Description	**Key Responsibilities Imposed by Legislative Mandate**
a.	b.
Military Ombud Act of 2012	✓ 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. ✓ Establishment 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

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 Focus Areas

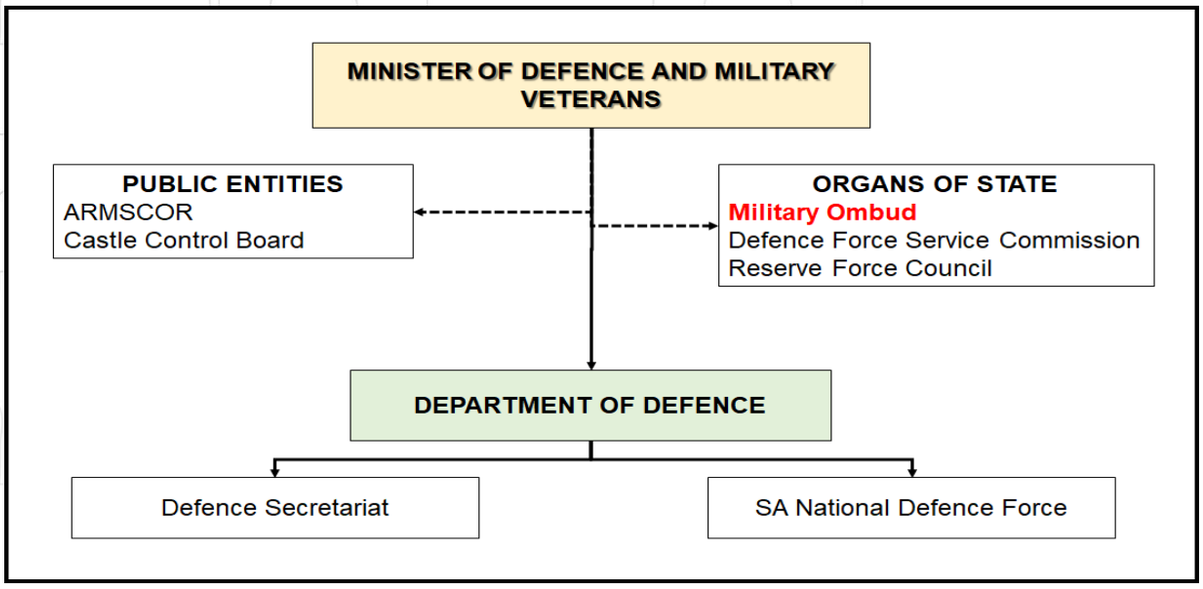
- Effective and Efficient Resolution of Complaints.
- The Implementation of the Integrated Communication Marketing Strategy and Plan.
- Institutional Independence
- Operationalising the Ministerial Policy Directive on Enterprise Resource Support to Military Ombud as Signed on 25 October 2018.
- Institutionalisation of the Governance Risk and Compliance (GRC) Framework.
- Securing Adequate Funding for the Compensation of Employees (COE).
- Resource Management.

Organisational Environment

The Office of the Military Ombud Office was established as per Act No 4 of 2012, to investigate and resolve complaints as well as promote the human rights of the members, former members of the SANDF as well as members of the public.

The reporting lines of the Office is depicted in figure 1

Figure 1: Reporting Lines



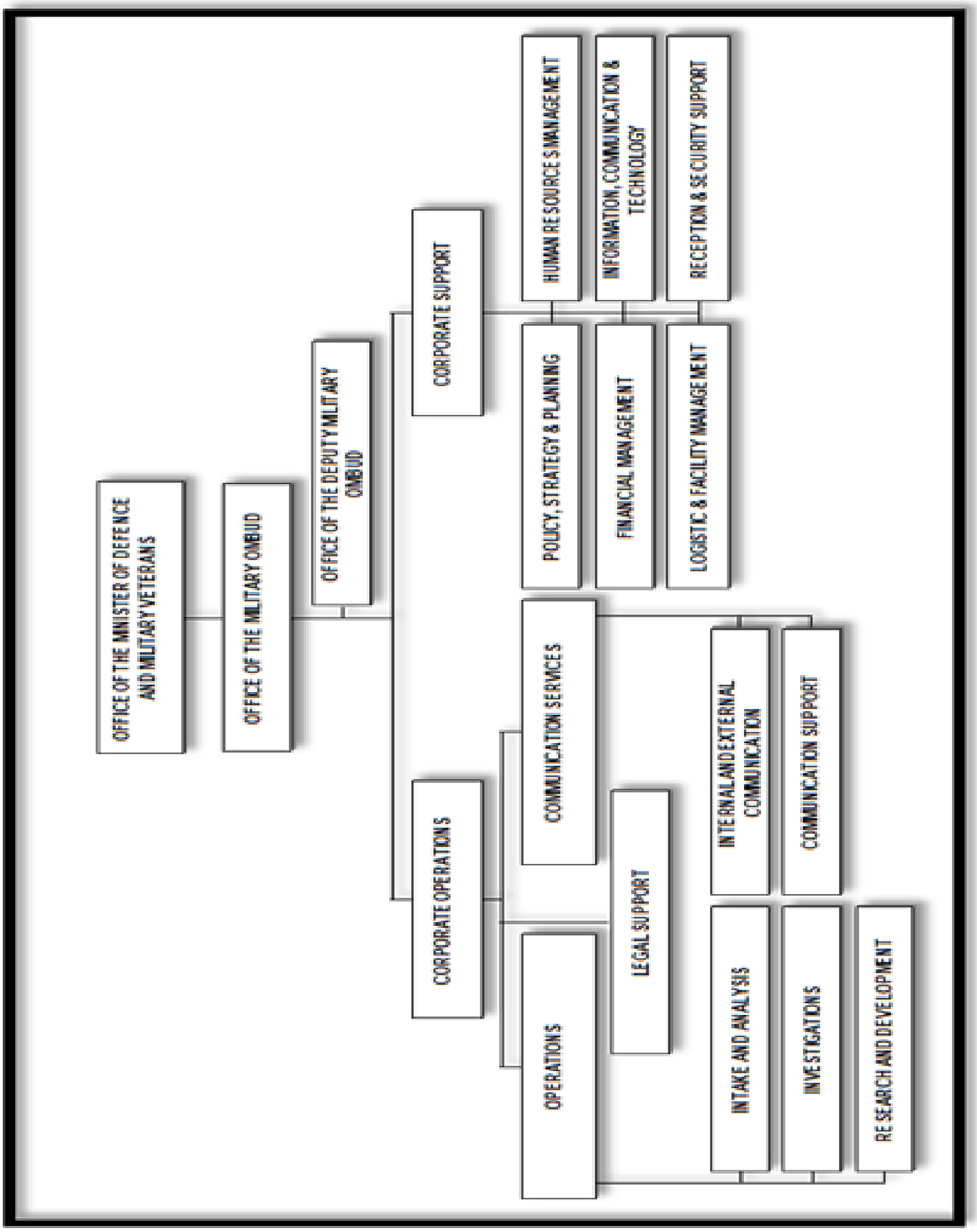
The organisational structure as listed in figure 2 below provides for structures that execute the mandate of the Office and will furthermore allow the management and reporting lines of the organisational units. The current organisational structure was approved in June 2012 and constitutes two (2) functional lines which comprises of Operations Management and Corporate Support. The approved organisational structure of the Office has never been fully funded, which delays its ability to pursue the mandate.

The Office is currently functionally independent, however, operationally it is not independent as it operates as a DOD Unit. The current operating model presents reputational and credibility questions around the effectiveness of the Office.

The former MOD&MV approved a Ministerial Directive on 25 October 2018 in order to enhance the independence of the Office and several strides have been made leading towards implementation.

The Military Ombud is not an Accounting Officer and therefore the Office cannot formulate its own policies. It is against this background that the Military Ombud initiated development of Standard Operating Procedures (SOPs) in support of the DOD Policies for the Office and the process is under way.

Figure 2: Organisational Structure of the Military Ombud

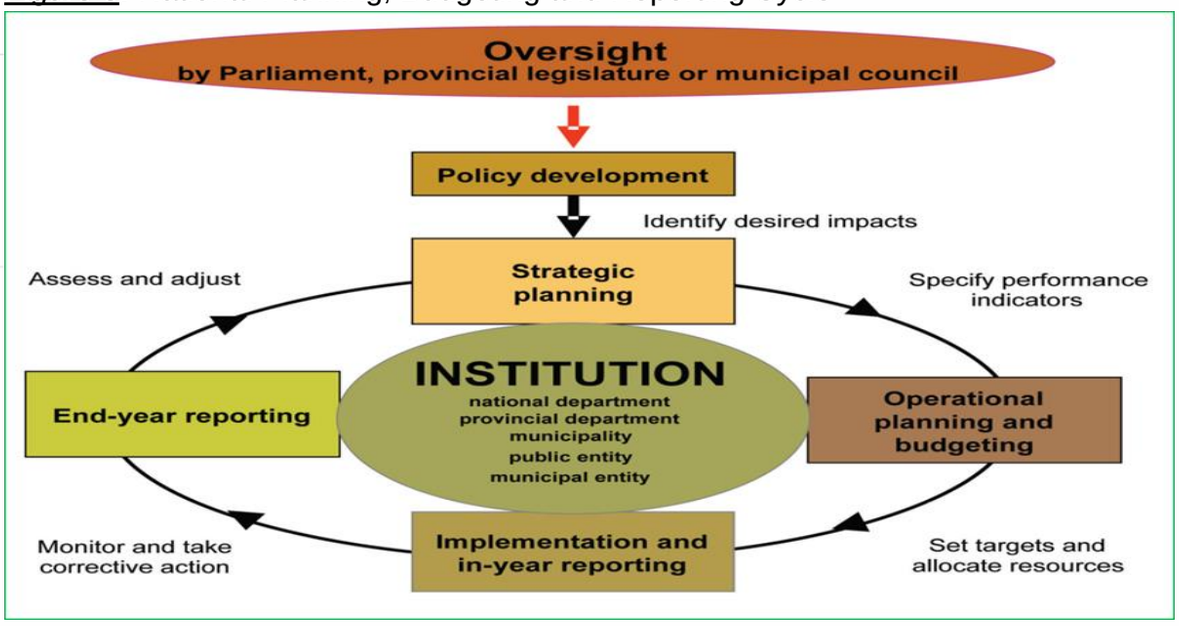


PART B: PERFORMANCE INFORMATION

Military Ombud Performance Information

Over the 2019-2024 MTSF period, the Office will continue to align itself with Government Priorities and 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 stipulated in the Revised Framework, as reflected in Figure 3 and 4 below, the Office updated its current Strategic Planning Framework.

Figure 3**:** National Planning, Budgeting and Reporting Cycle

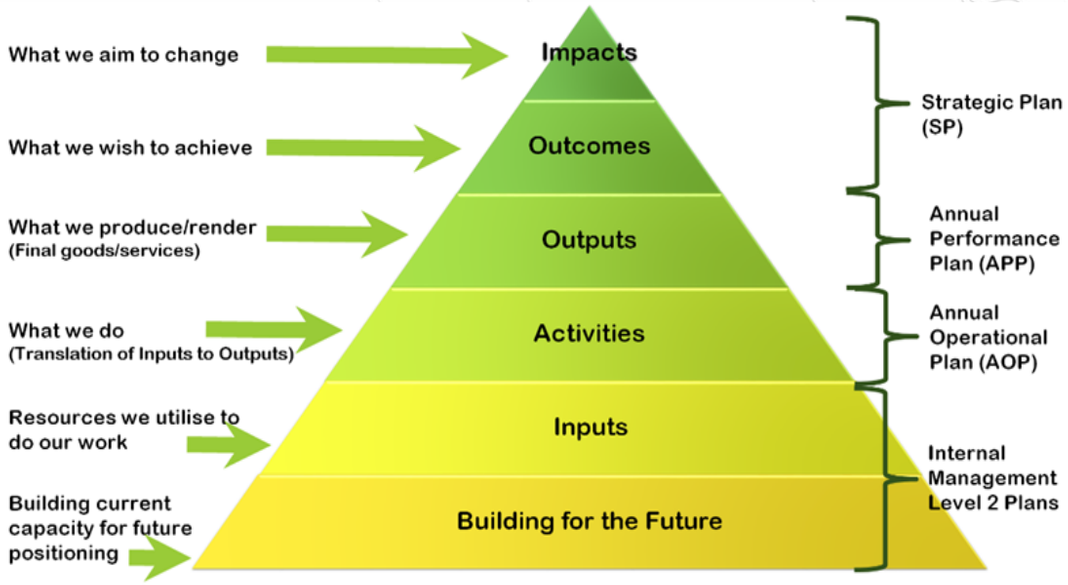


The updated/revised Strategic Planning Framework (SPF) has continued to provide the norms and standards within which the Office outcomes-based planning, budgeting, reporting and risk management process are executed in the realisation of the Office's mandate.

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 5)
- 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.

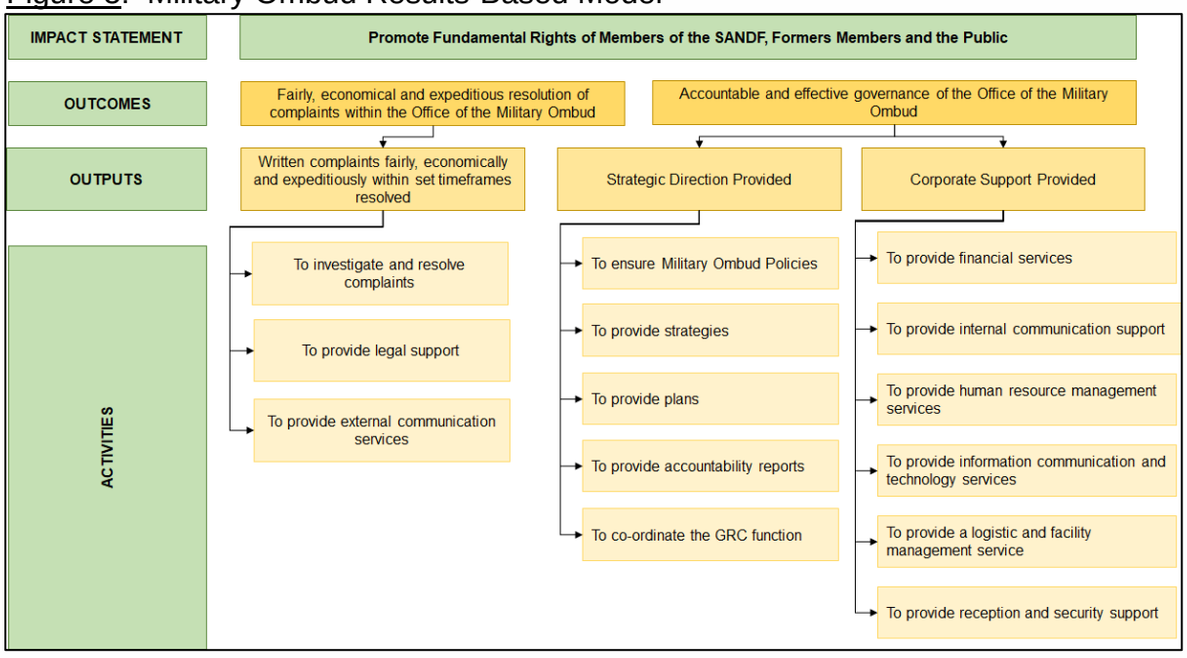
Figure 4: Logic Model (Result Based Concepts)



The below Result Based Model (RBM) and the components provided to 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 Results-Based Model is reflected in Figure 5.

