



**Independent & Impartial**

**OFFICE OF THE MILITARY OMBUD**

**ANNUAL ACTIVITY REPORT**

**2023/24**

Date of tabling: \_\_\_\_ MAY 2024



**defence**

Department:  
Defence  
REPUBLIC OF SOUTH AFRICA

**PART A**  
**GENERAL INFORMATION**

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**TERMINOLOGY**

For the purpose of this document, the term “*the Office*” will at all times refer to the Office of the Military Ombud, unless stated otherwise.

For the purpose of this document, the term “*the Act*” will at all times refer to the Military Ombud Act, Act No. 4 of 2012, unless stated otherwise.

For the purpose of this document, the term “*the South African Military Ombud*” will at all times refer to the Military Ombud, unless stated otherwise.

For the purpose of this document, the term “*the Regulation*” will at all times refer to the Military Ombud Complaints Regulations, 2015.

**GLOSSARY**

List of abbreviations used in the Office of the Military Ombud Annual Activity Report:

<b>A</b>	
AAR	Annual Activity Report
AOMA	African Ombudsman and Mediators Association
AOP	Annual Operational Plan
APP	Annual Performance Plan
<b>C</b>	
COE	Compensation of Employees
C SANDF	Chief of the South African National Defence Force
<b>D</b>	
DOD	Department of Defence
DPME	Department of Planning, Monitoring and Evaluation
<b>E</b>	
EXCO	Executive Committee
<b>F</b>	
FSRM	Facilities, Security and Risk Management
FY	Financial Year
<b>G</b>	
GCIS	Government Communication and Information System
GRC	Governance, Risk and Compliance
<b>H</b>	
HR	Human Resources
<b>I</b>	
ICT	Information and Communication Technology
IOI	International Ombudsman Institute
<b>L</b>	
<b>M</b>	
MANCO	Management Committee
MOD&MV	Minister of Defence and Military Veterans
MTSF	Medium-Term Strategic Framework
<b>N</b>	
NDP	National Development Plan, Vision 2030
NPM	National Preventive Mechanism
<b>O</b>	
OPCAT	Optional Protocol to the Convention against Torture and other Cruel, Inhuman and Degrading Treatment or Punishment
<b>P</b>	
PAJA	Promotion of Administrative Justice Act
<b>R</b>	
RBM	Results-Based Model

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**S**

SANDF	South African National Defence Force
SASSETA	Safety and Security Sector Education and Training Authority
SMS	Senior Management Service
SONA	State of the Nation Address
SP	Strategic Plan

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**FOREWORD BY THE MINISTER OF DEFENCE AND MILITARY VETERANS, THE HONOURABLE MS T. MODISE, MP**



In reflecting on the 2023/24 financial year, I wish to acknowledge all units and formations within the South African National Defence Force who have sacrificed so much, served so greatly, and remain steadfast in their duty at this time. I also wish to acknowledge the management and staff of the Office of the South African Military Ombud for having shown compassion, solidarity, and service through the complaint resolution mechanism and related annual activities.

The Office of Military Ombudsman continues to play a crucial role in ensuring good governance and oversight over the SANDF. As a democratic society, we should be vigilant of the hardships that confront us. These include the chronic triple challenges of maladministration, inequality, and exclusion which affect both civilians and our armed forces. The Office addresses these challenges by promoting good governance and protecting fundamental human rights within the civil-military space.

In the reporting year, more so than ever before, the Office demonstrated tenacity in its endeavours to resolve complaints emanating from current and former members of the South African National Defence Force, and members of the public against the official conduct of South African National Defence Force members. Complaint resolution serves to rehabilitate policy and practice to ensure that the armed forces operate with integrity and in a manner that is both accountable and transparent.

The Office has a positive impact on individual complainants when it receives, investigates, and resolves their complaints. Furthermore, by identifying and reporting on thematic questions and systemic problems, the Office has a positive influence on the security sector as a whole. Its actions support vital policy reforms, advance the transformation of the service to prevent maladministration, and promote Human Rights in the South African National Defence Force.

In 2000, the United Nations Commission on Human Rights - now the United Nations Human Rights Council - adopted a resolution that identified five attributes of good governance as follows: transparency, responsibility, accountability, participation, and responsiveness. Strict adherence to these attributes by the Office of the Military Ombud has further strengthened the monitoring of maladministration and helped in the redress of various complaints. In addressing the latter, the Office strives to ensure that all cases are resolved in an expeditious manner without fear, favour or prejudice.

By providing redress without fear or favour, the Office maintains its compliance to the Revised 2019-2024 Medium-Term Strategic Framework. The Medium-Term Strategic Framework articulates Government priorities for the National Development Plan, *Vision 2030* plus other various MTSF Apex priorities, including:

- MTSF Apex Priority 1: “*A Capable, Ethical and Developmental State*”.
- MTSF Apex Priority 6: “*Social Cohesion and Safer Communities*”.

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- MTSF Apex Priority 7: “A Better Africa and World”.

In its ongoing pursuit of excellence, the Office continues to leverage best practice sharing and lessons learnt to enhance its *modus operandi*. In addition, the Office has initiated and nurtures collaborative partnerships with like-minded organisations in the local, regional, and international spheres. These partnerships have helped the Office to not only cement its influence but continue to evolve as a leading Ombudsman Office.

It is with the above in mind that I steadfastly believe that the modes of contact, *modus operandi*, and all annual activities of the Office exemplify and amplify the importance of an oversight institution in resolving the conditions of service of our armed forces in support of the aforementioned outcomes.

In conclusion, it is my conviction that the Office of the Military Ombud ought to always give the general public the confidence that there is an impartial ‘watchdog’ holding the government and public administration to account. This annual activity report demonstrates that the Office is meeting this obligation through the following:

- Successful institution building.
- Competent complaint-handling capacities.
- Enforcement of good practice.
- Recalibration of civil-military relations.

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

**(HONOURABLE MS T.R. MODISE)  
MINISTER OF DEFENCE AND MILITARY VETERANS, MP**

Date: \_\_\_\_\_

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**FOREWORD BY THE MILITARY OMBUD, LIEUTENANT GENERAL (RETIRED)  
V.R. MASONDO**



I am pleased to present the Annual Activity Report of the Office of the South African Military Ombud for the Financial Year 2023/24. The end of the financial year gives the Office an opportunity to assess the achievement of the planned activities committed to within the FY2023/24 Annual Performance Plan. The Report thus reflects the achievements, improvements, and lessons learnt by the Office during the year.

The Office activities are governed by Section 4 of the Military Ombud Act, Act No. 4 of 2012. The Act outlines that the Office mandate is to investigate complaints lodged in writing by current and former members of the South African National Defence Force regarding their conditions of service, members of the public regarding the official conduct of members of the South African National Defence Force, and persons acting on behalf of members of the South African National Defence Force or the Public. To clarify the mandate, “*Conditions of Service*” bears the same meaning assigned to it under Section 1 of the Defence Act, Act No. 42 of 2002 as amended.

During the 2023/2024 financial year, the Office managed to resolve 79.6% of the complaints received. This builds on ongoing improvements that have resulted in a reduced number of carry-over complaints and shorter investigation turnaround times.

The complaints received by the Office from the South African National Defence Force primarily related to concerns regarding “*Service Benefits*” such as leave, pension, and medical aid. The Office also received a high number of complaints regarding “*Service Termination*”. The gender distribution of the complainants was representative of the Defence Force.

In addition to complaints resolution, we continue our quest to drive increased stakeholder awareness of the Office mandate. Therefore, an extensive educational and awareness programme exists that requires us to be flexible and adaptable. We use programmes such as Presidential Imbizos, National Days, and Community Radio Station Interviews complemented by Outreach Programmes to soldiers deployed along the borders of South Africa.

We seek to uphold the trust that is placed in the Office by those that we serve through being an impartial complaints resolution channel. To this end, the Office reinforces governance arrangements to ensure that we always function within the remit of our mandate. This is supported and amplified by internally and externally commissioned perception and customer surveys that were conducted by the Office.

Our collective focus areas for the FY2024/25 remain as follows, whilst supporting the Medium-Term Strategic Framework, Government Priorities and Minister of Defence and Military Veterans Priorities:

- Effective and efficient resolution of complaints.
- The implementation of the Integrated Communication Marketing Strategy and Plan.
- Institutional independence.
- Institutionalisation of the Governance, Risk and Compliance (GRC) Framework.
- Securing adequate funding for the Compensation of Employees (COE).

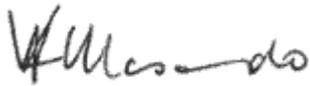
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- Resource Management.
- Operationalising the Ministerial Policy Directive on Enterprise Resource Support to the Military Ombud.

One of the Office's unique strengths is our capacity to manage knowledge and lessons learnt and to participate at international engagements. The Office is an active participant and member at the Geneva Centre for Security Governance, the African Ombudsman and Mediators Association, and the International Ombudsman Institute.

We greatly appreciate the support that the Office receives from the Minister of Defence and Military Veterans. We also look forward to nurturing a mutually beneficial partnership with her office to benefit key stakeholders in the defence sector.