Figure 5: Military Ombud Results-Based Model



Outcomes, Outputs, Performance Indicators and Targets

The detailed performance outcomes in support of the Office Impact Statement as captured in the FY2022/23 APP is provided in table below.

Table 2 Measuring of the Outcomes

Outcome	Outcome Indicator	Baseline	Five Year Target	FY22/23 APP Target	FY22/23 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	75%	75%	75%	82%
Accountable and effective governance of the Office of the Military Ombud	Percentage of Military Ombud accountability documents submitted in accordance with National prescripts	100%	100%	100%	100%

The outcomes above highlight the achievement of the Office. The strategic outcomes are directly aligned with the legislative mandate of the Office.

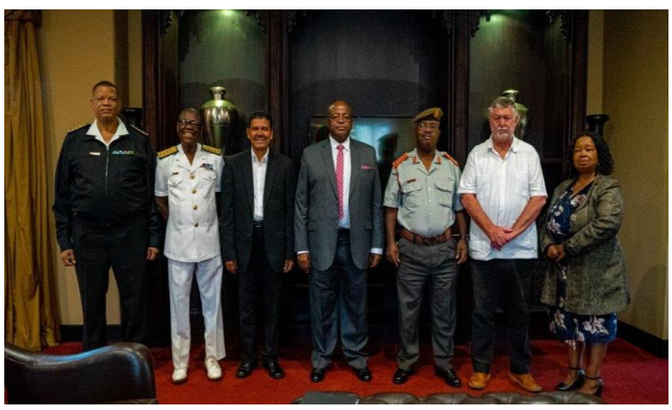


Table 3: Overview of Performance – APP Level

Performance Indicator	Annual Target as per APP	Quarter 1 Progress		Quarter 2 Progress		Quarter 3 Progress		Quarter 4 Progress		Overall Achievement	
		Quarter 1 Target as per APP	Quarter 1 Output - Preliminary	Quarter 2 Target as per APP	Quarter 2 Output - Preliminary	Quarter 3 Target as per APP	Quarter 3 Output Preliminary	Quarter 4 Output as per APP	Quarter 4 Output Preliminary	2022.23 FY Annual Performance Pre-Audited	Achievement/ Reason for Deviation/ Corrective Action
Outcome 1: Fair, Economical and Expeditious Resolution of Complaints											
Output 1: Written complaints resolved fairly, economically and expeditiously within the Office of the Military Ombud											
Percentage of written complaints resolved fairly, economically and expeditiously within the Office of the Military Ombud	75%	18.75%	35%	37.5%	54.3%	75%	56.25%	75%	82%	82%	Achieved
Outcome 2: Accountable and Effective Governance of the Office of the Military Ombud											
Output 2: Strategic Direction Provided											
Percentage adherence to the Military Ombud Master Record Index (MRI) for policies	60%	-	-		-		-		50%	50%	This is an Annual Target and non-achievement is influenced by adoption of DOD policies and data base policy update in process

Performance Indicator	Annual Target as per APP	Quarter 1 Progress		Quarter 2 Progress		Quarter 3 Progress		Quarter 4 Progress		Overall Achievement	
		Quarter 1 Target as per APP	Quarter 1 Output - Preliminary	Quarter 2 Target as per APP	Quarter 2 Output - Preliminary	Quarter 3 Target as per APP	Quarter 3 Output Preliminary	Quarter 4 Output as per APP	Quarter 4 Output Preliminary	2022.23 FY Annual Performance Pre-Audited	Achievement/ Reason for Deviation/ Corrective Action
Percentage adherence to the Military Ombud Master Record Index (MRI) for plans	100%	22.22	22,22%				-	77.78%	77.78%	100%	Achieved
Percentage of Military Ombud accountability document submitted in accordance with National Prescripts	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	Achieved
Percentage compliance of the Office of the Military Ombud to parliamentary activities	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	Achieved
Output 3: Corporate Support Services Provided											
Percentage compliance with the communication plan	100%	100%	81.25%	100%	100%	100%	83.8%	100%	90.37%	89%	

OFFICE PERFOMANCE OVERVIEW

Performance information is an indication of the extent to which the organisation is achieving its mandate in support of the outputs and outcomes, with effective processes in place.

Performance information is essential to adequate management which includes planning, budgeting, implementation, monitoring and reporting to ensure efficiency, effectiveness and the impact of service delivery by the Office of the Military Ombud.

The Office of the Military Ombud strives to be innovative and focused on the core business and mandate given to be fulfilled. It is crucial for the Office to keep abreast of things and responsive to ensure that matters are addressed adequately as per the mandate.

During the FY2022/23, the Office delivered services in accordance with its vision, mission, impact statement and values.

The Office continuously exerts itself vigorously towards fulfilling the mandate as prescribed in the Military Ombud Act, 4 of 2012. The Progress thereof is ratified in the sagacious experience and meticulous application of the legislative mandate by the Senior Management and the employees of the Office.

Accentuating efficient service provision that is cognisant of the members of the SANDF and the members of the public meant ensuring that all complaints are resolved in an innovative manner, expeditiously without fear or favour.

The MTSF of 2019 – 2024 which articulates Government priorities for the 6th Administration, the NDP and Vision 2030 which is the long-term socio-economic policy blue print of government continue to guide the work of the Office and are duly supported. The Office contributes to various MTSF Apex priorities, namely:

- Outcome 1: A capable, Ethical & Developmental State
- Outcomekkkkk32 2: Social Cohesion and safer communities
- Outcome 7: A better Africa and World

Sound financial management that is compliant to financial legislation continues to be implemented by the Office, through its capable employees. All financial processes and procedures are adequately executed in planning, budgeting and risk reduction. Internal auditing processes add value to this process and contributes towards efficient financial management.

As employee capacitation is fundamental to the growth and functioning of an organisation, the Office has undertaken to enhance staff development by offering additional training. This capacitation entailed formal training on the POPI Act to elevate the clientele's level of trust towards employees of the Office especially those who handle confidential information.

The Office intensified and institutionalised the Results-Based Model by workshopping employees on it. This was to align the Office to the national imperatives of government as per guidelines of the Department of Planning Monitoring and Evaluation (DPME).

An external wellness service-provider, ICAS Southern Africa Pty Ltd, rendered profound wellness programmes to the employees of the Office. With the current negative economic climate, aftereffects of COVID-19, sudden deaths of two (2) staff members, and a spate of various social ills that have a negative emotional bearing on society, the employees were not spared. The continuing intervention of ICAS Southern Africa bears a positive impact on the employees and contributes towards a conducive working environment.

The Office continues to anchor and concretise relationships nationally and internationally for purposes of benchmarking on best practice and working towards its vision of being a world-leading independent and impartial Military Ombud institution.

For purposes of uniformity and seamless implementation, the Office has embarked on utilising DOD policies. A process of developing standard operating procedures is under way as the Military Ombud is not an accounting officer.

PART C

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 provide an overview of the complaints flow within the Office since inception.

Table 4: 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
FY 2022/23	**58**	**350**	**408**	**335**	**73**

Table 5: Carry-Over Cases as at 31 March 2022

FY 20/21	FY 21/22	**Total**
4	54	58

Table 6: Carry-Over Cases as at 31 March 2023

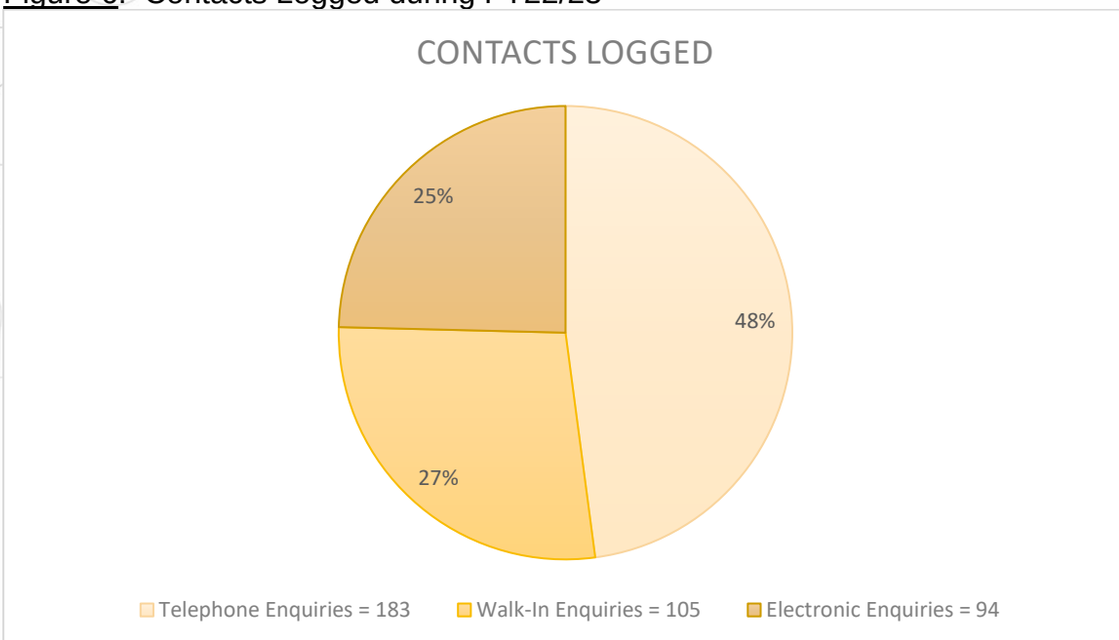
FY 20/21	FY 21/22	FY 22/23	**Total**
0	4	69	**73**

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 turn-around time within which complaints are dealt with, as well as the overall improvement in the complaints handling and investigation turn-around times, remained a critical continued focus area for the Military Ombud during the year under review.

Performance and Analysis of FY22/23. During the year under review the Office logged a number of contacts made with potential complainants, over and above attending to outreach

events. This entails a variety of modes of contact and includes walk-in enquiries or complainants' telephone enquiries and electronic enquiries which includes emails and postings on social media that required attendance from operations staff. Some of these initial contacts registered resulted in complaints lodged with the Office.

Figure 6: Contacts Logged during FY22/23



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 on 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.

The Office of the Military Ombud had a caseload of **408** which comprised of **350** new complaints that were received in year and **58** complaints that were carried over from the previous financial year. A total of **335** complaints were finalised. This represents an **82%** resolution rate.

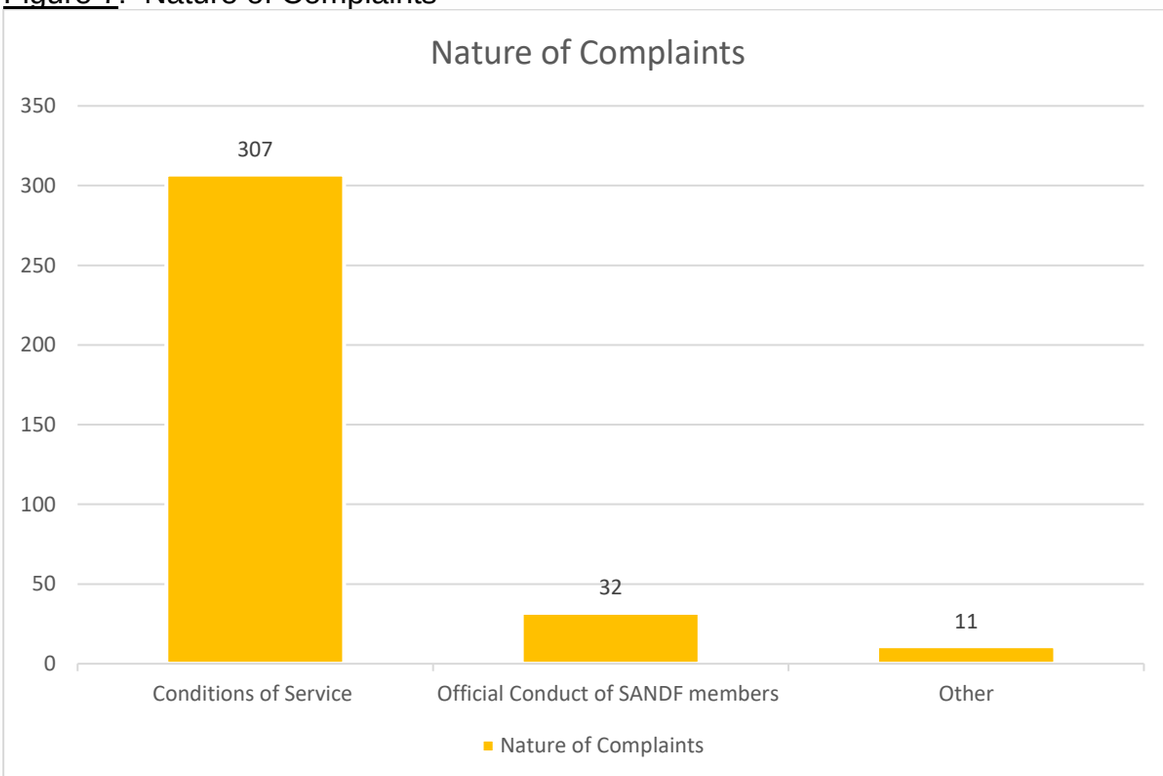
Achieving **82%** resolution is a key highlight in the performance of the Office this financial year. The Annual Performance target of **75%** resolution rate was exceeded by **7%**. This should be viewed in light of the fact that the APP target increased from 73% to 75% for FY 22/23.
The Office recorded an increase in the average intake of new complaints per month. The average intake per month in the 2021/22 financial year was approximately **22**; in FY 22/23 it is 29. The Office's revised outreach plans, as reported on last year, is deemed to have had a positive impact in this regard.

Analysis of Complaints Received in FY22/23. A total of **350** new complaints were received as compared to the **263** new complaints received in the 21/22 financial year. This is an increase of 33%, which could be ascribed to different variables of which the revised outreach plan as mentioned above is believed to be one.

Nature of Complaints. Of the **350** new complaints that were lodged with the Office during the year, **307** were lodged by members of the SANDF concerning their conditions of service.

The Office saw an equal percentage increase 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 (same as increase of complaints received), however, complaints that could only be classified as other reduced by almost 50% in comparison to the previous FY. This may have occurred as a result of increased awareness of the Office, due to efforts in reaching out to communities.

Figure 7: Nature of Complaints



Category of Complaints. 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 **88%** of the total complaints registered, SANDF service conditions complaints thus constitute the highest number of complaints.

Table 7: Category of Complaints

CATEGORY	Received In 2022/23	Carry over as at end 31 March 2023
a.	b.	c.
OFFICIAL CONDUCT OF MEMBER OF SANDF	32	16
OTHER	11	0
PLACEMENT/ UTILISATION	39	3
REMUNERATION	66	5
SERVICE TERMINATION	61	11
EDUCATION, TRAINING AND DEVELOPMENT	6	3
GRIEVANCE AND DISCIPLINARY PROCEDURES	14	3
PROMOTION & DEMOTION	39	12
SERVICE BENEFITS	58	11
WORKING ENVIRONMENT	24	5
Total	350	69

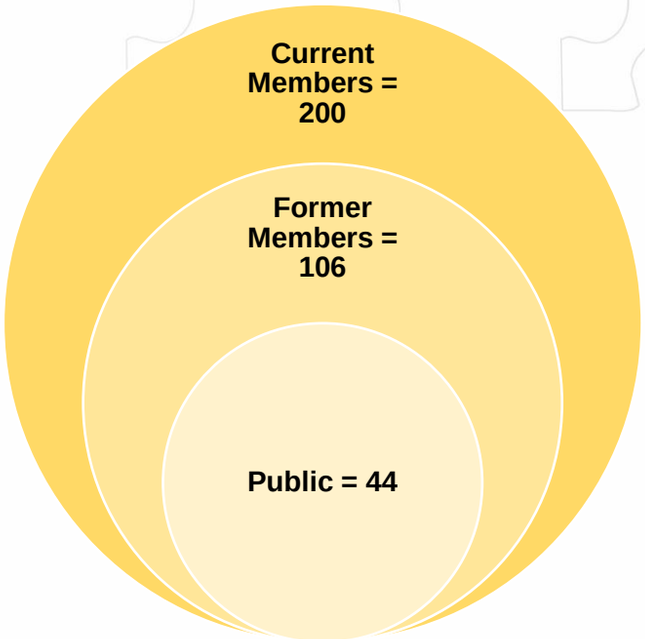
Service Conditions can be collectively categorised as in the table 6 below.

Table 8: Service Conditions

Service Condition	Number
a.	b.
Placement/ Utilisation	39
Remuneration	66
Service Termination	61
Education, Training & Development	6
Grievance And Disciplinary Procedures	14
Promotion & Demotion	39
Service Benefits	58
Working Environment	24

Profile of Complainants. Complaints from current members of the SANDF constitute the highest number of the matters that were lodged with the Office during FY2022/23. The **200** complaints from current members amount to **57%** of the total new complaints received. Complaints from former members remain the second highest at **106** which constitute about **30%** of the new complaints lodged. The Office received **44** complaints from members of the public, which amounts to **13%** of the **350** complaints lodged during the period under review.

Figure 9: Complaints Submitted as per Mandate of the Office



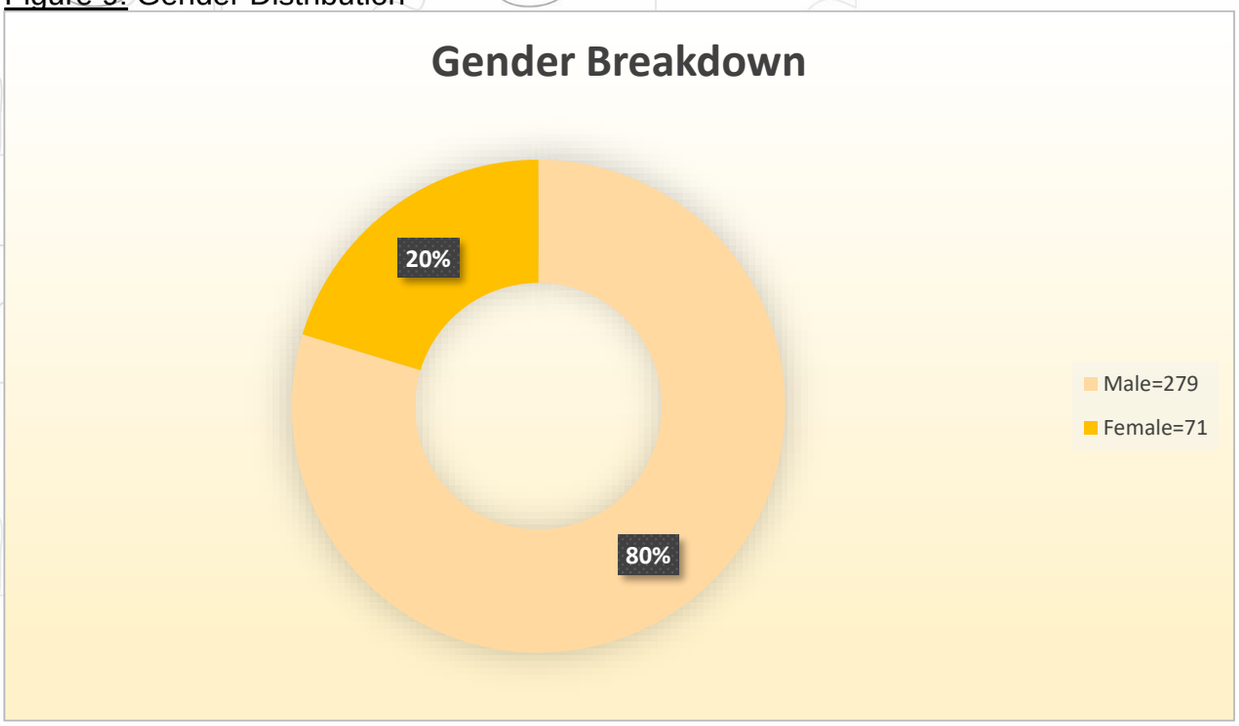
SEE NOTE BELOW REGARDING PUBLIC AND MEMBERS

Table 9: Rank Level of Complaints by Members

Ser No	Rank Levels	Number
	a.	b.
1	Generals/ Flag Officers	0
2	Senior Officers	35
3	Officers	21
4	Candidate Officers	3
5	Warrant Officers	18
6	NCO's	143
7	Other Ranks	65
8	Undefined	22
Total		**307**

It is noteworthy that **143** complaints were received from Non-Commissioned Officers constituting **41%** of complaints received from Regular and Reserve Force Members.

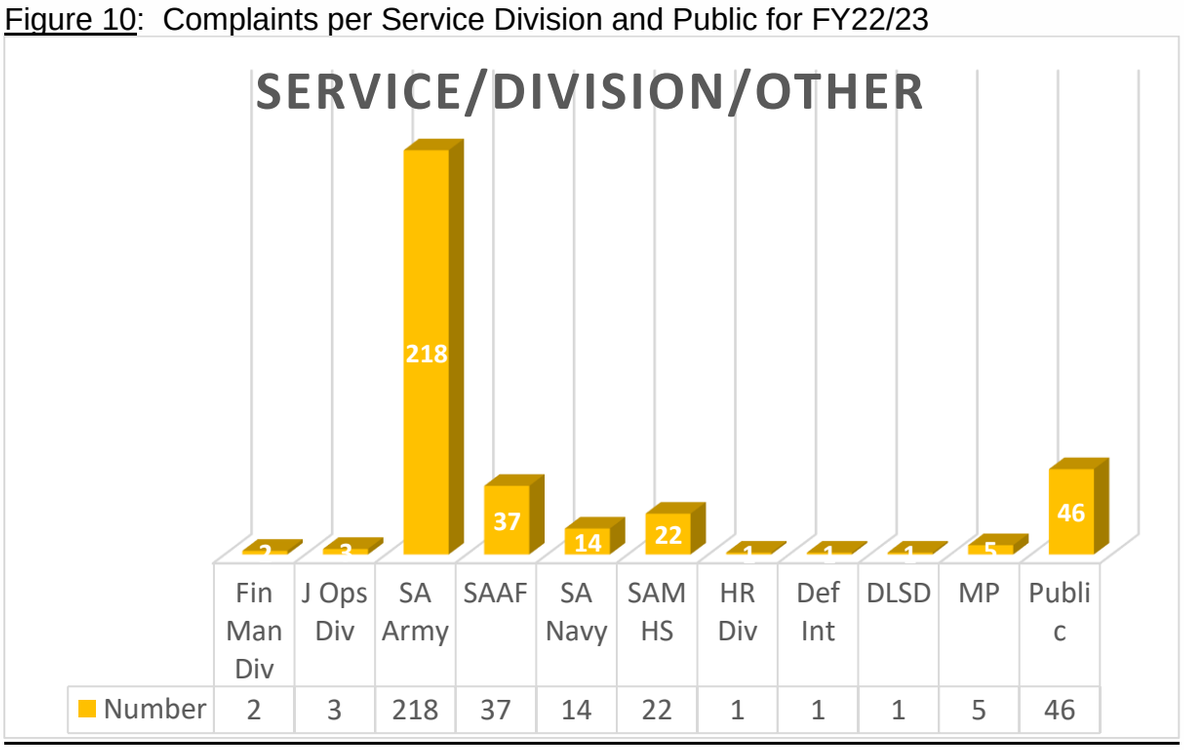
Figure 9: Gender Distribution



The Office still recorded a high number of complaints from males which accounts for **80%** of the total **350** complaints lodged. Those from females amount to **20%.** 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 **218** which accounts for **62%** of complaints lodged during the period under review.

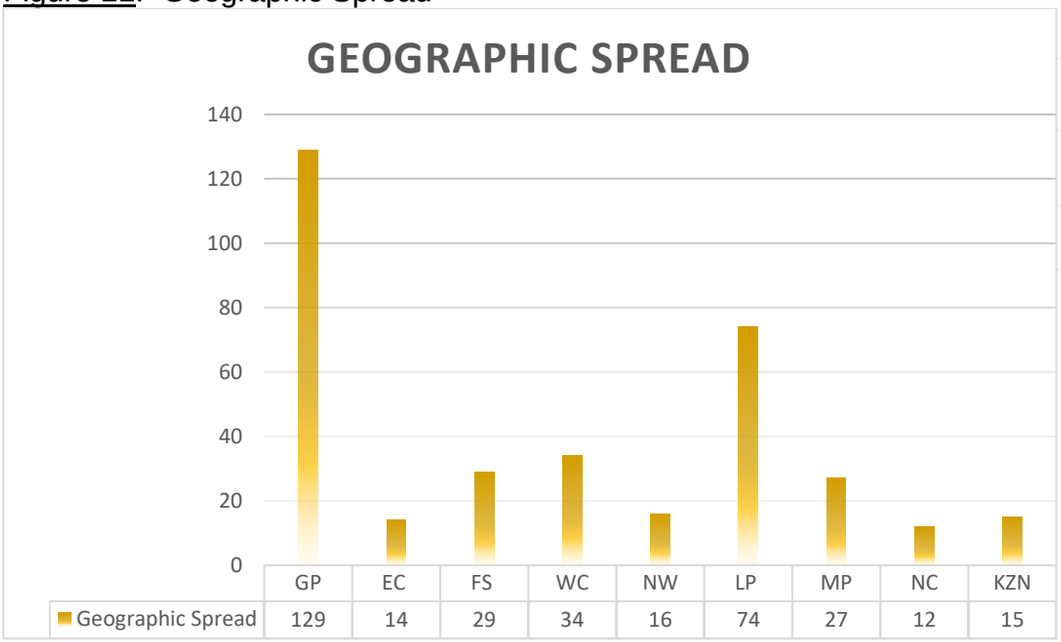
Figure 10: Complaints per Service Division and Public for FY22/23



In terms of Members of the Public, it should be noted that 2 such members are employed by the SANDF whom lodged complaints regarding the Official Conduct of Members of the SANDF. One is working at Defence Intelligence and the other at Finance Management Division.

Geographic Spread. Complaints from Gauteng still registered the highest at **37%** followed by Limpopo at around **21%.** The remainder is spread across the other provinces as shown in the above graph.

Figure 11: Geographic Spread



Manner of Finalisation. The table below details how the Office finalised **335** (54 from FY21/22 and 281 from FY22/23) complaints of the total caseload of **408** complaints. Although the Office performed well, there is still room for further improvement which the Office will pursue.

Table 8: Manner of Finalisation for FY 22/23

MANNER RESOLVED	
Collective Investigation	4
Complaint Dismissed for lack of jurisdiction	1
Complaint Dismissed ito Sec 4 – not a condition of service / official conduct	33
Complaint Dismissed ito Sec 6(7)(a) – on merits of complaint	25
Complaint Dismissed ito Sec (7)(1)(b) – matter pending before Court	1
Complaint Dismissed ito Sec 7(1)(c) – matter was decided by Court	5
Jurisdiction declined ito Sec 7(2)(c) due to extreme late lodging	13
Jurisdiction declined ito Sec 7(2)(d) – matter referred to SANDF IGR	160
Complaint Referred to an institution that is better suited	23
Complaint Upheld Ito Sec 6(7)(a) – on merits of complaint	3
Complaint Withdrawn	4
Duplicate	3
Matter Resolved Ito Sec 6(6)(b) by using ADR	6
TOTAL	**281**

LEGAL SERVICES

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. Legal advice in the form of legal opinions were drafted as required to protect the interests of the Office. While the drafting of the Amendment Bill continued to be placed in abeyance, alternatives were considered to achieve progress with the Ministers authority to amend the Military Ombud Act.

Litigation managed in this FY continued to range from applications instituted by complainants in the High Court either seeking orders against the Minister 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. Court judgments in specific applications were notable for purposes of amending the Military Ombud Act and protecting the interests of the Office.