I would like to thank the Deputy Military Ombud, Management and Staff Members for their dedication to ensuring that they serve our stakeholders in line with Batho Pele Principles and service delivery.



**(LIEUTENANT GENERAL [RETIRED] V.R. MASONDO)  
MILITARY OMBUD**

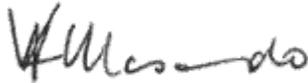
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**PART A  
GENERAL INFORMATION****STATEMENT OF RESPONSIBILITY AND CONFIRMATION OF ACCURACY**

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

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

In my 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 2024.



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

**PART A: STRATEGIC OVERVIEW****VISION**

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

**MISSION**

*“To provide an independent, impartial and expeditious complaints resolution process for serving and former members of the South African National Defence Force and members of the Public to promote good governance”.*

**VALUES****ORGANISATIONAL VALUES**

The Office of the Military Ombud has committed itself to organisational values that are rooted in individual values, the code of conduct for the Office and organisational cohesion. For the reporting period, in the execution of the mission statement, the Office pursued and adhered to the following organisational values, as informed by the Office of the Military Ombud Strategic Plan (SP) (2020-2025).

- Confidentiality. We ensure all information is treated with confidentiality.
- Accountability. We are responsible for our decisions and actions.
- Commitment. We are dedicated to achieving the objectives of the organisation.
- Impartiality. We aim for fairness by striking a balance between conflicting interest and rights.
- Professionalism. We aim to provide the 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.

**INDIVIDUAL VALUES**

The following individual values form the framework through which the individual values of the members of the Office were pursued in support of the organisational values of the Office:

- Responsibility. We individually take responsibility for our actions.
- Teamwork. We take joint responsibility through teamwork.
- Care and Respect. We foster diversity, value our people and treat each other with dignity and respect.
- Excellence. We strive for excellence in all we do.
- Results Driven. We go the extra mile to ensure that the solutions that are developed adhere to an enhanced organisational requirement.

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- Behaviour. We behave in a manner that engenders respect from our clients.

**ORGANISATIONAL AND LEGISLATIVE MANDATES****CONSTITUTIONAL MANDATE**

The Office derives its mandate from the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996) Chapter 2 Bill of Rights and Chapter 3 Co-operative Government. The primary purpose of the Office is to “investigate complaints lodged in writing economically, fairly and expeditiously without fear, favour or prejudice” as expressed in Section 7(1)(2).

**LEGISLATIVE MANDATE**

The mandate of the Office is captured in the Military Ombud Act, Act No. 4 of 2012 which states that “the Office 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”.*

The Constitutional and primary legislative mandates governing the Office are reflected below:

- The Constitution of the Republic of South Africa, 1996
- Military Ombud Act, 2012 (Act No. 4 of 2012)
- Military Ombud Complaints Regulations, 2015
- Public Finance Management Act, 1999 (Act No. 1 of 1999)
- Defence Act, 2002 (Act No. 42 of 2002)
- Defence Amendment Act, 2010 (Act No. 22 of 2010)
- Defence Amendment Act, 2020 (Act No. 6 of 2020)
- Labour Relations Act, 1995 (Act No. 66 of 1995)
- Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000)
- Promotion of Access to Information Act, 2000 (Act No. 2 of 2000)
- Protection of Personal Information Act, 2013 (Act No. 4 of 2013)

## PART A GENERAL INFORMATION

### DRAFT MILITARY OMBUD AMENDMENT BILL

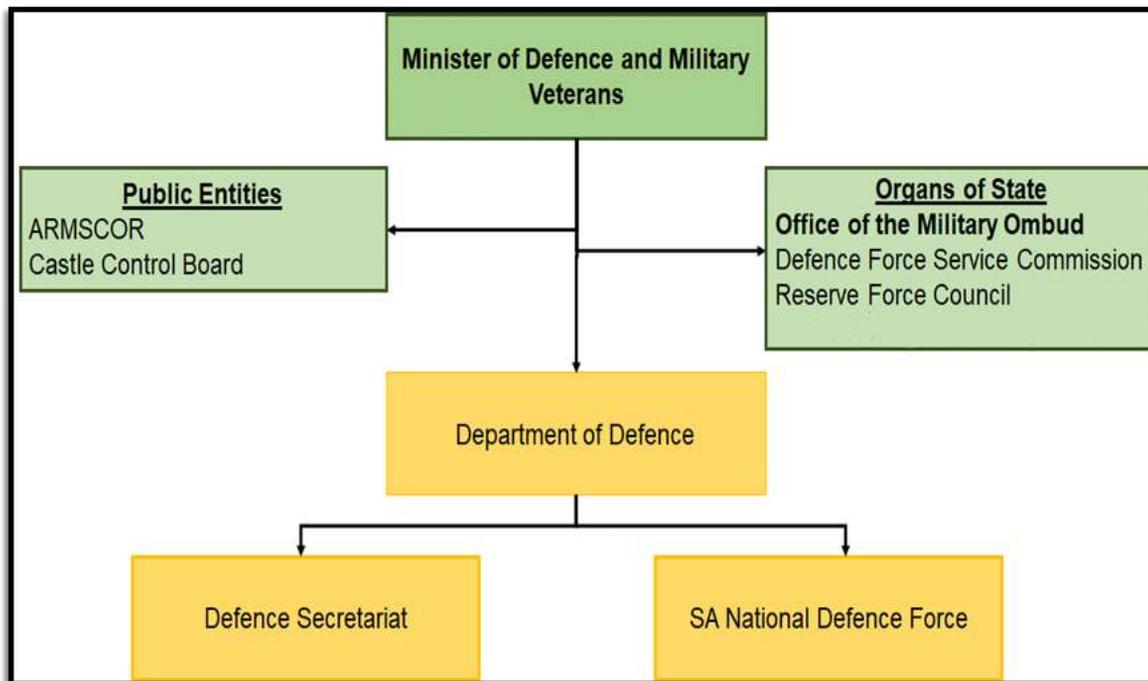
The Office started the legislative process for the amendment of the Act during the FY2021/22. Authority to review the Act was obtained from the previous Minister of Defence and Military Veterans. Currently the MOD&MV is seeking legal opinion from the Ministry Legal Advisor to pursue the amendment to the Act.

The Office continued seeking legal advice and 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 MOD&MV's authority to amend the Act.

### ORGANISATIONAL STRUCTURE

In terms of the Act Section 11(2), the Military Ombud must report to the MOD&MV on the activities of the Office as and when requested to do so. Figure 1 below illustrates the reporting lines for the Office.