The legal review of investigative reports enhances the complaints handling mechanism of the Office and in addition it is meant 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 Memoranda of Understanding (MOU) and Service Level Agreements (SLA). While these MOUs and SLAs are being continuously reviewed for effectiveness and efficiency, new agreements were entered into or identified to ensure significant stakeholder relationships are formalised and sustained. These agreements have proved fruitful in collaborative efforts that were engaged during the FY. Significant to mention is that the MOU's with the Defense Force Service Commission was reviewed and signed, and MOUs were entered into with Independent Police Investigative Directorate (IPID) and Government Communication Information System (GCIS).

In fulfilling its National Preventive Mechanism (NPM) mandate in accordance with the OPCAT as ratified by South Africa in 2019, the Office undertook two planned visits in the FY to Military Detention Barracks in June 2022 and March 2023 respectively. An annual report addressed to the Minister was compiled to highlight the outcome of these visits and other significant developments within the NPM. Currently the NPM operates as a multi-body NPM as per Cabinets decision to designate the Office of the Military Ombud, Judicial Inspectorate of Correctional Services, the Health Ombud and the South African Human Rights Commission which provides the co-ordination function for these institutions.

The NPM Strategic Planning Session was held in December 2022 to map the NPM's three-year strategic plan and ensure appropriate governance for the NPM. Finally, the United Nations Sub-committee on Prevention of Torture (SPT) visited South Africa from 24 February 2023 to 10 March 2023. The NPM met with the SPT prior to their visits to areas of deprivation of liberty in and around the country and their meetings with relevant government entities. A closing meeting was held on 8 March 2023 for a debrief discussion and a discussion on the preliminary findings of the SPT. The NPM awaits the confidential report

of the SPT in order to ensure it fully understands its obligations in terms of OPCAT and that it takes steps to address the challenges and concerns found by the SPT accordingly. Steps on how to address the preliminary findings of the SPT as communicated during the de-brief session are being considered by the NPM.

COMMUNICATION

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

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

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

OVERVIEW

During the period under review, the Directorate Communications, as the custodian of the brand reputation, and image of the Office of the Military Ombud, implemented an impactful public awareness programme by strengthening the understanding and support of the Office of the Military Ombud among its key stakeholders. This was achieved through various communication channels.

The Office intensified its campaign to reach out to its target audience specifically those who are on the borderline of South Africa like Zimbabwe, Lesotho, Swaziland, and Mozambique to educate them about the mandate of the Office. The Office also continues to use the mainstream media and community media to make awareness of the existence of the Office.

The Outreach programme has grown in leaps and bounds as other government departments were joined during Imbizos for public activation.

To reach the Office the serving members of SANDF and former members including members of the public are using social media platforms to engage with the Office.

Table 10: Internal Stakeholder Interaction Planned versus Achieved FY2022/2023

Stakeholder	Date	Event	Outcome
a.	b.	c.	d.
Human Rights Day	17 March 2023	An event aimed at commemorating human rights of South Africans in our democratic state.	Achieved
Military Ombud Staff Communication Session	14 October 2022	The Military Ombud Communication Staff Session was created for the Office to have interaction between staff members and the Military Ombud.	Not achieved Four (4) Military Ombud Staff Communication Sessions were planned and only one (1) was achieved during the financial year due to other conflicting activities.
Annual Military Ombud Employee Recognition Awards with all the staff members	02 December 2022	The Annual Military Ombud Recognition Awards, is an event that seek to formally recognise and honour outstanding contributions by employees in the Office of the Military Ombud. These employees demonstrate extra efforts with a positive impact on the Office, its goals and vision.	Achieved

Table 11: Stakeholder Interaction Planned versus Achieved FY2022/2023

Stakeholder	Date	Event	Outcome
a.	b.	c.	d.
Meeting with Western Cape Joint Ops	20 February 2023	To introduce the Office to the OC and to discuss upcoming outreach programme	Achieved
South African Broadcasting Cooperation	16-17 March 2022	A meeting was held to discuss the Outreach Programme	Achieved
Government Communications and Information Systems Free State	04 April 2022	A meeting was held to discuss the Outreach Programme at the Presidential Imbizo	Achieved
Department of Sports, Arts and Culture	19 April 2022	A meeting was held to discuss the Outreach Programme.	Achieved
Mpumalanga Premier's Office	09 May 2022	A meeting was held to discuss the Outreach Programme at the Presidential Imbizo	Achieved

Stakeholder	Date	Event	Outcome
a.	b.	c.	d.
Joint Operations	11 May 2022	A meeting was held to discuss the Outreach Programme to border areas.	Achieved
Joint Operations	02 June 2022	A meeting was held to discuss the Outreach Programme to border areas.	Achieved
Government Communications and Information Systems	14 June 2022	A meeting to discuss the African Footprint Project	Achieved
Department of Sports, Arts and Culture	16 June 2022	A meeting was held to discuss the Outreach Programme at the Presidential Imbizo	Achieved
Government Communications and Information Systems	23 June 2022	African Footprint Project presentation to the ICTS Cluster - GCIS	Achieved
Mangaung Metro Municipality	19 August 2022 22 August 2022	Meetings were held to discuss the Outreach Programme in communities around the Mangaung Metro	Achieved
Head Immigration in the Beit Bridge	15 September 2022	A meeting was held to discuss the Outreach Programme in the border area	Achieved
La Phalaborwa Municipality	22 September 2022	A meeting was held to discuss the Outreach Programme in communities around the Municipality	Achieved
Thulamela Municipality	03 -04 October 2022	A meeting was held to discuss the Outreach Programme in communities around the Thulamela Municipality	Achieved
Annual Symposium	11 November 2022	The dialogue is to open discussions between private sector, military and security industry, captains of industry as well as other stakeholders	Achieved
RFMCF	22 November 2022	A meeting was held to discuss the Outreach Programme to former Members of the South	Achieved

Stakeholder	Date	Event	Outcome
a.	b.	c.	d.
		African National Defence Force	
HOC DHQ	06 February 2023	A meeting to discuss the Annual Operating Plan as well Communications and Marketing Strategy of the Office	Achieved
Meeting with DOD Corporate Communication	March 2023	Meeting for relationship management	Achieved

International Relations The objective of the Office on international relations engagements continue to build and enhance fruitful relations with key international stakeholders in the Ombudsman and security clusters. Collaborations are continuing to strengthen every financial year.

The Office is an affiliate voting member of the African Ombudsman and Mediators Association (AOMA), International Ombudsman Institution (IOI) and the Geneva Centre for Security Sector Governance (DCAF). The value of these memberships has proven to be an instrument to support the capability of Ombudsman to be competent and responsive to the needs of serving and former Members of the South African National Defence Force (SANDF) when handling their complaints.
During the financial year the Office derived value and benefitted through the exchange of knowledge and expertise with other counterparts globally through high level discussions and capacity building via virtual platforms and conferences.

AOMA and IOI Membership and Military Ombud Active Participation
The Office as an affiliate member to the AOMA and IOI participated in a virtual facilitated discussion on the topic "Showcasing Sectoral Ombudsman (Municipal, Police and Military Ombudsman" The Military Ombud shared about the mandate of the Office and its effectiveness with attendees.

The Office attended and participated in the following webinars:

- 08 March 2022 – Complaint Handling;
- 30 March 2022 – Seeking Higher Ground – Values and Ethics of the Ombudsman;
- 21 March 2023 – Research Skills
- 19 April 2022 – Managing Evidence;
- 14 June 2022 – Effective Investigation Strategies;
- 12 July 2022 – Documents Storing and Archiving;
- 5-7 July 2022 – International Mediation Congress;
- 23 August 2022 – Showcasing Sectoral Ombudsman (Municipal, Police and Military Ombudsman);
- 13 October 2022 – The Venice Principles and the OR Tambo Declaration; Celebrating Ombuds day;
- 15 November 2022 – Dealing with Challenging Behaviour;
- 17 January 2023 – Mediation/Alternative Dispute Resolution;

- 31 January 2023 – Showcasing Sectoral Ombudsman (Children, Health and Banking Ombudsman);
- 14 February 2023 – Customer Service Skills – Consistently Delivering Outstanding Customer Service- Managing Service Expectations;

Further the Office commented on the draft Best Practice Paper on Mediation on the 20th October 2022 as well as input on IOI Observer Status in the UN General Assembly. The Office attended the IOI Virtual Presentation Skills Training on 31st March 2022 and Crisis Management on the 22nd March 2023.

DCAF Membership and Military Ombud Active Participation

The overarching aim of the DCAF is to promote the important role played by Ombuds Institutions, armed forces and international actors. DCAF also works directly with and encourages cooperation between Ombuds Institutions to enhance their effectiveness and capacity.

The Military Ombud and DCAF bilateral relations have significantly over the years and the Military Ombud participated actively during the14 ICOAF conference and presented a paper on topic "International Cooperation Among Ombuds Institutions- Implementing the 2021 Resolution on the Intensified Partnership of Ombud Institutions for the Armed Forces"

The Office attended the following engagements:

i. 02-04 October 2022 14 International Conference of Ombuds Institutions for the Armed Forces (14ICOAF), Norway. The topic of the conference was "Rights and duties of armed forces personnel in peacetime and wartime: between policy and practice".
ii. June and December 2022 -The Office led by the Military Ombud attended the DCAF Foundation Council meeting.

Celebrations of the 10th Year Anniversary of the Mozambican Ombudsman

26-28th May 2022 - The Military Ombud led a delegation of two to attend and participate at the 10th Year Anniversary of the Mozambican Ombudsman. The Military Ombud also paid a courtesy visit to RSA Ambassador in Mozambique.

Courtesy Visits Ombudsman of Kenya paid a courtesy visit on the 7th July 2022 as well as the Ombudsman of Malawi who visited the Office on a study visit on the 2nd March 2023.

Outreach Programme The objective of the outreach programme is to deepen the understanding of the role and the mandate of the Military Ombud to stakeholders. The programme is also intended to share information about the functionality and operations of the Office. In order to achieve the above objective, the Office has forged deliberate partnerships with various stakeholders such as national, provincial, local government and its structures amongst others as well as the institutions that we have MOUs with.

These partnerships are meant to seek ways to enhance the operational efficiencies and the accessibility of the Office nationwide to both members of the Defence Force and the public. Collaboration with GCIS and other Government Departments, Municipalities and Reserve Force Medical Continuation Fund amongst others remain crucial for the Office to reach a diverse audience.

The recently finalised MOA with GCIS in terms of publicity and media buying will assist to create awareness on the existence of the Office and to maximise its reach though various media platforms effectively and timeously.

Table 12: Outreach Programmes 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.
Free State	**Public Activation:** Thaba Nchu Labour Department	1				08 April 2022
	Presidential Imbizo: Mangaung	1				09 April 2022
	Dihlabeng Local Municipality Community Imbizo: Bethlehem.		1			19 August 2022
	Public Activations Borderline: Makhaleng Border Gate, Zastron, Smithfield, Rouxville, Van Rooyen Gate, Wepener, Dewetsdorp, Van Standenrus, Maseru Bridge Port of Entry, (Ladybrand), Maputsoe Border Gate (Ficksburg), Caledonspoort Border Post, (Fouriesburg).		1			15-19 August 2022
	Induction Training SANDF Presentation: Fouriesburg, Ladybrand		1			14 – 15 September 2022
Mpumalanga	**National Days** Middleburg CBD Public Activation Freedom Day Celebration, Middelburg	1				26 April 2022
	Freedom Day Celebration, Middelburg					27 April 2022
	MOU Partnerships: SA Human Rights Commission Stakeholder Engagement, Sokhulumi	1				24 June 2022
	Presidential Imbizo: Carolina	1				20 May 2022
	Pop Up Offices: 4 SAI Battalion - Middelburg, ADA School Ermelo, ASB, AMHU.	1				11-27 May 2022
	Induction Training SANDF Presentation: Sandrivier, Macadamia, Zonstaal			1		04-06 October 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.
Eastern Cape	**National Days:** Youth Day Celebrations, Mthatha	1				16 June 2022
	Induction Training SANDF Presentation: Maluti		1			05 September 2022
	RFMCF Wellness Day for Reserve Forces: Mthatha					
Gauteng	**Military Base Presentation** DOD School of Catering: Thaba Tshwane	1				29 June 2022
	Presidential Imbizo: Sedibeng		1			12 August 2022
	Military Presentation: Signal Unit Dequar Road				1	1 February 2023
	RFMCF Wellness Day for Reserve Forces: SAMHS Training Formation, Thaba Tshwane				1	15 February 2023
KwaZulu Natal	**National Day:** Women's Month Celebrations, Richmond		1			09 August 2022
	Induction Training SANDF Presentation: Mtubatuba			1		04-05 October 2022
Limpopo	**Public Activation:** Ga – Selwane Village, Ba-Phalaborwa Local Municipality		1			**66**23 September 2022
	Public Activation: Beit Bridge Border		1			29 September 2022
	Mayoral Imbizo: Fondwe Village, Thulamela Local Municipality		1			30 September 2022
	Mayoral Imbizo: Ha Sinthumule Village, Makhado Local Municipality		1			31 September 2022
	Military Base Presentation: Air Force Base Hoedspruit		1			15 September 2022
	Military Base Presentation:		1			20 September 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.
	7 SAI BN, Ba-Phalaborwa					
	Induction Training SANDF Presentations: Musina		1			13 September 2022
	Induction Training SANDF Presentations: Musina		1			19 September 2022
	Induction Training SANDF Presentations: Musina		1			26 September 2022
	Military Base Presentation: 5 Special Force Regiment, Ba-Phalaborwa		1			21 September 2022
	Military Base Presentation: Madimbo Ops Base		1			21 September 2022
	Military Base Presentation: Military Police, AMHU Sickbay, Signal Unit, J Tac HQ, AMHU, Mapungubwe Regiment, Regional Works Unit.			1		09-15 December 2022
North West	**Induction Training SANDF Presentations:** Kgopane, Zeerust			1		07 October 2023
	Military Base Presentation (Potchefstroom)				1	
	Military Base Presentation (Mahikeng)					01 -03 March 2023
	Induction Training SANDF Presentations: Kgopane, Zeerust				1	08 March 2023
Northern Cape	**Presidential Imbizo:** Upington				1	21 October 2023
	Induction Training SANDF Presentations: Upington				1	11 March 2023
	Military Base Presentation (Alexander Bay)				1	13 March 2023
	National Days				1	21 March 2023

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.
	Human Rights Day Celebration, (De Aar)					
Western Cape	**RFMCF Wellness Day for Reserve Forces:** Wynberg Military Base				1	21 February 2023
	RFMCF Wellness Day for Reserve Forces: Air Force Base, Overberg				1	22 February 2023
	RFMCF Wellness Day for Reserve Forces: AMHU George Sickbay				1	23 February 2023

Table 13: Number of Military Units Visited per Province

Province	Number of Outreaches
a.	b.
Gauteng	4
Free State	6
Eastern Cape	3
Limpopo	12
Western Cape	3
North West	4
Kwa-Zulu Natal	2
Mpumalanga	6
Northern Cape	4
Total	**44**

RESEARCH & DEVELOPMENT (R&D)

The Research and Development Unit is a critical sub-unit reporting to Chief Director Operations, continued its contribution towards research and development across the organisation through research initiatives. The key performance of the research and development unit 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 the twelve (12) planned R&D annual targets for the financial year 2022/2023 were achieved without any deviation.

In the reporting year 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 in the Office; to identify insights into the prevalent gaps and expectations, and to provide recommendations to the findings thereof. The survey researched the service levels and customer satisfaction in terms of courtesy, responsiveness, information, speed of service, overall service level of the Office. The data gathered was analysed and recommendations implemented through directorates contact sessions and various training initiatives in order to enhance positive customer engagement in the Office.

Further, the unit drafted the 2022 Annual Military Ombud Symposium topic "The Role of the Ombud in providing oversight within the Civil-Military Architecture: Threats, Resilience, Responsiveness and Future Implications" in collaboration with the Communications Directorate. The objective of the symposium was to gauge the importance of oversight by civilian entities within the civil-military architecture and measure oversight over the civil-military architecture. The symposium drew think-tanks and academics from the civilian and military spaces.

INTERNATIONAL CO-ORDINATION AND PARTNERSHIPS

On the international front the research and development unit drafted a position paper titled "Internal cooperation among ombuds institutions – implementing the 2021 Resolution on the intensified international partnership of ombuds institutions for the armed forces" which was presented by the Military Ombud at the fourteenth International Conference of Ombuds Institutions for the Armed Forces (14ICOAF) in October in Oslo, Norway. The purpose of the paper was to share insights on the Office's active pursuit of the African Footprint Project which aims to influence and create awareness around the importance of establishing military institutions or absorbing the concept within the existing ombudsman institutions

In order to further strengthen and contribute to the understanding, visibility and excellence of the Office, research and development finalised two surveys. The first being the International Ombudsman Association (IOI) and the second is International Centre for Mediation in the Armed Forces (ICMAF). The intent of the surveys was to share and exchange information and an initiative to promote the office whilst collaborating with international stakeholders.

The research and development unit concluded a policy paper on how communication could be enhanced to further penetrate the stakeholders and establish impactful brand outreach and education efforts of the Office.

In the current reporting year, the Research Centre has been resourced with reading material and legal notice branding. The research materials will certainly go a long way in strengthening the institutional capacity and knowledge management within the Office. Further efforts are underway to capacitate the Research Centre by procuring more books.

IMPARTIAL AND INDEPENDENT
ABOUT THE OFFICE

PART D

CASE STUDIES

The list of case studies below is a random selection from some of the cases received during FY 2022

CASE 1: Non-Implementation Of The Sandf Grievance Board's Decision

A Complainant approached the Office complainaining about non-implementation of the recommendation of the Grievance Board (GB), having lodged a grievance in terms of the Individual Grievances Regulations (IGR), 2016. The GB is the final level of grievance resolution in terms of the IGR. Her grievance related to unfairness during the Core Service System (CSS) contract allocations in the South African Navy (SAN), after completing her Military Skils Development System (MSDS) contract. During CSS contract allocations, the SAN found irregularities/inconsistencies between her identity document and matric certificate. The Complainant argued that she was not the only member with this problem and others were afforded an opportunity to correct the irregularity and subsequently offered CSS contracts whilst she was not. Having considered (Sec Defidered her grievance, the GB recommended that the Chief of the South African Navy (C Navy) reconsider offering her a CSS contract. The issue to be determined by the Military Ombud was whether the SAN was non-compliant with the IGR in terms of implementing the recommendation/decision of the GB. Although the IGR does not specify timeframes within which recommedndations of the GB should be implemented subsequent to ratification by the Chief of the SANDF (C SANDF)/Secretary for Defence (Sec Def), reasonableness of the time is considered in evaluating the fairness and/or unfairness thereof. The Office opted to resolve the complaint through alternative dispute resolution (ADR) and held a discussion with the SAN during which the SAN undertook to implement the recommendation of the GB. The SAN also indicated that it had called the Complainant from the Reserves to serve, whilst they were busy with the administrative process of offering her a CSS contract. The SAN continously updated the Office regarding progress on the implementation of the GB's recommendation througout. The Complainant was subsequently offered a CSS contract in the SAN which she accepted.

Case 2: Service Benefits: Pension

The Office of the Military Ombud (the Office) received a complaint from a former member of the South African National Defence Force (SANDF), (the Applicant), regarding pension benefits, accompanied by an application to condone the late referral.

The Applicant reported that he was part of the medical team for the Presidents' Unit since 1994. In June 2015, he applied to study Sports Medicine at state expense and his application was approved. Further, in January 2016 he enrolled for a Sports Medicine degree and commenced with his studies at the University of Pretoria (UP). In 2018, during his time of study, he fell seriously ill and was admitted to hospital.

In April 2020, his salary was stopped, five (05) months before his retirement. His pension date was 30 September 2020. The Unit Officer Commanding (UOC) was instructed to activate the Applicant's salary, however, to date no administrative action was taken to give effect to the instruction. The Application for Pension or Separation Booklet was not processed by the Unit as a Board of Inquiry (BOI) was convened, regarding the Complainant's whereabouts.

Upon enquiry, on 26 April 2022, it was confirmed that the Complainant's Pension Booklet will only be released upon the finalisation of the outstanding BOI regarding his whereabouts.

The relief sought by the Complainant is to receive pension benefits.

The complaint was assessed in terms of the Military Ombud Act 4 of 2012 and the Military Ombud Complaints Regulations, 2015.

It was found that the Complainant attempted to resolve the matter with the Unit, however, to date no administration took place. Further, the Unit failed to adhere to the instruction to activate the Complainant's salary. The Complainant was able to substantiate his application to condone the late referral of his complaint, based on prospects of success and prejudice he would continue to suffer, which that enabled his late filing to be condoned.

Therefore, the application for condonation was successful based on the application of Regulation 6(2)(a) to (f) of the Military Ombud Complaints Regulations, 2015.

Case 3: Alleged Unfair Service Termination: Voluntary Resignation

In January 2022, the Office of the SA Military Ombud received a complaint from a former member of the SA National Defence Force (SANDF), the Complainant, who alleged unfair service termination.

In November 2021, Complainant submitted a resignation letter, electing to exit the Defence Force on 31 December 2021. On 29 December 2021, he was provided with a copy of authority for service termination which stated that his last day of service will be 31 December 2021.

On 29 December 2021 he attempted to submit a statement for withdrawal of his resignation, however, the SA Air Force College (SAAF) Human Resources personnel were not available, as they were on vacation leave.

On 06 January 2022, he submitted his statement requesting the withdrawal of his resignation to the Unit Officer Commanding (UOC) and it was forwarded to the Directorate Human Resources Separation (D HR Sep). During January 2022, he was provided with a response from the D HR Sep stating that he cannot withdraw his resignation on the basis that authority for termination of service was already granted and that his last day of service was 31 December 2021.

He sought the approval of his withdrawal of resignation statement as a relief to his complaint.

The Office investigated the complaint and found that the decision to terminate the Complainant's service with effect from 31 December 2021 was in line with his resignation statement and in terms of section 59(1)(a) of the Defence Act 42 of 2002. In essence, the Complainant's service termination with effect from 31 December 2021 was substantively and procedurally fair.

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

Case 4: Service Termination

The Office of the Military Ombud (the Office) received a complaint accompanied by an application to condone the late referral of a complaint from a former recruit for the Military Skills Development System (MSDS) training program. Complainant was recruited by the Defence Intelligence Division (DI) through the South African Air Force (SAAF). He began

his Basic Military Training (BMT) at the SA Air Force Gymnasium, presented at Air Force Base Hoedspruit (AF HSPT). His complaint was in relation to termination of service.

Complainant states that in March 2021, he was accused of fabricating a sick note while on an Aviation Ground Protection course in Hoedspruit. Furthermore, he was allegedly charged with fraud by the Hoedspruit Military Police and was informed to await his trial.

Complainant transferred to DI in June 2021 and was called on office orders/bearing during August 2021. He claims to have been informed verbally regarding the termination of his service and not going to be offered a further contract in the SANDF core service (Core Service System: CSS). In December 2021, he was issued with a service termination letter dated 02 February 2022, which indicated that his contract would not be renewed due to misconduct during his MSDS term and that authority had been granted for his discharge from the SANDF with immediate effect.

Complainant disputed the allegations of any charges against him on the PERSOL system. His relief sought was to be reinstated to the SANDF.

The complaint was assessed in terms of the Military Ombud Act 4 of 2012, and the Military Ombud Complaints Regulations, 2015. It was determined that, the incident that gave rise to the complaint occurred in December 2021. Therefore, Complainant was requested in writing to complete and submit an application to condone the late referral of his complaint in terms of Regulation 6(3) of the Military Ombud Complaints Regulations 2015. In terms of the *audi alteram partem* principle, the application for condonation was submitted to the Chief of South African National Defence Force (CSANDF) for inputs.

The Office noted that the MSDS is a two-year voluntary service contract wherein successful MSDS candidates will be appointed in a specific mustering and will be called up to a Training Unit to complete their BMT, specific mustering and functional training in the first year and be utilised in the second year.

Paragraph 17 of Instruction for MSDS; DS/CDHRPP/DSS/R/104/31/2/1 dated 05 December 2003, stipulates that members will enter into a voluntary two-year service contract which will consist of full-time training and utilisation in the MSDS and will be followed by either an extended contract in the CSS or a five-year voluntary service contract of 30 days per year in the Reserves.

Paragraph 23(a-c) of the Instruction further stipulates that during the MSDS, the SANDF will comprehensively evaluate the potential of members for further career development and utilisation by means of a Confidential Report, therefore the Report serves as the main document to decide on the continued utilisation of a member in the SANDF. This implies that the extension of the contracts of other members, which can be deemed as continued utilisation, is subject to a member's comprehensive evaluation contained in his Confidential Report.

Furthermore, paragraph 29(b) of the Instruction provides that members from the MSDS may be recruited for service in the CSS in accordance with recruitment targets for Enlisted Personnel, NCOs and Officers. Such recruited members will then be offered a uniquely tailored service contract for service in the CSS on completion of either the first or second year of MSDS service depending on their service and mustering. However, it is the express prerogative of the SANDF to offer the MSDS members the continued contracts in the CSS.

Despite the above, Complainant is entitled to a just and fair administrative process and labour practices. The only way for Complainant to know whether or not he was unfairly

discriminated against, is by making visible the evidence of his misconduct and the selection criteria to him through the investigation process.

Accordingly, cognisance should be taken that in terms of Section 23(1) of the Constitution of South Africa 1996, *"Everyone has the right to fair labour practices."*

The Office further took cognisance that the Complainant's delay to lodge a complaint with the Office is not extremely excessive. Based on the prejudice which the Complainant may suffer if his complaint is not investigated, it was in the interest of justice to verify the allegations by condoning the late referral of his complaint and for the Military Ombud to conduct an investigation into the merits of complaint.

As a result of the above, Applicant's Application for Condonation was granted in terms of regulation 6(2)(a) to (f) of the Military Ombud Regulations, 2015.

Case 5: Benefits: Service Termination

On 07 January 2022, the Office of the Military Ombud (the Office) received a complaint from the Complainant, a former member of the South African National Defence Force (SANDF), previously stationed at Joint Tactical Headquarters North West (J Tac HQ NW). The Complainant alleged as follows:

- He resigned from the SANDF and his last date of service was 30 October 2021, however his leave gratuity and pension was not paid.
- He alleges that he contacted J Tac HQ NW to enquire regarding the delay in the payment of his benefits and was informed that a Board of Inquiry (BOI) was convened against him and it is not yet finalised. He was told that Phase 3 could not be captured until the BOI is finalised.
- Upon further enquiries regarding the status of his pension administration he was told by the Officer Commanding (OC) J Tac HQ NW that the BOI Investigator was quarantined and is later on vacation leave out of the province.

The relief sought by the Complainant is as follows:

- Finalisation of the BOI, service termination and payment of his service benefits including leave gratuity.

Section 59(1)(a) of the Defence Act 42 of 2002, provides that, "the service of a member of the Regular Force is terminated upon the expiration of three months after the date on which such member lodged his or her resignation or upon the expiration of such shorter period as may be approved by the Chief of the Defence Force".

On 15 October 2021, the Complainant tendered his resignation from the SA Army, with effect from 30 October 2021, thus a period shorter than three (3) months. The OC J Tac HQ NW, Colonel (Col) M. J. Ramakatsa, supported the Complainant's resignation on a shorter notice period, in accordance with the Defence Act read with paragraph 15(d) of the Joint Defence Publication (JDP) quoted hereunder.

Paragraph 15 of the Joint Defence Publication (JDP): Pol and Plan No. 00032/2005 (Edition 1): Process and Procedures for the Management of the Separation of Officials from the Department of Defence (DOD) under reference DS/CDHRSD&P/DHRSS/R/107/2/P dated 27 January 2010 (the JDP), provides that:

"RESIGNATION

Whenever an official submits a written notification of resignation, the following administrative actions must be effected prior to the due date of termination (Defence Act, Section 59(1)(a).

a. The Officer Commanding of his or her Unit must take notice of the resignation and confirm in writing that the resignation is accepted according to the measures and delegations.

b. The written notification must be forwarded to the Service/Division (Career Manager) for registration on the TERMINATIONS program.

c. The application for his or her resignation, together with the official's written notice, the Officer Commanding's certification regarding outstanding investigations or disciplinary actions (Reference K) must be forwarded to the CD HRM (Directorate Human Resource Separation (D HR Sep) for granting of an administrative authority. The Officer Commanding's certification is not a requisite for employees.

d. Upon receipt of the application at the D HR Sep, D HR Sep must make a final decision with regard to the adherence to notice periods. In the case of employees, it is one month and three months in the case of members. However, if supported by the unit Officer Commanding/Chief of Service/Division, D HR Sep has a delegation to accept a shorter notice period than three months. No resignation with a 24-hour notice period may be accepted (Reference K).

e. Once D HR Sep has made a decision wrt the notice period, D HR Sep must promulgate the authority on the TERMINATIONS program.

f. The PERSOL transactions to terminate the service can commence by means of effecting the phase 1 transaction by the unit, Phase II by CDHRM (D HR Maint) and Phase III by the unit (on the last day of service)"

Paragraph 15(f) of the JDP provides that Phase 3 must be transacted on the last date of service, in casu, 30 October 2021. The Complainant alleges that his service termination was unduly delayed by his Unit. According to the Complainant, he ended up accumulating debt. He would like the process to be expedited so that he can receive payment of his leave gratuity. It was discovered during the termination of service administration that there is a pending BOI against the Complainant. In terms of paragraph 15(c) of the JDP, the process could not be finalised until the OC forwarded certification regarding outstanding investigations or disciplinary actions to CD HRM (Directorate Human Resource Separation (D HR Sep) for granting of an administrative authority. The BOI was finalised on 02 March 2022.