**Figure 1: Reporting Lines**

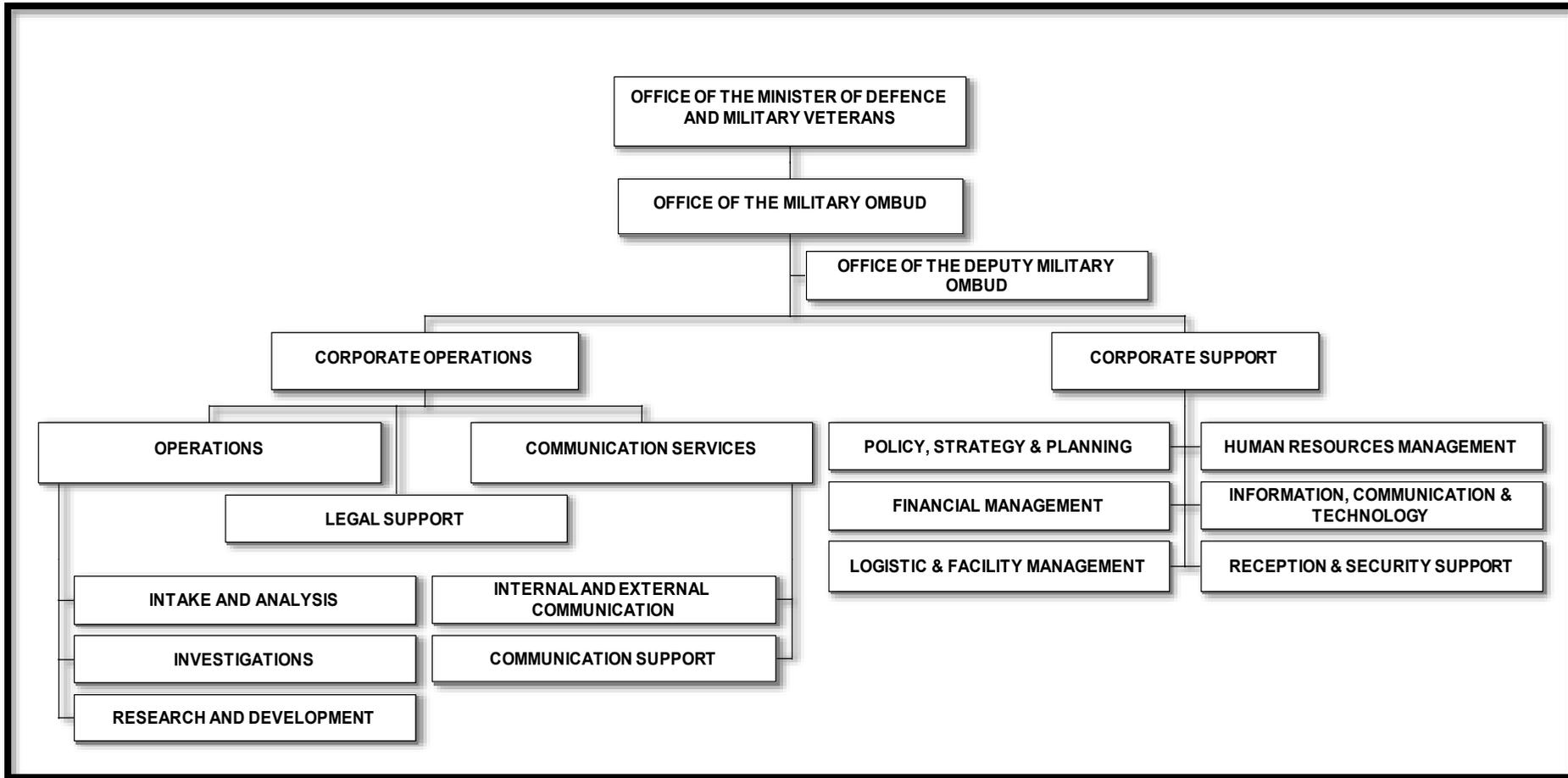


The Office's organisational structure is informed by the current mandate, vision, outcomes and outputs. The organisational structure as depicted in Figure 2 below, provides for structures that enable the execution of the mandate of the Office and this will furthermore enable the management and reporting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

The current approved organisational structure of the Office consists of 89 posts of which 66% focus on the execution of the core business of the Office, namely Operations. Whilst the Office is currently functionally independent, it is not operationally independent as it operates as an Organ of State within the Department of Defence (DOD).

PART A: GENERAL INFORMATION

Figure 2: Office of the Military Ombud Organisational Structure



## PART B: PERFORMANCE INFORMATION

### OFFICE PERFORMANCE OVERVIEW

#### INTRODUCTION

The Office of the Military Ombud Annual Activity Report for FY2023/24 is a strategic report on the progress made with the implementation of the Revised 2019–2024 Medium-Term Strategic Framework (MTSF) (endorsed during a Cabinet Lekgotla in September 2021 and implemented on 01 October 2021) as well as annual performance against set targets, in meeting investigating complaints and ensuring sound administration and management of the Office.

The Military Ombud provided strategic direction to the Office, aimed at facilitating the overall management and administration of the Office.

During the period under review, the Office progressed in many areas against set focus areas. The Office continued to improve in reducing the turnaround times in the resolution of complaints, promoting the image and services through Outreach Programmes and community engagements to drive increased awareness of the Office mandate. We use programmes such as Presidential Imbizos, National Days and Community Radio Station Interviews complemented by Outreach Programmes to soldiers deployed along the borders of South Africa and members of the public.

#### ORGANISATIONAL ENVIRONMENT

The Military Ombud provides the Office with strategic direction and sets out focus areas to be pursued by the Office over multiple MTSF periods. The execution of these focus areas enhances the effective realisation of the Military Ombud mandate.

The Military Ombud indicated that the focus of the Office during FY2023/24 should be the implementation and execution of the five-year programme as set out in the Office of the Military Ombud Strategic Plan for 2020-2025.

In the execution of the five-year programme, the following Military Ombud Focus Areas apply:

- Military Ombud Focus Area 1: Effective and Efficient Resolution of Complaints.
  - To improve turnaround times systematically and efficiently reduce carry-over complaints.
  - Identification and reporting on systemic issues arising from complaints.
- Military Ombud Focus Area 2: The Implementation of the Integrated Communication Marketing Strategy and Plan.
  - Outreach Programmes;
  - Create Public Awareness;
  - Stakeholder Relationship Management;
  - Stakeholder Perception Survey;
  - International Relations; and
  - Branding and Marketing.

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- Military Ombud Focus Area 3: Institutional Independence. Positioning the Office to ensure effective execution of its mandate by means of a legislative review process and an Amendment Bill. This process includes the continuation of the GTAC study with regard to the most appropriate institutional form for the Office. The purpose is to ensure that all challenges experienced by the Office are addressed in the Military Ombud Amendment Bill.
- Military Ombud Focus Area 4: Operationalising the Ministerial Policy Directive on Enterprise Resource Support to Military Ombud as Signed on 25 October 2018. DOD and Office of the Military Ombud Workgroup to continue with development of solution and implementation of the Ministerial Policy Directive.
- Military Ombud Focus Area 5: Institutionalisation of the Governance, Risk and Compliance Framework. To ensure accountable and effective management of resources through enterprise risk management approach.
  - Departmental Governance, Administration and Accountability. Ensure the required departmental governance, administration and accountability at all levels of the organisation, thereby ensuring the effective and efficient utilisation of scarce resources within prevailing legislative requirements and material regulatory frameworks. The Office supports this priority through the tabling of accountability documents such as the SP, APP, AAR and response to parliamentary activities, as and when required.
  - 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.
- Military Ombud Focus Area 6: Securing Adequate Funding for the Compensation of Employees (CoE). Since the Office budget became a line item on the DOD budget, numerous requests were submitted to the DOD explaining that the allocation did not fulfil the requirement.
  - 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.
- Military Ombud Focus Area 7: Resource Management. To ensure accountable, effective and efficient resource management aligned to the Regulatory Framework (HR, Log, Fin and ICT) and accountability documents.
  - Human Resources. The directing of the renewal of the organisation Human Resources (HR) function to ensure that the personnel profile is able to meet both current and future obligations. Renewal of the organisation HR function to ensure that the human capital is able to meet both current and future obligations.

## PART B PERFORMANCE INFORMATION

### SUCCESSSES

The Office continued to fulfil its legislative mandate to investigate complaints and this builds on ongoing improvements that have resulted in a reduced number of carry-over complaints and shorter investigation turnaround times.

One of the Office's unique strengths is our capacity to manage knowledge and lessons learnt and to participate at international engagements. The Office is an active participant and member at the Geneva Centre for Security Governance (DCAF), the African Ombudsman and Mediators Association (AOMA) and the International Ombudsman Institute (IOI).

In fulfilling responsibilities as a member to these various institutions, the Military Ombud represented the Office at the following conferences:

- The 15<sup>th</sup> International Conference of Ombuds Institutions for the Armed Forces (ICOAF) organised by the DCAF in Vienna Austria;
- The 46<sup>th</sup> DCAF Foundation meeting in Switzerland;
- The Military Ombud led a delegation to the DCAF-KENYA scoping mission where he presented the South African Military Ombud mandate to various key stakeholders.
- The Military Ombud led a delegation to Rwanda to attend the 7th AOMA General Assembly;
- The Military Ombud led a delegation to Switzerland to attend the 47<sup>th</sup> DCAF Foundation Council Meeting.

The Military Ombud successfully hosted its eleventh annual symposium under the theme, "*the role of Military Ombud Institutions in promoting human rights and administrative justice within the military in the African context*". Various international and national speakers were invited to address the theme of the symposium.

The Office is an active participant of the National Preventive Mechanism (NPM) that 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.

### CHALLENGES

The Office remains committed to ensure the successful execution of its legislative mandate. The most prominent challenge the Office is experiencing is its quest for Institutional Independence. The Act does not address the scope of the Military Ombud function which influences the accountability framework, resolution enforcement and powers and therefor 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 continue to follow the legislative amendment/review process to ensure alignment of the Act with the appropriate organisational form identified. Furthermore, the Office will conduct future 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 with regard to the finalisation of complaints.

The slow response by Services and Divisions is influencing timeous resolution of complaints. There are mainly three factors that influence the timeous resolution of complaints, namely:

- Non receipt of timeous response from DOD (Services and Divisions);

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- Unavailability of information from DOD archives; and
- Lack of cooperation of stakeholders.

The Office will continue the enforcement of Memorandum of Understanding and Service Level Agreements with Stakeholders. Monthly engagements between the Military Ombud and Chief of the South African National Defence Force (C SANDF), as well as monthly Liaison Forums between the Office and the Chiefs of Services and Divisions to monitor progress will continue.

The shortfall on Compensation of Employees (COE) Budget will remain a challenge. 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 with regard to the number of staffed posts. The Military Ombud will continue to address this matter with the Executive Authority.

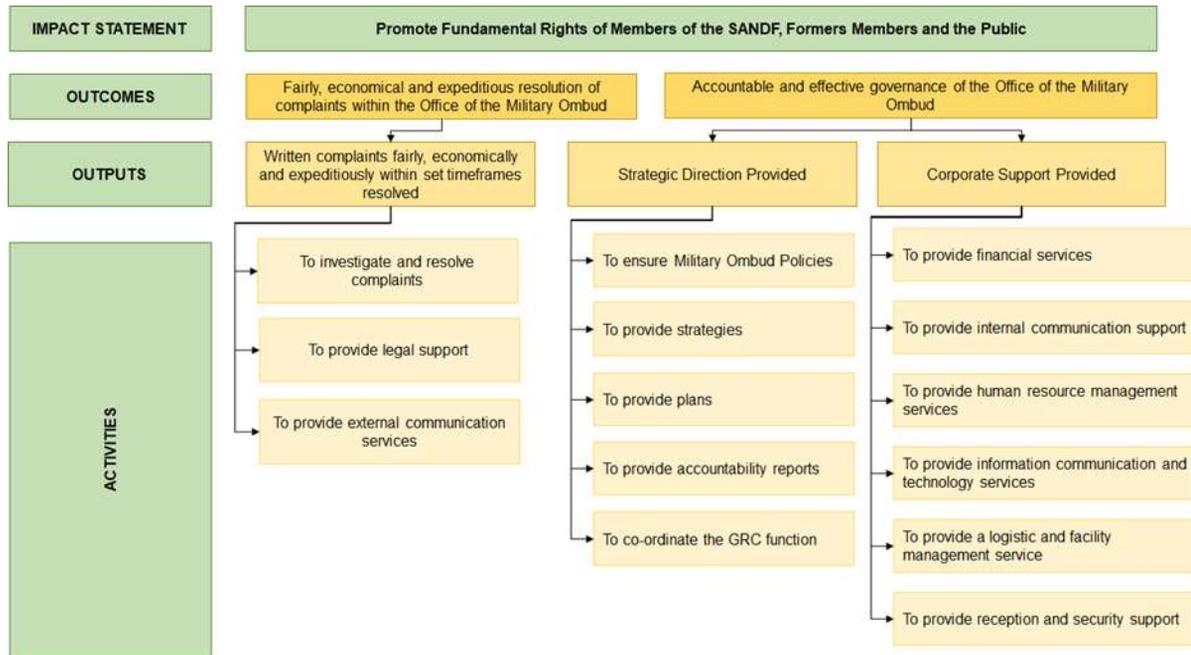
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**PROGRESS TOWARDS THE ACHIEVEMENT OF THE OFFICE OF THE MILITARY OMBUD  
IMPACT AND OUTCOMES**

**RESULTS-BASED MANAGEMENT FRAMEWORK**

The Office institutionalised the Results-Based Model (RBM) Management Framework as prescribed in the Revised Framework for Strategic Plans and Annual Performance Plans with effect from FY2020/21 as a tool to ensure that the Office fulfils its mandate as expressed in terms of the intended impact, outcomes and outputs. Figure 3 below depicts the Office of the Military Ombud RBM.

**Figure 3: Office of Military Ombud Results-Based Model**



**IMPACT STATEMENT**

The Office Impact is defined as “*what we aim to change*” - Promote fundamental rights of members of the SANDF, Former Members and the Public.

**OUTCOMES**

The Office Outcomes are defined as “*that which we wish to achieve*” and are the medium-term results for specific stakeholders that are the consequence of achieving specific outcomes. The Office Outcomes are directly related to and aligned with the legislative mandate of the Office as provided below:

- **Fair, economical and expeditious resolution of written complaints**

This outcome encompasses the purpose of the Office and includes the following main elements:

- That 75 % of all simple written complaints submitted are investigated and resolved
- That 70% of all complex matters are investigated and resolved; and
- That 75% of all carried over matters are investigated and resolved.

## PART B PERFORMANCE INFORMATION

- **Accountable and effective governance of the Office of the Military Ombud**

The Outcome is related to appropriate organisational form and structure, effective, efficient and economic resource administration (human resources, financial, logistic and ICT); including the establishment of internal administrative policies, systems, controls and assurance to direct, manage, monitor, control and report on the resources allocated to the Office.

### OUTPUTS

The Office Outputs are defined as “*what the Office produces or delivers*” and include the final products, good and services produced for delivery.

The outputs listed in Table 1 below support the outcomes of the Office. The outputs describe the actions that the Office will implement to contribute to the achievement of the outcomes.

**Table 1: Defining of the Outputs**

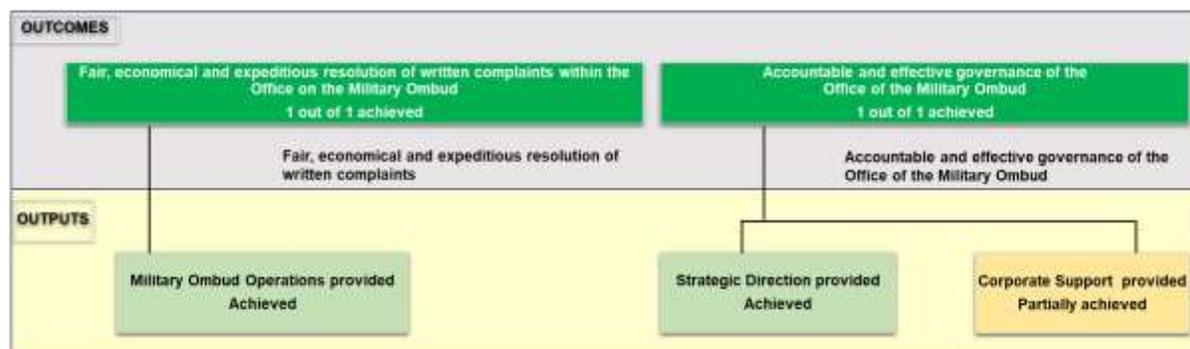
Outputs	Output Description
<u>Output 1</u> : Written complaints fairly, economically and expeditiously within set timeframes resolved	<p>The Act establishes the Office with the objective to investigate and ensure that complaints are finalised in a fair, economical and expeditious manner. The Military Ombud Complaints Regulations, 2015 prescribes in Regulations 5, 6 and 7 that:</p> <ul style="list-style-type: none"> <li>• The Ombud must issue a written acknowledgment of receipt, including the case reference number to the complainant within 14 days of receipt of the complaint.</li> <li>• The Ombud must, within 21 days after issuing an acknowledgment of receipt in writing, notify the complainant of his or her decision to investigate the complaint; refuse to investigate the complaint or request additional information or clarity on the information submitted.</li> <li>• The Ombud may condone the late submission of a complaint and must inform the complainant of the outcome of the application within 28 days of receipt thereof.</li> <li>• The Ombud must investigate complaints subject to the provisions of the Act and resolve it.</li> </ul>
<u>Output 2</u> : Strategic Direction provided	This output is a management tool that documents and seeks to ensure strategic direction through the institutionalisation of policies, strategies and plans.
<u>Output 3</u> : Corporate Support services provided	This output will measure the support services delivered to ensure the realisation of the mandate in accordance with the Regulatory Framework.

## PART B PERFORMANCE INFORMATION

### RESULTS-BASED MANAGEMENT DASHBOARD

Figure 4 below provides data visualisation of the Office's performance achievement against the two planned Outcomes and three planned Outputs for the FY2023/24.

**Figure 4: Office of the Military Ombud Results-Based Management Dashboard for the FY2023/24**



### 2019-2024 MEDIUM-TERM STRATEGIC FRAMEWORK

The Office remains committed to the implementation and achievement of the Revised 2019-2024 MTSF Apex Priorities of Government. During the year under review, the Office directly and indirectly supported the following MTSF Apex Priorities:

- MTSF Apex Priority 1: "A Capable, Ethical and Developmental State". During the period under review, the Office complied with the implementation of National and departmental policies and strategies through the implementation of these policies and strategies ensuring appropriate organisational form and structure, effective, efficient and economic resource administration and support services.
- MTSF Apex Priority 3: "Education, Skills and Health". During the period under review, the Office provided the opportunity for Internships in partnership with the DOD and SASSETA towards national skills development. Members of the Office were afforded the opportunity to study and attend skills training courses to develop knowledge ensuring effective and efficient service delivery.
- MTSF Apex Priority 6: "Social Cohesion and Safer Communities". In terms of priority 6, the Office continued with extensive Outreach Programmes to educate and create awareness on the legislative mandate of the Office to members and former members of the SANDF and the Public.
- MTSF Apex Priority 7: "A Better Africa and World". One of the Office's unique strengths is the capacity to manage knowledge and lessons learnt and to participate at international engagements. The Office is an active participant and member at the DCAF, the AOMA and the IOI and has continued to strengthen relations between the Office and its stakeholders.