According to Persol printout: Confirmation of Termination of Service, Phase 1 was captured on 15 October 2021, CDHRM (Pension Section) captured Phase 2 (confirmation of pension release documentation) on 11 November 2021. Phase 3 was delayed by the finalisation of the BOI and it was only approved and captured on 02 March 2022.

The following findings were made in relation to the analysis made and the provisions of the applicable regulatory framework:

- The delay to transact Phase 3 of Complainant's service termination by his last date of service 30 October 2021, in terms of Paragraph 15(c) of Joint Defence Publication (JDP): Pol and Plan No. 00032/2005 (Edition 1) was due to a pending BOI;

- The BOI against the Complainant was finalised on 02 March 2022;
- Phase 3 of Complainant's service termination was captured on 02 March 2022.

In terms of section 6(6)(b) of the Act, the Military Ombud resolved the complaint lodged by 94733904PE WO2 R. P. Morule regarding delayed administration of service benefit (pension).

Case 6: Service Termination: Administrative Discharge

The Office of the Military Ombud (the Office) received complaint from a former member of the South African National Defence Force (SANDF), (the Complainant), ito sec 4(1)d of the Military Ombud Act of 2012, who complained about termination of service: administrative discharge.

The Complainant was detained in 2016 and remained in custody until his sentencing in 2018. The Complainant appealed the sentence immediately after the conviction and he alleges that he subsequently informed a Colonel (Col) at his Unit of his decision to appeal the conviction. Upon the assessment of the complaint, it was established that the Complainant was administratively discharged from the SANDF ito section 59(1)d of the Defence Act of 2002 (absence without leave exceeding 30 days).

An appeal judgement was passed on 06 December 2022, wherein his convictions and sentences were set aside and he was found not guilty of the charges.

The relief sought by the Complainant is that the Office assist him with the re-instatement into the SANDF and reimbursement of loss of income after his appeal succeeded.

Complainant's dismissal was based on the Zwelitsha Regional Court Judgement which was later set aside by the Eastern Cape high Court, which enabled investigation for possible reinstatement into the SANDF.

The Office assumed jurisdiction and investigated the matter ito sec 6(1) of the Military Ombud Act of 2012.

Case 7: Service Termination: Non-Renewal of Contract

The Office of the Military Ombud (the Office) received a complaint from a former member of the South African National Defence Force (SANDF), (the Complainant) ito sec 4(1)d of the Military Ombud Act of 2012, who complained about termination of service: non-renewal of Core Service System (CSS) contract in the Regular Force.

Complainant initially lodged a complaint in the prescribed manner, in terms of regulation 3(1) of the Military Ombud Complaints Regulations of 2015, alleging that his CSS contract ended in December 2020 and it was not renewed, although he had submitted an application for contract renewal and has a positive service record.

The Complainant later on submitted an amended statement regarding the nature of his complaint. He then stated that he was charged and convicted by a Court of Military Judge (CMJ) and sentenced to dismissal from the SANDF, with an option to appeal the sentence, for stealing a 9mm pistol from the duty room safe when he was on duty.

Upon the assessment of the complaint, it was established that the Complainant was discharged from the SANDF with Ignominy on the 8th of May 2020 and his exit administration was finalised on 17 August 2021 by the Government Employees Pension Fund (GEPF).

The relief sought by the Complainant is that the Office assist him with re-instatement into the SANDF.

The Office declined to assume jurisdiction in terms of section 7(1)(c) of the Military Ombud Act 4 of 2012, as the Office may not investigate a matter on which a decision has been taken by a Military or Civilian Court.

Case 8: Termination of Service: MSDS Contract

The Complainants are former MSDS Recruits of the South African Air Force (SAAF). They were contacted to report at Swartkop AFB in Pretoria to commence with the Basic Military Training (BMT). Whilst at the base a Sergeant smelled Marijuana near the tents and all recruits were informed about a search and a drug test to be conducted. All candidates were instructed to undergo blood and urine tests for illicit drugs due to the suspicion of cannabis use in the camp. From the group that was tested the four Complainants were confirmed to have tested positive for cannabis and their medical classification changed to GT which means they were declared temporarily unfit for employment in the SAAF. Therefore, they allege that they were unfairly withdrawn from the BMT, since they allege to have consumed the cannabis prior to the call-up date and they also used it within their own personal and private space, as per the announcement by the President of South Africa and therefore they requested to be reinstated into the MSDS.

The Revised Implementation Instruction: Military Skills Development Systems (MSDS) dated 05 Dec 2003 was considered in this matter and paragraph 11(e) provides that MSD members will comply with medical standards G1K1 and their medical classification changed from G1K1 to GT. The MSD Intake guideline was also considered.

The investigation found that the Recruits' medical classification changed from G1K1 to GT. They were dishonest when they were required to disclose any usage of drugs and the reason therefore when they reported at the Base. Further, their withdrawal from BMT was in terms of the Policy which requires recruits to comply with the standard of fitness as part of employment G1K1.

Their complaints were therefore dismissed in terms of section 6(7)(a) of the Military Ombud Act 4 of 2012.

Case 9: Termination of Service

The Office of the Military Ombud (the Office) received a complaint from a former member of South African National Defence (SANDF)(Complainant), who complained about the unfair and fraudulent termination of his service.

From 2013 to 2015 the Complainant was a Team Leader of the Military Defence Legal Counsel who was defending members of the SANDF who marched to the Union Buildings in 2009, in the case known as "Operation FLIKKER" (OP Flikker). Upon completion of the above-mentioned case, in 2016, he was unlawfully dismissed.

The Complainant was formally charged with offences including Absence Without Leave (AWOL) and fraud (falsely claimed travelling expenses) by a Court of Military Judge. As a result, the Complainant was given the sentence of dismissal from SANDF and a fine to the sum of R35 470.86.

The Complainant's case was sent on automatic review of the decision of the Court of Military Judge to the Court of Military Appeals. The Judge of the Court of Military Appeals, A. J. Bam, found the Complainant not guilty of the AWOL and all other offences, except for one offence namely count 3 (the negligent false entry in respect of the substance and transport (S&T) claim). The Complainant was then sentenced to a fine of R2000-00. The addendum to this judgement mentioned that the judgement is prevailing and is the final judgement.

The Office established that despite the judgement of the Court of Military Appeals, the Complainant was dismissed as a result of the letter from a Senior Official of the Department of Defence. This meant that the Complainant's service termination was a result of the administrative decision taken to dismiss the Complainant.

The Senior Official knew exactly the right channel to review the decision of the Court of Military Appeals, which was to take the matter to the High Court. As there is no decision of any Court that can be changed by any individual, by writing a letter contradicting the Court decision.

Upon assessment, it was established that the complaint requires further investigation, therefore, the Office assumed jurisdiction over 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.

Case 10: Official Conduct of a Member

The Complainant complained regarding official conduct (alleged non-appointment and non-utilization). He stated that he received an undertaking to be utilized in the South African Air Force (SAAF) Reserves during the 22/23 Financial Year and provided a document to support his contention. However, an assessment of Regulation 4(2) of the Regulations for the Reserve Force, 2017, provided that the Chief of the South African National Defence Force (SANDF) is vested with the authority to appoint members of the Reserve Force. Therefore, it was found that the undertaking given by the SAAF officials was *ultra vires* and of no effect. Furthermore, Regulation 5 of the Regulations for the Reserve Force, 2017 provides a process that must be followed to enlist members into the Reserve Force and the fact that this process was not initiated by the involved parties, further disabled the SAAF from making any undertaking of enlistment to the Complainant. It was further found that the Complainant did not have a right to enlistment and he is not a member of the Reserve Force therefore, he could not complain about non-utilization. Accordingly, the complaint was dismissed in terms of section 6(7) of the Military Ombud Act, 2012.

Case 11: Grievance and Grievance Procedures

On 4 November 2022, a Private (Pte), (the Complainant) was detached from the School of Artillery to an Infantry Battalion when he was instructed by his Officer Commanding (OC) to return to the School of Artillery due to the expiry of the detached authority.

The HR Manager (Captain) of the Infantry Battalion told Complainant that the HR Manager of the School of Artillery has informally informed him about his return to the School of Artillery. However, he will only be released once the official communication has been received.

On 9 November 2022, Complainant contacted the HR Section of the School of Artillery. He was referred to the HR Manager who informed him that he was placed at 4 Artillery Regiment in a post of Lance Bombardier (L Bdr). Further, he was also informed that the detached duty has ended and he will be marked Absent Without Leave (AWOL) if he did not return to the School of Artillery.

The HR Manager of the School of Artillery stated that documentation was sent to Infantry Battalion but the Battalion did not inform the Complainant. A Major who was part of the command structure at Infantry Battalion also indicated that he was not aware of the movement of the Complainant and prior to this, all communication used to come from the Major.

The complaint was assessed for jurisdiction in terms of section 4 of the Military Ombud Act 4 of 2012 (the Act) and it was established that the complaint was registered by a current member of the SANDF who was complaining about his conditions of service. However, it was determined in terms of section 7(2)(d) of the Act that the Complainant did not first use the mechanisms available under the Individual Grievance Regulations (IGR), 2010 as amended.

The Complainant was informed of the jurisdiction decision and was advised to lodge a formal grievance in terms of the IGR 2016. Further, the Director Labour and Service Relations (DSLR) was requested to assist the Complainant to lodge a grievance.

Case 12: Current Member, Former Member or Member of The Public

The Office of the Military Ombud (the Office) received a complaint from a former employee of the Department of Defence Finance Management Division (DOD FMD) complaining about Termination of Service for Absence Without Permission (AWOP) and pension benefits.

The Complainant mentioned that he was ill over the period of 2007 and 2008 and sought assistance from a traditional healer with regards to his ailments. He avers that he applied for vacation leave, accompanied by the traditional healer's medical certificate. However, he contends that the sick notes were rejected by his Human Resource Section (HR), which left him aggrieved and he proceeded to write a statement regarding his discontent.

He stated that monies were deducted from his salary and pension benefits as a result of AWOP being captured for the period of absence. The Complainant contends that on the conclusion of the investigation of his statement, it was resolved that the monies would be reimbursed.

The Complainant further alluded to be suspended for assault after allegations that he attacked one his colleagues with a screw driver. He stated that a disciplinary enquiry was instituted, however, he could not attend the proceeding as his legal representative was ill.

As a result, the Complainant avers that he was dismissed from the South African National Defence Force, of which he was notified via a dismissal letter dated 24 March 2013. The Complainant further highlighted that he has not received his pension benefits.

The Complainant sought the intervention of the Military Ombud, as he felt prejudiced by the unfair nature of his termination and his inability to obtain his pension benefits.

In terms of section 4(a-d) of the Military Ombud Act 4 of 2012, the mandate of the office is restricted to investigate complaints from members and former members of the Defence Force regarding their conditions of service, or a member of the public regarding the official conduct of a member of the South African Defence Force.

The Complainant, being a former employee of the Department of Defence employed in terms of the Public Service Act, 1994 was advised to approach the Office of the Public Service Commission (OPSC) or the Public Service Coordinating Bargaining Council (PSCBC) for further intervention in terms of section 7(c) of the Military Ombud Act, 4 of 2012.

Case 13: Pension Benefits

The Office of the Military Ombud (the Office) received a complaint from the former member of the South African National Defence Force (SANDF), (the Complainant) and was formally stationed at Dequar Military Police Station in the SA Army regarding pension benefits.

Complainant indicated that he integrated into the SANDF on 30 April 1995, from the Bophuthatswana Defence Force. He states that he contributed towards pension that was administered by Sefalana Employee Benefits Organisation (SEBO) during his service with the Bophuthatswana Defence Force from 01 July 1981 until integrating into the SANDF on 31 March 1995.

The Complainant contends that his pension benefits upon his retirement, on or before 30 September 2020, failed to include the years of service and pension contributions from the Bophuthatswana Defence Force. He is of the view that he is being prejudiced in terms of over 13 years of pension accrual.

The Complainant sought the Office to intervene in his matter and assist him to remedy this situation, and be paid the contended pension benefits.

The issues raised in the complaint were assessed and it was established that the complaint was with regard to service benefits.

The Complainant has furnished the Office with a copy of his salary advice indicating his in-service employment date, as of 01 July 1981, which does confirm his assertions.

However, the Complainant failed to provide clarity and proof on whether or not he did contribute to a retirement fund, while serving at the Bophuthatswana Defence Force and furthermore whether or not he transferred his provident fund benefits to the GEPF upon integration into the SANDF or after the establishment thereof;

In view of the fact that the Complainant's termination has already been finalised by the Department of Defence upon his retirement from the SANDF and that his dispute relates to the SEBO Provident Fund, it would be prudent for the Military Ombud to refer the matter to the Pension Fund Adjudicator (PFA) to provide clarity and assistance regarding Complainant's predicament.

The Ombud therefore referred Complainant in terms of section 6(7)(c) of the Military Ombud Act, 2012 to the Pension Fund Adjudicator.

Case 14: Promotion

The Complainant, a current serving member of the SANDF approached the Office of the Military Ombud (the Office) and complained about the following:

- Alleged unfair suspension;
- Placement and Promotion as he was not nominated for promotional courses or considered for placement and promotion during the period he was on suspension;
- Leave Benefits. He lost out on the opportunity to sell/ discount 20 leave days when he reached 20 years' service.