**PART B  
PERFORMANCE INFORMATION**

**INSTITUTIONAL PROGRAMME PERFORMANCE INFORMATION**

**ANALYSIS OF OFFICE OF THE MILITARY OMBUD OUTPUT INDICATORS FOR FY2023/24**

**Table 2: Office of the Military Ombud Outcomes, Outputs, Output Indicators, Targets and Actual Achievement over the period 01 April 2023 to 31 March 2024**

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	
a	b	c	d	e	f	g	h	i	j	k
<b>Outcome 1: Fairly, economical and expeditious resolution of complaints within the Office of the Military Ombud</b>										
<b>Output 1: Written complaints fairly, economically and expeditiously within set time frames resolved</b>										
Percentage of written complaints resolved fairly, economically and expeditiously within the Office of the Military Ombud	75%	18.75%	38.63%	37.50%	49.75%	56.25	64.21%	75%	79.66%	79.66%
<b>Outcome 2: Accountable and Effective Governance of the Office of the Military Ombud</b>										
<b>Output 2: Strategic Direction Provided</b>										
Percentage adherence to the Military Ombud Master Record Index (MRI) for policies/procedures	60%	-	-	-	-	-	-	60%	60%	60%
Percentage adherence to the Military Ombud Master Record Index (MRI) for strategies	80%	-	-	-	-	-	-	80%	80%	80%
Percentage adherence to the Military Ombud Master Record Index (MRI) for plans	100%	12.5%	12.5%	-	-	-	-	87.5%	100%	100%
Number of Audit findings within the Office of the Military Ombud	0	0	0	0	0	0	0	0	0	0
Number of fruitless and wasteful expenditure within the Office of the Military Ombud	0	0	0	0	0	0	0	0	0	0

**PART B  
PERFORMANCE INFORMATION**

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	
a	b	c	d	e	f	g	h	i	j	k
Number of irregular expenditure within the Office of the Military Ombud	0	0	0	0	0	0	0	0	0	0
Percentage of Military Ombud accountability documents submitted in accordance with National Prescripts	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
Percentage compliance of the Office of the Military Ombud to parliamentary activities	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
<b>Output 3: Corporate Support Services Provided</b>										
Percentage compliance with the communication plan	100%	100%	160.46%	100%	90.74%	100%	74.6%	100%	46.72%	93.13%

## PART C: OPERATIONS

## PART C: OPERATIONS

The purpose of Operations, in terms of Section 3 of the Act, is to investigate and ensure that complaints are resolved in a fair, economical and expeditious manner. During the reporting period this was done through the intake and analysis of complaints, the investigation of complaints and providing the recommendations for finalisation.

This part of the report provides feedback with regards to the achievements in terms of 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 3: Five-Year Statistical Overview of Cases from the FY2019/20 to the FY2023/24**

Ser No	Financial Year	Total number of Carry-Over Cases	Total number of Cases Received during the Financial Year	Total number of Cases for the Financial Year	Total number of Cases finalised during the Financial Year	Total number of Active Cases at the End of the Financial Year
	a	b	c	d	e	f
1	FY2019/20	279	308	587	439	148
2	FY2020/21	148	297	445	357	88
3	FY2021/22	88	263	351	293	58
4	FY2022/23	58	350	408	335	73
5	FY2023/24	73 <sup>1</sup>	276	349	278	71 <sup>2</sup>

**Table 4: Carry-Over Cases as at 31 March 2023**

FY2020/21	FY2021/22	FY2022/23	Total
a	b	c	d
0	4	69	73

**Table 5: Active Cases on 01 April 2024**

FY2021/22	FY2022/23	FY2023/24	Total
a	b	c	d
1	5	65	71

**Age Analysis of Carry-Over Complaints.** In terms of Section 3 of the Act, the objective of the Office is to investigate and ensure that complaints are resolved in a fair, economical and expeditious manner. In furtherance of this key legislative imperative, improvement in the speed within which complaints are dealt with, as well as the overall improvement in the complaints handling and investigation turnaround times, remained a critical focus area for the Military Ombud during the year under review.

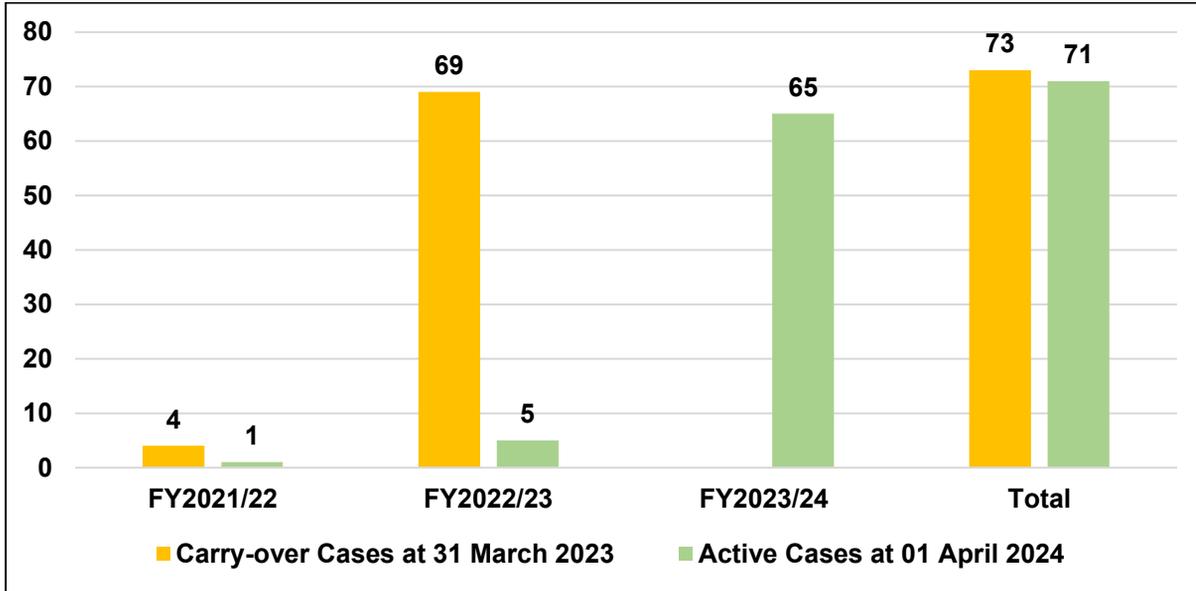
Even though the total carry-over complaints reduced by two complaints, the historic carry-over complaints increased by two. In the majority of the historic complaints the investigations have been completed and it is foreseen that these will be prioritised in the first quarter of the new financial year.

**Figure 5: Age Analysis of Complaints from the FY2021/22 to the FY2023/24**

<sup>1</sup> The 73 carry-over cases from FY2022/23 to FY2023/24 included 4 cases from FY2021/22 and 69 cases from FY2022/23.

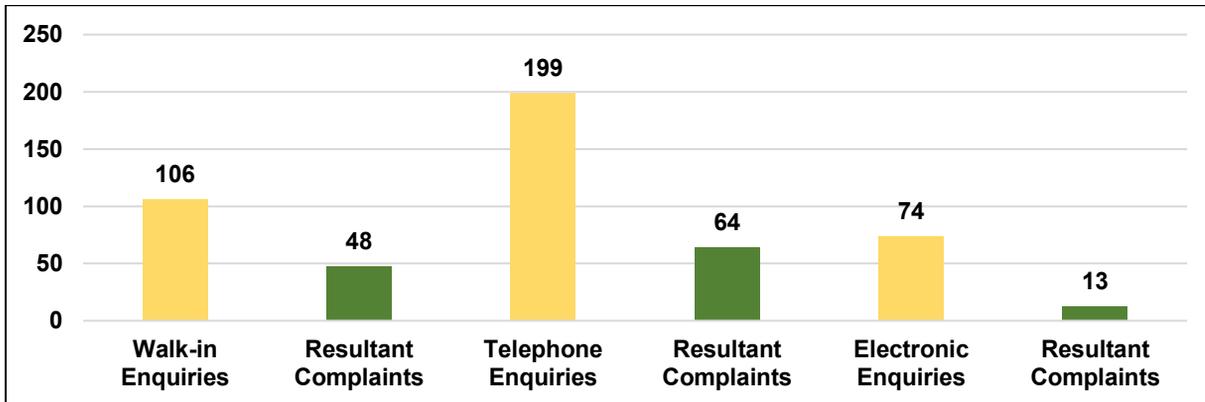
<sup>2</sup> The 71 carry-over cases from FY2023/24 to FY2024/25 included 1 case from FY2021/22, 5 cases from FY2022/23 and 65 cases from FY2023/24.

PART C: OPERATIONS



**Performance and Analysis of the FY2023/24.** The Office logged a number of contacts initiated by potential complainants, over and above attending to outreach events for the year under review. These have been categorised as walk-in enquiries or complainants’, telephone enquiries and electronic enquiries, see Figure 6 below. The latter includes emails and postings on social media that required attendance from operations staff. Some of these initial contacts resulted in complaints lodged with the Office.

**Figure 6: Mode of Contacts Logged during the FY2023/24**



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 the 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.

The Office of the Military Ombud had a caseload of **349** complaints which comprised of **276** new complaints received in-year and **73** complaints that were carried over from the previous financial year. A total of **278** complaints were resolved. This represents an **79.66%** resolution rate.