His redress sought was for his suspension to be lifted and for him to be promoted with the promotion backdated to the time his suspension was supposed to have been uplifted. He also wanted the Office to assist him so that he can be allowed to discount his leave days outside of the 5-year interval prescribed in terms of the Department of Defence Instruction: Personnel No 19/2000 (Department of Defence Policy and Procedures on Leave of Absence: SANDF MEMBERS) (Edition 3), page xi at paragraph 4.

The Office assumed jurisdiction as per the mandate contained in section 4 of the Military Ombud Act 4 of 2012 (the Act), to investigate complaints from members and former members of the Defence Force regarding their conditions of service.

The investigation was conducted in terms section 6 (7) of the Military Ombud Act no.4 of 2012 (the Act).

- During investigations the Office established that whereas the decision to put the Complainant on suspension was in line with section 42 of the Military Discipline Supplementary Measures Act 16 of 1999, and therefore lawful, the employer delayed to uplift the suspension after the reason for same was no longer in effect. The suspension was unfairly extended for a further period of over 12 months as a result of the employer's (SANDF) actions or lack thereof.

- With regards to backdating of promotion, it was established that Complainant did miss out on the opportunity to be nominated for courses which would have placed him in the best position to be considered for promotion. It was further established that in terms of the Department of Defence Instruction (DODI) Pers NO 21/2001, (which is applicable to this set of facts), promotion is not a right and there is no provision for backdating of promotion date to a date before the member met all criteria to be considered for promotion and the issue was referred to the career manager for intervention.

- With regards to discounting of leave days it was established that Complainant had not yet applied for discounting of leave days and therefore no decision was made by the DOD regarding the issue.

  - In conclusion, even though the complaint regarding unfair suspension was resolved with Complainant reporting for duty, it was recommended to the Minister of Defence and Military Veterans (MOD&MV) that, she directs C SANDF to sensitise the relevant Service / Division to ensure that the HR environment perform their duties diligently to eliminate similar grievances in the future;

  - Further, that Complainant's unique circumstances be taken into account when handling Complainant's application for discounting of leave days, should he submit the application for same; and

  - Furthermore, that the MOD&MV directs C SANDF to advise the Chief of the relevant Service to ensure that career interviews are held with the Complainant as soon as possible with the view to manage his career further.

Before the matter was finalised, the Office established that the Complainant was promoted to the next higher rank, after successful completion of promotional courses.

Case 15: Constructive Dismissal

The Office of the Military Ombud conducted an investigation to a complaint relating to the alleged constructive dismissal of a former member of the South African National Defence Force (SANDF), who was based at Special Forces School.

The Complainant alleges that he integrated in 1994 and that in August 2017 he was forced to resign from SANDF due to death threats by the then Officer Commanding of Special Forces.

In 2016 he lodged a grievance against the Officer Commanding (OC) Special Forces regarding racial discrimination emanating from the statement he made at the year-end function. He further alleged that after he lodged the grievance against the OC of Special Forces, the OC came to the Complainant's office and started threatening him, saying if he loses his job, he will lose his life. When the OC was uttering those threats, they were alone in the office.

As a result of the above the complainant requested a transfer which was denied based on policy considerations. Furthermore, the person against whom the complaint was lodged was relieved of his duties after a Board of Inquiry investigation.

The Complainant consequently filed a resignation citing that he would like to pursue business interests and it was approved. The relief sought by the Complainant was to be reinstated into the SANDF citing constructive dismissal as a reason.

After the investigation was conducted by the Military Ombud it was found that the Complainant could not advance sufficient evidence to prove that his continued employment at Special Forces had become so intolerable so as to force him to resign in other words the elements relating to constructive dismissal as a legal principle were not proven and the Complainant's witnesses could not collaborate his version of events.

The complaint lodged by the former member in relation to constructive dismissal was dismissed in terms of section 6(7) (a) of the Military Ombud Act 4 of 2012. The findings and recommendations by the Military Ombud were accepted by the Minister of Defence and Military Veterans. The matter was then closed.

Case 16: Appointment as Member of The CSS And Delay in Finalising the Internal Grievance

The Office of the Military Ombud conducted an investigation to a complaint relating to allegations of non-appointment into the Core Service System (CSS) contract and the delay in finalising the internal grievance lodged by the Complainant in violation of the Internal Grievance Regulation time frames (IGR).

The Complainant alleges that he joined the Military Skills Development System (MSDS) in June 2009 and in November 2010 while at the Tempe Training Base in Bloemfontein and partaking in an Air Assault Course, he sustained injuries on his back muscle resulting into spasm that caused numbness in his back and leg and as a result he was hospitalised for more than three weeks. He had to use a wheelchair for mobility purposes for a period of two weeks.

His MSDS contract ended in June 2011 and according to him he was expecting to be translated into Core Service System (CSS) contract since he was injured on duty. As a result of the above he lodged a grievance in terms of the IGR in June 2020. There was a delay in finalising the matter and this matter was still not resolved.

His relief sought was to be translated onto the CSS contract and his internal grievance be resolved.

On conclusion of the investigation and in line with the Revised Implementation Instruction: Military Skills Development System, the Military Ombud found that the Complainant entered into an MSDS contract with SANDF starting from June 2009 to June 2011, being a period of two years. The contract came to an end at the expiry of the MSDS contract being the end of June 2011 and no legitimate expectation was created. The MSDS contract does not indicate that the DOD is under any obligation to translate and/or extend members contracts to the CSS if they are injured whilst on duty, on training or in service.

At the end of Complainant's MSDS contract, the member received a letter offering him a contract to the Reserve Force System in June 2011, which he accepted and signed. On

acceptance of the offer, the Complainant was registered as a Reserve Force Member and is currently a Reserve Force member.

With regard to the internal grievance that he lodged in June 2020 which relates to injuries he sustained; this matter is still not resolved. The Military Ombud found that the Individual Grievance Regulation (IDR) time frames were not complied with.

The Military Ombud concluded as follows:

- The member's complaint relating to non-appointment in the CSS contract was dismissed in terms of section 6(7)(a) of the Military Ombud Act 4 of 2012 as the MSDS contract came to an end after two years as stipulated in the Revised Implementation Instruction: Military Skills Development System.

- The member's complaint regarding the delay in finalising his internal grievance was upheld in terms of section 6(7) (a) of the Military Ombud Act 4 of 2012.

It was recommended as follows:

- The Chief of the South African National Defence Force (SANDF) to direct the Surgeon General to resolve the member's grievance and give the member the grievance outcome

Case 17: Training: Unfair Withdrawal from MSDS Training

The Office of the Military Ombud conducted an investigation on a complaint relating to allegations of unfair withdrawal from Military Skills Development System (MSDS) training by SA Army.

The Complainant alleges that she was unfairly withdrawn from Basic Military Training (BMT), Oudtshoorn Infantry School in March 2022 on account of iron deficiency According to her she had manageable iron deficiency that she declared beforehand during medical assessments.

While she was within 2 weeks of Basic Military Training, she was withdrawn from training based on the same reason. Furthermore, she was not accommodated to manage her iron deficiency. Upon her return from home, she consulted with a private General Practitioner, who stated that the iron deficiency is manageable based on the fact that she is taking contraceptives and iron supplement. She is of the view that female recruits are being disadvantaged because females will due to natural phases of their bodies, lose iron while they are on menstrual cycle.

The relief sought by the Complainant is to be reinstated into the MSDS programme.

On conclusion of the investigation, the Military Ombud found as follows:

- The Complainant was medically classified by senior and experienced medical authorities who confirmed during Pre-employment Health Assessment on 16 March 2020 her medical classification as GT (being temporarily unfit for employment)

- The Complainant had a severe iron deficiency and anaemia that would place her at risk during Basic Military Training and her body would not physiologically respond to

the increased and extreme physical demand that recruits experience during Basic Military Training.

- The iron deficiency resulted in the medical classification of the Complainant to reflect GT.

- The service of the Complainant was terminated in terms of the Revised Implementation Instruction for the Military Skills Development System (MSDS) which provides that "*should a member become injured resulting in a temporary medically unfit classification (GT), the Service/Division may request the termination of the member's contract due to the non-compliance with the inherent job and training requirements associated with MSDS."*

The Military Ombud concluded as follows:

- The complaint relating to unfair withdrawal from MSDS training has no merit and therefore dismissed in terms of section 67(a) of the Military Ombud Act 4 of 2021

Case 18: Promotion: Delay of Promotion and Being Denied an Opportunity to Attend Courses

The Office of the Military Ombud conducted an investigation on a complaint relating to the alleged delay in promotion and being denied an opportunity to attend courses.

The Complainant joined the South African National Defence Force (SANDF) in June 2012 under a program called University Reserve Training Programme (URTP). He did Basic Military Training (BMT) and Officer's Formative in 2013 and thereafter he was appointed to a rank of a 2Lt but on the system he was a Lance Corporal (L/Cpl).

Thus, on completion of the Officer's Formative Course, he was allocated to a Reserve Force Unit for further development. Then after graduating from the University of the Western Cape, he was told that he will be translated to a Core Service System (CSS). He graduated in 2013 and he then submitted his documents for translation to the CSS and later appointment as an Officer to the SA Army Support Formation (SA Army Supp Fmn), however he did not receive any feedback, instead SA Army Supp Fmn kept on asking for the same documents every year since 2013.

On 30 May 2019 he decided to lodge a grievance in terms of the Individual Grievances Regulations, 2016 (ID Number 5054) as there was no progress in his translation process. He further submitted that his grievance was delayed at Formation as well as at Service Level. He has never attended any courses since the completion of the Officer's Formative Course even though his Reserve Force Unit has nominated him for courses on numerous occasions.

In May 2020 he was appointed as an Officer to the rank of Lt but the appointment was with effect from the next working day after he signed the appointment letter. He has lost all the years of his seniority as the appointment was not backdated and he did not receive any compensation.
In March 2022 he was translated to CSS with effect from 01 March 2022 and this was done without taking into consideration all the service years he lost in the system. The relief sought by the Complainants is as follows:

- To have his seniority re-instated from 30 December 2013.
- To be compensated for all the service time he lost in the system from 30 December 2013.

On conclusion of the investigation, the Military Ombud found as follows:

- The Complainant joined the SANDF Reserve Force in 2012 through University Reserve Training Programme (URTP).

- He did not accrue any right to be promoted to the rank of Lt between 2013 and 2020 as he was not placed in a vacant, funded post.

- He did not meet the requirements for promotion as per the policy on promotion.

- Based on the fact that the URTP was a new recruitment drive, the decision to appoint and promote the URTP members was centralised at the level of CHR. The decision was applied consistently and the Complainant was not prejudiced by the decision.

- Although the Complainant nominated himself on numerous occasions to attend courses, he was not accepted due to unavailability of Reserve Force slots.

- The Complainant was not denied opportunities to attend courses as acceptance on courses was dependent on availability of slots.

The Military Ombud concluded as follows:

- In terms of section 67(a) of the Military Ombud Act, 4 of 2012, the complaint in relation to delayed promotion and being denied an opportunity to attend courses is hereby dismissed.

Case 19: Benefits: Non-Payment Pension

The Office of the Military Ombud conducted an investigation on a complaint relating to non-payment of service benefits (Pension). This is on account of the alleged failure to submit the Nomination of Beneficiary forms (WP 1002) and the last will and testament (Will) of the deceased, a former member by the South African Medical Health Services (SAMHS) to Government Pension Administration Agency (GPAA) for disbursement of pension benefits.

The Complainant is a member of the public complaining on behalf of one of the deceased dependants.

It was alleged that the deceased nominated her mother and her two biological children to be recipients of the pension benefits from Government Employee Pension Fund (GEPF). In July 2018, GPAA paid only two dependants (children of the deceased) and excluded the 3rd dependant (being the deceased mother).

The South African Military Health Service (SAMHS) allegedly did not submit the nomination of beneficiary forms to GEPF, showing the recipients nominated by the deceased member.

The omission was, as a result of the failure by KZN Area Military Health Unit to submit the nomination of beneficiary forms to the GPAA as per deceased member's wish as well as failure to submit banking details of the 3rd dependant.

The relief sought by the Complainant was for the pro rata pension payment to the 3rd dependant.

On conclusion of the investigation the Military Ombud found as follows:

- There was no basis for the payment of the deceased's mother as the copy of the WP1002 form was submitted by the family member/s to the Unit after the payment of deceased pension benefits.
- The Respondent did not omit to submit the form to GPAA to the detriment of the other beneficiary, as there was no WP1002 form in the deceased file and the one that the family finally submitted was submitted after payment of gratuity by GPAA.
- The GPAA paid all benefits to the deceased biological children.

The Military Ombud concluded as follows:

- The Complaint relating to the non-payment of service benefits (pension) is dismissed in terms of section 67 (a) of the Military Ombud Act 4 of 2012

Case 20: Delayed Promotion

The Office of the Military Ombud conducted an investigation on a complaint relating to delayed promotion to the rank of Corporal by the South African Army (SA Army).

The complainant is a current member of the South African National Defence Force (SANDF), who was promoted to the rank of Corporal as per promotion signal dated 12 August 2002. He signed an acceptance letter for the promotion on 16 August 2002. However, there was a delay in implementing the promotion. He was finally promoted to that rank of Corporal (Cpl) in November 2017, despite the fact that the promotion signal was released on 12 August 2002. In other words, he was promoted 15 years later after the signal was released without any back pay. He indicated that he lost opportunities on attending courses as well as on financial benefits.

The relief sought by the Complainant was for the Office of the Military Ombud to assist him to have his promotion date rectified as per signal dated 12 August 2002.

On further enquiry on the matter, the delay was acknowledged by the Respondent and Respondent committed self-corrective measure on the matter.

On conclusion of the investigation, the Military Ombud found as follows:

- The deviation from the placement/promotion signal was procedurally unfair and prejudicial to the Complainant for more than 15 years and there was no justification for such conduct.
- The Respondent acknowledged that the Complainant was disadvantaged and undertook to self-correct by promoting the Complainant to the rank of Staff Sergeant

(S/Sgt) and prioritise him for courses relevant to the post as a measure to remedy the situation

The Military Ombud concluded as follows:

- The complaint relating to delayed promotion was upheld in terms of section 6(7) (a) of the Military Ombud Act 4 of 2012.

The Military Ombud recommended as follows:

- The Respondent to provide the Office with full implementation plan for the proposed self-corrective measure and to give effect to the plan within three (3) months of the receipt of this report.