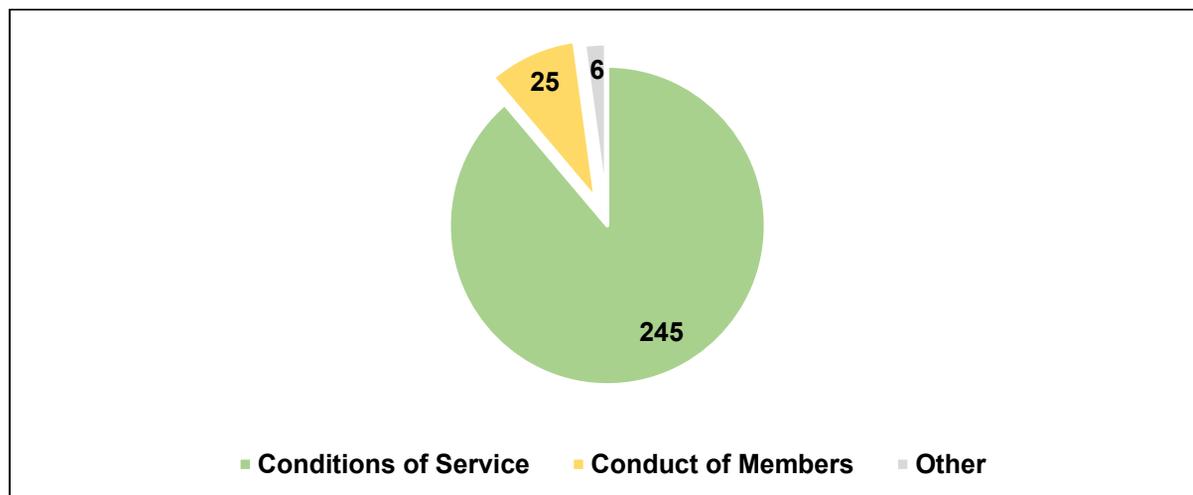
## PART C: OPERATIONS

The achievement of a **79,66%** resolution, remains a key highlight in the performance of the Office this financial year. The annual performance target of **75%** resolution rate was exceeded by **5%**. This should be viewed in light of the fact that the APP target increased from **73%** to **75%** since FY2022/23.

The Office recorded a decrease in the average intake of new complaints per month from the previous financial year. The average intake per month in the FY2022/23 was approximately **29**; in FY2023/24 it is **22**. This is very similar to FY2021/22 when the Office received on average 22 new complaints per month.

**Nature of Complaints.** During the period under review, the **276** new complaints included **245** complaints lodged by members of the SANDF concerning their conditions of service as depicted in Figure 7 below. The Office continued to see a fairly low number of complaints that were lodged by members of the public relating to the official conduct of members of the SANDF, after the 2020 COVID pandemic, despite the fact that the SANDF was deployed internally for Operation PROSPER.

**Figure 7: Nature of Complaints**



**Categories of Complaints.** The category of “*Other Complaints*” relates to those complaints that fall outside the mandate of the Office, which includes Military Veterans benefits, domestic disputes and intimidation (not in an official capacity). At **89%** of the total complaints registered, SANDF service conditions complaints thus constitute the highest number of complaints.

Section 4 of the Act, provides as part of the Military Ombud’s mandate, the duty to investigate complaints received from members and former members of the SANDF regarding their conditions of service as defined in the Defence Amendment Act, Act No. 22 of 2010. The Defence Amendment Act lists almost 30 different conditions of service, which can be collectively categorised as follows:

- Placement/ Utilisation.
- Remuneration.
- Service Termination.
- Education, Training and Development.
- Grievance and Disciplinary Procedures.
- Promotion and Demotion.

## PART C: OPERATIONS

- Service Benefits.
- Working Environment.

Table 6 below indicates the categories of complaints received by the Office during the reporting period.

**Table 6: Category of New Complaints Received in the FY2023/24**

Ser No	Category of Complaints	New Complaints Received in FY2023/24	Active Cases for FY2024/25
	a	b	c
1	Official Conduct of a member of the SANDF	6	4
2	Other	25	3
3	Appointment and Appointment Procedure	13	7
4	Placement or Utilisation	30	2
5	Remuneration	28	14
6	Service Termination	51	15
7	Education, Training and Development	10	4
8	Grievance and Disciplinary Procedures	19	1
9	Promotion and Demotion	23	3
10	Service Benefits	63	12
11	Working Environment	8	0
<b>Total</b>		<b>276</b>	<b>65<sup>3</sup></b>

**Profile of Complainants<sup>4</sup>**. Complaints from current members of the SANDF constitute the highest number of the matters that were lodged with the Office during FY2023/24. The **137** complaints from current members amount to **49%** of the total new complaints received. Complaints from former members remain the second highest at **115** which constitute about **42%** of the new complaints lodged. The Office received **24** complaints from members of the public, which amounts to **9%** of the **276** complaints lodged during the period under review, see Figure 8 below.

<sup>3</sup> Excluding the 5 carry over cases for FY2022/23 and 1 carry over case for FY2021/22.

<sup>4</sup> Some complaints categorised as members from the Public are not complaining about the official conduct of members. These complaints include civilian employees of the DOD, DMV benefits for persons that did not integrate in the SANDF, private disputes with soldiers, etc.

PART C: OPERATIONS

Figure 8: Complaints submitted as per Mandate of the Office

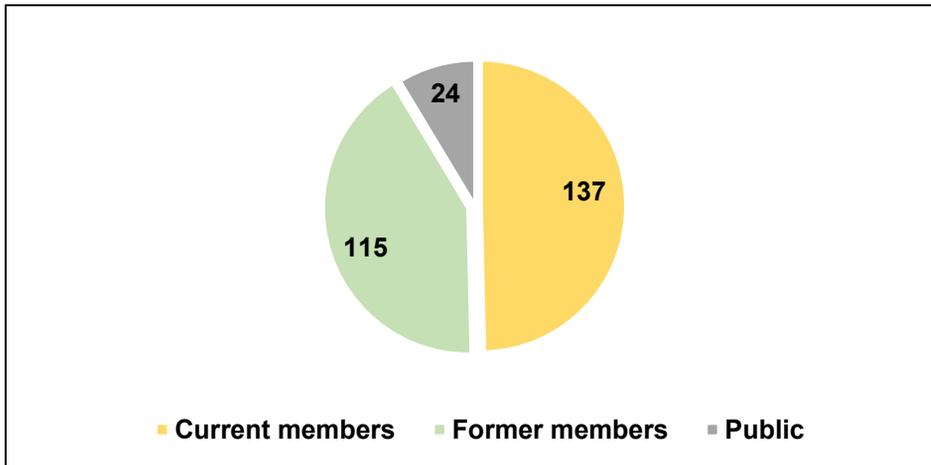
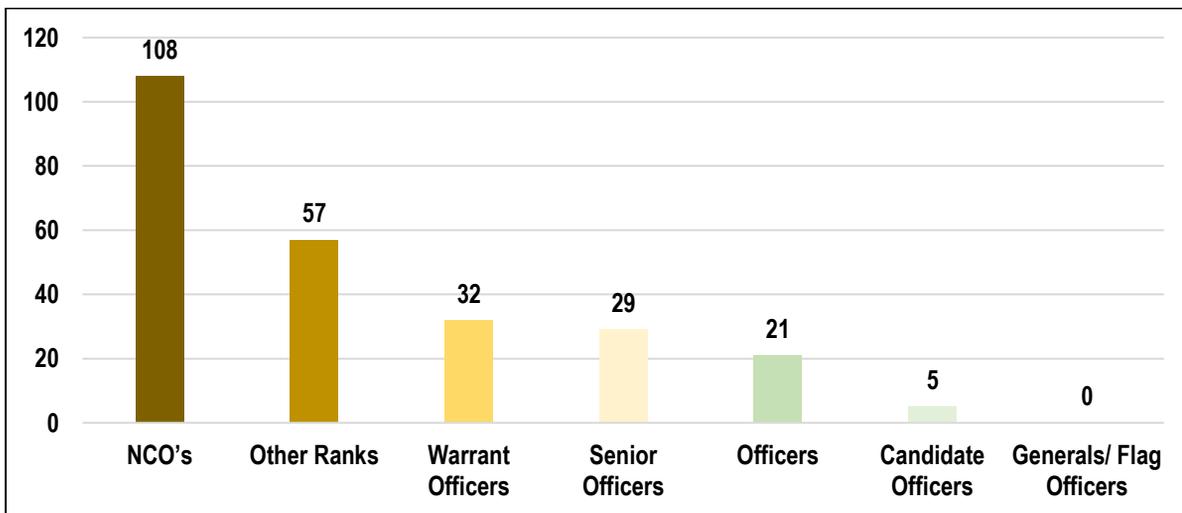


Figure 9: Rank Level of Complainants

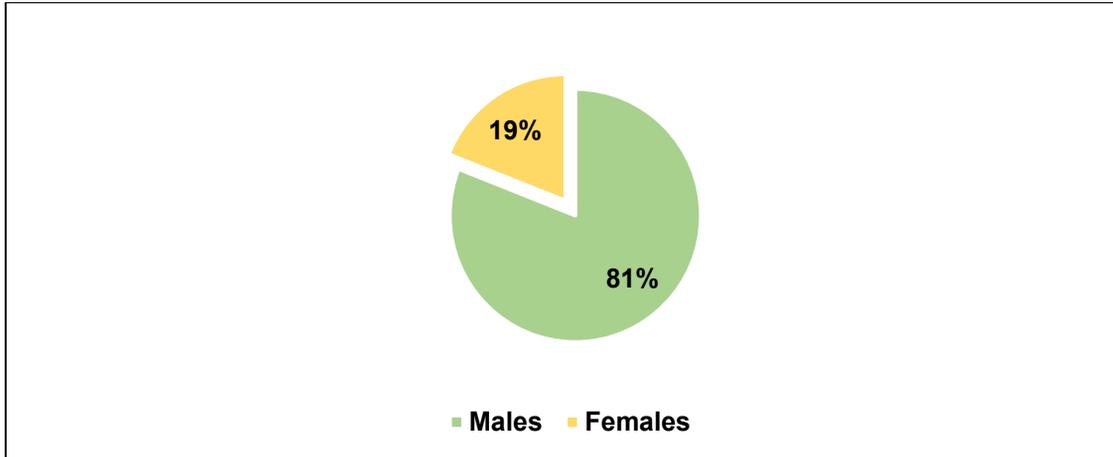


It is noteworthy that **108** complaints were received from Non-Commissioned Officers constituting to **43%** of complaints received from Regular and Reserve Force Members, see Figure 9 above.

**Gender Distribution of Complaints.** The Office still recorded a high number of complaints from males which accounts for **81%** of the total **276** complaints lodged. Those from females amount to **19%**. This trend is consistent with the statistics of previous financial years and appears to be in accordance with the gender demographics within the SANDF.

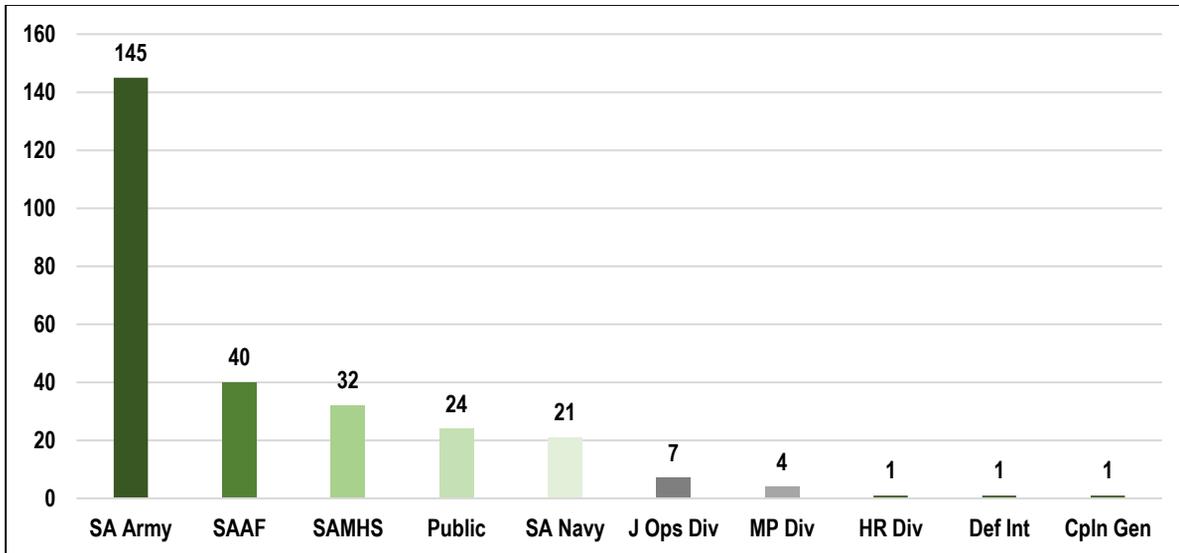
PART C: OPERATIONS

Figure 10: Gender Distribution of Complaints



**Origin of Complainants.** The South African Army (SA Army) continues to contribute to the most complaints logged per Service or Division at **145** which accounts to **53%** of complaints lodged during the period under review. It should be noted that the SA Army employs the largest number of members comparing to other Services and Divisions. Figure 11 below illustrates the complaints received per Service, Division and members of the Public for the FY2023/24.

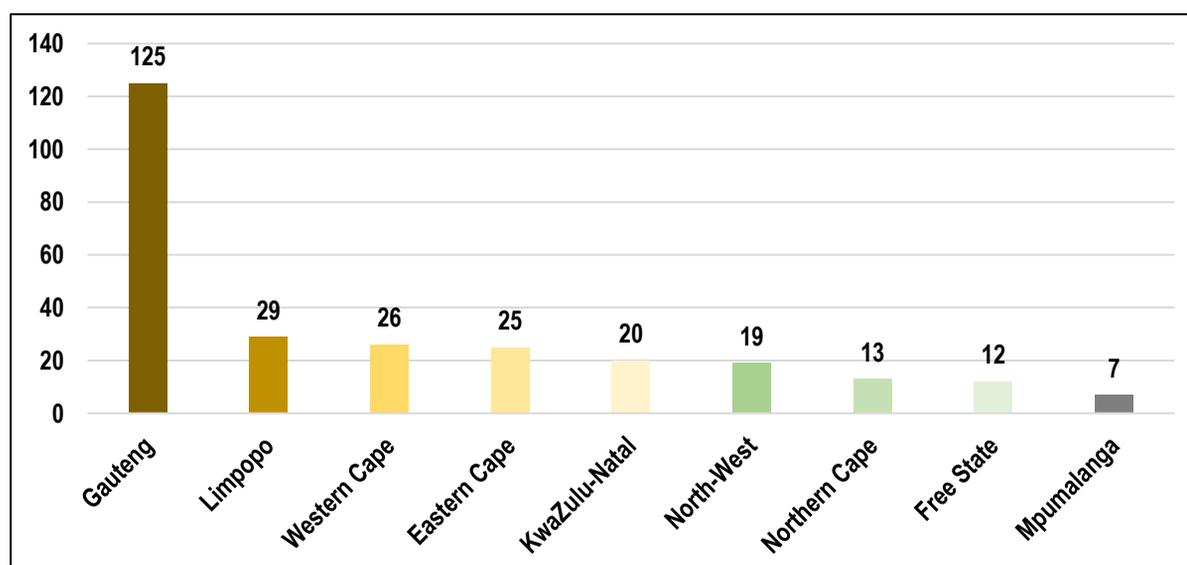
Figure 11: Complaints per Service, Division and the Public for the FY2023/24



**Geographical Spread.** Complaints from Gauteng still registered the highest at **45%** followed by Limpopo, Western Cape and Eastern Cape at around **10%**. The remainder is spread across the other provinces as shown in Figure 12 below.

## PART C: OPERATIONS

Figure 12: Geographical Distribution of Complaints



**Manner of Resolution of Complaints received during the FY2023/24.** Table 7 below details how the Office finalised 278 (67 from FY2022/23 and 211 from FY2023/24) complaints of the total caseload of 349 complaints. Although the Office performed well, there is still room for improvement which will be pursued during the FY2024/25.

Table 7: Manner of Resolution of Complaints Received for the FY2023/24

Ser No	Manner of Resolution of Complaints Received	Number of Resolutions
1	Complaint Dismissed in terms of Section 4(1) – Not a condition of service/official conduct	2
2	Complaint Dismissed in terms of Section 6(2) – Not in prescribed format	5
3	Complaint Resolved in terms of Section 6(6)(b) – Resolved through Alternative Dispute Resolution	5
4	Complaint Upheld in terms of Section 6(7)(a) – Upheld on merit	1
5	Complaint Dismissed in terms of Section 6(7)(a) – Dismissed on merit	29
6	Complaint Resolved in terms of Section 6(7)(b) - Recommended alternative resolution	2
7	Complaint Referred in terms of Section 6(7)(c) – Appropriate Public Institution	44
8	Complaint Dismissed in terms of Section 7(1) – Matter before Court	3
9	Complaint Dismissed in terms of Section 7(2)(c) – Late referral not condoned	4
10	Complaint Dismissed in terms of Section 7(2)(d) – Failed to exhaust SANDF Individual Grievance Regulations, 2016	103
11	Complaint Dismissed in terms of Section 7(2)(e) – Referred to other Dispute Mechanism	3
12	Complaint Dismissed - Lack of cooperation from Complainant	2
13	Complaint Dismissed for lack of jurisdiction	0
14	Collective Investigation	1
15	Complaint Withdrawn	5
16	Duplicate	2
<b>Total number of Resolutions for FY2023/24</b>		<b>211</b>

**PART C: OPERATIONS****CASE STUDIES****UTILISATION (CORPS TRANSFER)**

The Office received a complaint from a current member of the SANDF in terms of section 4(1)(a) of the Act. The complainant complained about utilisation and corps transfer. The complainant alleged that upon completion of his studies, he submitted a request to change his Corps from SA Infantry Corps to Ordinance Service Corp (Logistics). However, his request was declined due to an offence (absent from parade/duty) that he had committed in 2002 (20 years ago).

In 2019, the complainant had lodged a grievance in terms of the Individual Grievances Regulations (IGR) of 2016 and it was finalised on 03 December 2021, by the DOD Grievance Board, wherein the Chief of the SA Army (C Army) was requested to reconsider the complainant request for corps transfer, but this never occurred.