Case 21: Benefits: Non-Payment of Service Benefits (Pension)

The Office of the Military Ombud conducted an investigation on a complaint relating to unpaid pension benefits. On or about 22 November 2021, the Office of the Military Ombud received a complaint from a member of the public, a wife of a former member of the South African Airforce (SAAF). In summary the Complainant alleged as follows:

Her late husband died on 26 August 2020 and his pension benefits is to date still outstanding. She stated that in October 2021, she enquired from the Government Employees Pension Fund (GEPF) about her late husband's pensions, wherein she was advised that no documentation was received from the South African National Defence Force (SANDF).

The Complainant further alleges that in August 2020, she was requested to avail herself at the Department of Defence (DOD) Pension Administration Section at the Bank of Lisbon, Pretoria in order to complete the pension benefits booklet. Later a request was made for her to complete a new Z894 form as the old one expired. She was also informed that her late husband's girlfriend also came forward claiming that she was customarily married to the deceased, when proof of their marriage was requested, the girlfriend failed to submit the necessary documentation.

The relief sought by the Complainant is that the documents relating to her late husband's pension benefits be processed and forwarded to the GEPF for pay out.

The investigation by the Office based on the analyses of evidence obtained found that there was an omission by officials at the Pensions Section who assisted the Complainant to complete the termination of service booklet in that they submitted an incomplete booklet to the GEPF, further delaying the process. The pension claim was rejected by GEPF in May and September 2022, due to outstanding and incomplete documentation submitted by the DoD Pension Section.

The late member's pension benefits were processed and captured and subsequently payment of the monies to the beneficiaries were effected by the GEPF.

The complaint lodged in relation to the non- payment of pension benefits was resolved in terms of section 6(6)(b) of the Military Ombud Act 4 of 2012.

Case 22: Official Conduct (Member of The Public)

The Office of the Military Ombud conducted an investigation into the alleged official conduct of a member of the SANDF. The Complainant alleges that during July 2021 in the afternoon, he was walking towards Church Square to the Nedbank branch from his place of work when he came across SANDF members.

One of the SANDF members insulted or swore at him on the basis that he not wearing a mask, even though he explained to the member that it was because he was eating sweets. He further indicated that the member even insulted or swore at him in the presence of his Commander. The relief sought by the Complainant was for the member who insulted him to be disciplined.

Based on the evidence obtained, the allegation(s) against the implicated member were not corroborated. No proof was found that the conduct of implicated member was improper and irregular.

The matter was dismissed in terms of section 6 7(a) of the Military Ombud Act,

Case 23: Official Conduct (Member of The Public)

The Office of the Military Ombud conducted an investigation on a complaint relating to the alleged official conduct of a member of the SANDF.

During September 2020 at about 12:00, both complainants were at their place of work (at a School) when a military water tank truck which was assisting with the delivery of water at their school, lost control and hit a tree which fell on their vehicles and thereon caused damages.

The scene of the accident was attended by SAPS and a criminal case docket was opened. The scene was also attended by a member of the SANDF, where after a BOI was allegedly convened. The relief sought by the Complainants is for their vehicles to be repaired and or payment of compensation for the damages caused to their vehicles.

On further engagement with the DoD on this matter, Complainants were advised to submit documents relating to the claim for damages for consideration.

The matter was referred in terms of section 6 7(c) of the Military Ombud Act to the DoD, on the basis that the DoD is better placed to deal with the matter which relates to the determination of the quantum of damages pertaining to the claim.

PART E: GOVERNANCE, RISK AND COMPLIANCE

Governance

The Office continued to improve internal control systems in line with the Public Finance Management Act, section 45. To this end Military Ombud institutionalised Corporate Support Services Dashboard that is fully operational as of May 2022.

The Office of the Military Ombud institutionalised the Result-Based Model (RBM) Framework as prescribed in the Department of Planning, Monitoring and Evaluation's Revised Framework for Strategic Plans and Annual Performance Plans with effect from FY2022/23 as a tool to ensure that the Office fulfils its legislative mandate as expressed in terms of the intended impact, outcomes and outputs.

In order to strengthen accountability for performance in the Office Military Ombud, during September 2022 all staff members in each section embarked on a work session where they were educated on how to develop RBM in each section to whom is further delegated execution of specific responsibilities as Functional Owners/Heads.

Respective quarterly reports were discussed and tabled at MANCO, mandated as one 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 for the development of corrective measures.

Committee, Authorities and Responsibilities

The Office of the Military Ombud aligned itself with governance and developed a Governance Risk Compliance (GRC) Framework which the Office is 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, leadership has managed to improve on turn around times with complaints resolution. Management practices continued to be the foundation of the operations of the Office. The Military Ombud and his Deputy contributed immensely towards strengthening accountability

in the Office, by ensuring quarterly Executive Committee meetings and monthly Management Committee meetings; and provided strategic direction on matters of governance, accountability and effective management.

Governance Committees. The following committees have been established to ensure governance is realised:

- OHS Committee;
- Finance Governance Risk Compliance Sub-Committee; as well as a
- Human Resource Development Committee.

The purpose of the Governance Committees is to serve the Office and assist them adapt to their changing role and responsibilities which is to keep up to speed with rapid 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.

Table 14: 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	4
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	Monthly	Deputy Military Ombud	12	10

Governance Structure	Function/Aim	Frequency	Chairperson	Number of Meetings Planned versus Achieved	
				Planned	Achieved
a.	b.	c.	d.	e.	f.
	geared towards improved accountability, governance, risk and compliance for effective, efficient and transparent reporting.				
Military Ombud Dashboard (Operations)	To act as an oversight body ensuring standardisation compliance to service delivery standards.	12 per Annum	Military Ombud	12	8
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	43
Operations Dashboard	To provide guidance wrt the standardisation of complaints handling and investigation approach as well as preliminary and final reports	Fortnightly Quality Assurance	Chief Director Operations	26	24
Corporate Support Management Meeting	The management and co-ordination of the Corporate Support	Monthly	Chief Corporate Support (CCS)	12	12

Governance Structure	Function/Aim	Frequency	Chairperson	Number of Meetings Planned versus Achieved	
				Planned	Achieved
a.	b.	c.	d.	e.	f.
	environments daily activities.				
Finance Governance Risk Compliance Sub Committee	To ensure that Office has accountable, transparent, cost effective, efficient and equitable financial management.	Fortnightly	Deputy Military Ombud	21	70
Human Resource Development Committee (HRDC)	To promote education, training and development within the organisation in order to enhance organisational performance	Bi-monthly	Director Investigations	6	5

Enterprise Risk Management

During the reporting year 2022 the Office continued in ensuring that Strategic & Operational risks are managed and reported 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 emphasize that all the risks are properly identified, evaluated and managed.

The Office of the Military Ombud has elevated high risks and discovering mitigating factors and implementing good governance practices such as accountability, transparency, and setting clear objectives, it is also a responsibility of the employees to raise awareness of any risks that might negatively affect the Office.

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

Table 15: Strategic Risks Table

Risk Ref No	Risk Description	Risk Response
MO02/19	The lack of institutional independence. The Military Ombud Act, Act 4 of 2012 does not address the scope of the Military Ombud 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 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 will follow the Legislative amendment/review process to ensure alignment of the Military Ombud Act with the appropriate organisational form identified. Furthermore, the Office will conduct outreach events, including radio interviews to promote the image of the Office, clarify its mandate and engage with stakeholders to ensure that the Office is seen to be independent wrt the finalisation of complaints.
MO01/20	Shortfall on Compensation of Employees (CoE) Budget. 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 to address this matter with the Executive Authority.
MO01/22	Slow turnaround in finalisation of investigations due to slow response by Services and Divisions. There are mainly three (3) factors that influence the slow turnaround times	Enforcement of MOU with Stakeholders and Service level Agreements Monthly engagements between Mil Ombud and CSANDF as well as

Risk Ref No	Risk Description	Risk Response
	wrt the finalisation of complaints, namely a. Non receipt of timeous response from DOD (Services and Divisions); b. Unavailability of information from DOD archives; and c. Lack of cooperation of stakeholders	monthly Liaison Forums between the Office and SANDF to monitor progress.

PART F: CORPORATE SUPPORT

Human Resource Management

The Office places great value in its most important resource, its employees. In order to ensure effective retention strategies, a systematic approach to developing and implementing Human Resource Management functions, policies and plans that are aligned to the strategy of the organisation is taken.

In the FY2022/23, the Office planned for a strength of 63. However, only 59 was achieved due to delays in the recruiting process and unplanned attritions. The Office will strive to maintain the same strength of 63 in FY2023/24 given the the underfunding in the COE.

Table 16: Planned versus Actual Strength as at 31 March 2023

Environment	Planned Strength	Actual Strength
a.	b.	c.
Executive	6	6
Operational	37	34
Support	20	19
Total	**63**	**59**

Table 17: Employment and Vacancies per Environment as at 31 March 2023

Environment	Planned Strength	Staffed Posts	Vacant Posts
a.	b.	c.	d.
Executive	6	6	0
Operational	37	34	3
Support	20	19	1
Total	**63**	**59**	**4**

Compensation of Employees (COE). The Office Item 10 Vote for FY2022/23 was Rm40,462 which represents 60% of the allocation. Rm44,074 was paid leading to an over expenditure of Rm3,612 on the COE.

Table 18: Compensation of Employees as at 31 March 2023

Expenditure	Number of Approved Posts	Number of Staffed Posts	R-Value R'000
a.	b.	c.	d.
Total Expenditure	63	59	R44 074

Skills Development. The Office has made great strides in providing learning activities/opportunities to enhance knowledge and skills of employees towards creating a competent workforce and a culture of learning. The table below indicates number of skills development opportunities provided.

Table 19: Skills Development Opportunities per Environment as at 31 March 2023

Environment	Short Courses	Symposia/Seminar
a.	b.	c.
All Environments	12	56

Equity. The Office demographics show that, there is an under representation among the coloured and white race. This is as a result of low response to the advertisements for vacancies from both race categories.

Table 20: Employment Equity Figures per Environment as at 31 March 2023

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	3	0	0	0
Support	9	0	0	1	7	0	1	1
Operational	16	0	0	1	16	1	0	0

Attrition The table below indicates Office experienced by the Office in the last Financial Year due to unplanned attritions. There have been interventions towards talent retention in the form of Employee Assistance programs and focused skills development opportunities.

The table below indicates attritions in the last financial year and reason for the attritions

Table 21: Reasons Why Staff Left the Organisation

Environment	Number
a.	b.
Death	2
Transfer	1
Discharge	1
Total	**4**

Table 22: Attrition per Environment as at 31 March 2023

Environment	Attrition Number
a.	b.
Executive	0
Operations Chief Directorate	3
Corporate Support	1
Total	**4**

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 2022 to 31 March 2023.

The Office was allocated Rm66,730 for the 2022/23FY, of this Rm40,461 representing 61% of the allocation was for Compensation of Employees and Rm26,269 representing 39% of the allocation was for Operating costs. The Office spent Rm56,134 of its allocation. Rm44,074 on Compensation of Employees and Rm12,061 on Operating expenses.

Personnel Expenditure

Personnel expenditure increased from R43,868 million in the 2021/22 financial year to Rm44,074 in the 2022/23 financial year. There were a number of vacancies during the financial year that reduced the over-expenditure, e.g., the Chief Director Operations (CDOps) post was vacant for nine (9) months. The COE was overspent with Rm3,613.

Should the posts have been staffed then the personnel expenditure would have exceeded the allocation further than what it has already exceeded it. 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 increased from Rm6,935 in the 2021/22 financial year to Rm12,061 in the 2022/23 financial year. The variance of Rm5,125 is as a result of interventions that were made to improve the lead times in the procurement of goods and services while still remaining within prescripts. There were still numerous delays in the procurement processes resulting in the Office not being able to utilise its allocated funds in the financial year and thus not being able to meet a number of its objectives and focus areas of the Military Ombud.

Table 23: 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
Compensation Of Employees	Salaries And Wages	36,423	36,423	38.972
	Social Contributions	4,039	4,039	5,102
Compensation Of Employees Total		**40,462**	**40,462**	**44,074**
Goods And Services	Advertising	4,103	4,103	388
	Catering: Departml Activities	265	265	80
	Communication	1,263	1,264	1,000
	Computer Services	7,092	4,894	1,993
	Cons Supplies	190	197	3
	Cons: Sta_Print&Off Sup	266	271	54
	Consult: Business Advisory Serv	1,350	1,350	33
	Contractors	0	79	5

STANDARD CHART OF ACCOUNTS LEVEL 3 DESCRIPTION	STANDARD CHART OF ACCOUNTS LEVEL 4 DESCRIPTION	VOTE R'000	FINAL APPROPRIATION R'000	PAID R'000
	Entertainment	20	20	2
	Fleet Services(F/Ser)	295	316	68
	Inv:Chems_Fuel_Oil_Gas_Wood&Coal	30	290	183
	Inv: Food & Food Supplies	96	96	22
	Inv: Materials & Supplies	23	34	9
	Inv: Medical Supplies	17	22	9
	Minor Assets	136	225	134
	Operating Payments	814	962	363
	Property Payments	1,482	1,506	858
	Training & Development	3,676	3,029	1,301
	Travel And Subsistence	2,989	3,578	2,353
	Venues And Facilities	310	335	298
GOODS AND SERVICES Total		**24,416**	**22,837**	**9,155**
Departmental Agencies & Accounts	Trnsf & Sub: Departmental Agencies	1	1	1
DEPARTMENTAL AGENCIES & ACCOUN Total		**1**	**1**	**1**
Provincial And Local Government	Trnsf & Sub: Municipalities	7	10	8
Provincial And Local Government Total		**7**	**10**	**8**
Households (Hh)	H/H: Employee Social Benefits	140	140	78
Households (Hh) Total		**140**	**140**	**78**
Machinery And Equipment	Other Machinery & Equipment	1,494	1,735	1,392
	Transport Equipment	0	501	501
Machinery And Equipment Total		**1,494**	**2,235**	**1,892**
Software & Intangible Assets	Software & Other Intangible Assets	210	1,047	925
Software & Intangible Assets Total		**210**	**1,047**	**925**
Grand Total		**66,730**	**66,730**	**56,134**

IMPARTIAL AND INDEPENDENT
THE OFFICE

SOUTH AFRICAN
IMPARTIAL AND INDEPENDENT
VISION

SOUTH AFRICAN MI
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IN MEMORIUM

MS M.I. MAKETE
1976/10/04 – 2022/04/31

MR M.M. MATHABATHE
1972/07/19 – 2022/08/08

MAY THEIR SOULS REST IN PEACE