Upon assessment of the complaint, it was determined that the complaint is late by more than 180 days and the complainant was requested to submit an application to condone the late referral of his complaint in terms of Regulation 6(1).

Condonation was granted based on the prospects of success and interest of justice in terms of Section 7(2)(c) of the Act read with Regulation 6(2). The Office assumed jurisdiction and investigated the matter in terms of Section 6(1) of the Act.

**TERMINATION OF SERVICE**

A complainant approached the Office complaining about unfair termination of his service in the SANDF. The complainant had successfully completed his Military Skills Development System (MSDS) two-year contract, and was informed that he was not offered a Core Service System (CSS) contract, as he was convicted of fraud.

The Office had to determine if the reason cited for rendering the complainant ineligible for a CSS contract was in line with the relevant Regulatory Framework, being the SANDF Order on the Management of CSS Contracts. The respondent was notified of the complaint and maintained that the complainant was not considered for a CSS contract due to a fraud conviction. However, no evidence was provided to the Office to substantiate this position.

The investigation revealed that the complainant was accused of fraud and the matter was awaiting trial. This information was available to the respondent, through a South African Police Services (SAPS) clearance certificate. It was therefore unclear how the respondent concluded that the complainant was convicted of fraud, when there was no such evidence available to them, and further that no such evidence was provided to the Office.

The Office found that the complainant's rights to be presumed innocent and to fair labour practices were violated, due to the fact the reason cited as rendering him ineligible for a CSS contract was false. The Office further found that the drafter of a report that the complainant was convicted of fraud misrepresented the facts.

The Office upheld the complaint in terms of Section 6(7)(a) of the Act, and recommended that the complainant is reconsidered *de novo* for a CSS contract and/or enlistment in the SANDF Reserves, that an apology is tendered to complainant, and that official records alleging that complainant was convicted of fraud are retracted.

**PART C: OPERATIONS****NON-APPOINTMENT**

The Office received a complaint from a current member of the SA Army who complained about non-appointment in the Reserve Force. The complainant indicated that, in June 1997, whilst at 4 South African Infantry Battalion (4 SAI BN) he was dismissed by Court Marshall together with other members due to mutiny. He alleged that he was then taken to a civilian Police Station for 48 hours and then he went back home.

In 1999, he was called back to serve, but was placed on a list of members with previous charges. The complainant alleged that he was never charged. The complainant further stated that in 2010, he joined the Reserve Force and in 2015, he submitted his statement to a Senior Officer who advised him to lodge a formal grievance.

In 2018, the complainant received an instruction to deploy to the Democratic Republic of Congo (DRC) under OPS Support Legal. As he was in Bloemfontein, he was recalled back to the SA Army HQ. Upon his arrival at SA Army HQ, he was verbally informed he was not wanted at the Unit.

The Grievance Information Technology System (GITS) reflected that the complainant lodged his grievance (ID No. 4605) on 16 September 2019. The grievance was finalised by the Secretariat of the Grievance Board on 21 August 2023. The complainant alleged that his DD28 (conduct sheet) reveals that he has no charges of mutiny and he was supposed to be reinstated into the SANDF.

The complainant sought the intervention of the Office to ensure that he is appointed as a Regular Force member, as a relief to his complaint. During assessment of the complaint, it was established that the complainant is a member of the SANDF (Reserve Force). The DOD Grievance Board finalised his grievance on 21 August 2023, however, the complainant remains unsatisfied with the outcome of his grievance.

The PERSOL system was accessed and it was established that the complainant is serving under a call-up that had ended on 30 September 2023. The conduct sheet on the PERSOL system revealed no charges were levelled against the complainant. The matter was further assessed through consultation with Directorate Prosecutions. On 19 October 2023, Directorate Prosecutions, responded that the matter was fully investigated and it was discovered that a group of former members were dismissed for mutiny by court-martial. 71 members of this group were not reinstated by the Council of Review. Furthermore, the complainant is complaining about the failure to reinstate him after the Council of Review ordered his reinstatement, thus constituting administrative action.

It was therefore recommended that the Office assume jurisdiction on the merits of the complaint for further investigation as per its mandate contained in Section 4 of the Act to investigate complaints from *inter alia*, members and former members of the SANDF regarding their conditions of service.

**GRIEVANCE PROCEDURES AND PROMOTION**

On 13 July 2023, the Office received a complaint regarding non-compliance with grievance procedures and promotion from a Colonel (the complainant) in the Human Resources Division (HR Div). The complainant stated that on 17 February 2021, a placement and promotion signal was issued to promote Colonels to the rank of Brigadier General. She alleged that she was overlooked as her juniors were promoted ahead of her.

On 03 March 2021, she lodged a grievance that was mishandled by the HR Div. In essence, the grievance was closed by the HR Div in October 2022.

In December 2022 the grievance was re-opened, however, it was not elevated to the Grievance Board after the complainant indicated that she was dissatisfied with the response from the HR Div Grievance Committee. She sought the intervention by the Office and to be promoted to a senior position backdated to 2021.

**PART C: OPERATIONS**

The Office intervened and caused the complainant's grievance to be elevated to the Grievance Board and the Board had a target date of 02 October 2023 to provide the complainant with feedback. The Office determined that the authority to exercise the administrative power to promote Colonels to Brigadiers General in terms of paragraph 15 of the Department of Defence Instruction (DODI) 21/2001 rests with the Chief of Human Resources (C HR), the C SANDF and the MOD&MV, were not given an opportunity, through the grievance process, to decide whether or not to promote her.

Furthermore, the Office was of the view that it should not become an Office of first instance on career management grievances of the SANDF members. Further, the Office allowed the complainant's channel of Command, through the Grievance Board, to decide on the career-related grievance within three (3) months, as the Office was only going to entertain the matter after a decision has been taken by the complainant's channel of command.

The Grievance Board deliberated on the matter and recommended that the complainant be promoted to the substantive rank of Brigadier General with effect from 01 December 2023.

**UTILISATION**

The Office received a complaint accompanied by an application to condone the late referral from the SANDF Reserve Force member who was stationed at the Defence Works Formation (DWF). His complaint related to the alleged termination of a call-up (Utilisation).

On 12 August 2022, the complainant received a signal to attend a course for Automotive Electric Apprentices at the South African Army Technical Training Centre (SAATTC). Upon the completion of the course, he received a route form authorizing his travel from SAATTC to DWF. The applicant returned to his Unit on 15 August 2022, however, on 17 August 2022 he was called by his HR Officer and informed that the Officer Commanding (OC) had not signed his clearing-in form.

As a result, he was informed that he was not allowed to resume duties. Subsequently, he sent a letter of demand through his attorneys requesting his OC to sign the clearing-in form, so that he could resume duties and that his unlawfully withheld salaries for the said period be paid to him. However, the said letter received no response and the complainant was of the view that he was being prejudiced by his OC as he was suffering financially.

The investigation revealed the complainant was called-up to render service on a continuous basis over the period 05 May 2022 to 30 September 2022. The investigation further revealed that the SANDF prematurely cancelled his call up. Upon assessment, it was established that the complainant did not lodge a grievance, regarding the alleged premature termination of his call-up, as required.

Regulation 17 of the IGR, 2016, prescribes that "*Exhaust of internal remedies. A member or employee may only seek an external remedy to address a grievance once he/she has exhausted all his or her internal remedies in the Department, or if the Secretary for Defence or the Chief of the Defence Force has failed to act within the 10 working days contemplated in regulation 5(e)*".

Furthermore, Section 7(2)(d) of the Act prescribes that "*the Ombud may refuse to investigate a complaint if a member has not first used the mechanism available under the Individual Grievances Regulations, unless the complaint relates to problems inherent in the system*".

In *Erasmus and Another v Minister of Defence and others* (1234/2017)(2017) ZAFSHC 134; (2017) 4 All SA 434 (FB) (24 August 2017), the court considered Section 61 of the Defence Act 42 of 2002, which deals with procedures for redress of grievances and, inter alia, empowered the MOD&MV to prescribe the said procedure. The court further found that the MOD&MV promulgated the grievance procedure in terms of the IGR 2016. The court stated that "*a member of the SANDF aggrieved by any aspect pertaining to his or her conditions of service is obliged to utilize the promulgated procedure*". Regulations 4(a) that states "*a complaint must be lodged by a member or his or her*

**PART C: OPERATIONS**

*representative, within a period of 180 days from the date on which the Grievance Board made its decision regarding his or her grievance known”.*

Based on the fact that the complainant did not lodge a formal grievance in terms of the IGR, 2016, which he is obliged to do before approaching this Office, he had no prospects of success to succeed in his claim. The applicant was a serving member of the Reserve Force, therefore he had access to the grievance procedure and he was obliged to follow it.

The Military Ombud made his ruling, that he does not condone the applicant's late submission, in terms of Regulation 6(2).

**OFFICIAL CONDUCT**

The Office investigated a complaint from a member of the public regarding the alleged official conduct of a member of the SANDF. The complainant alleged that,

- She was allegedly assaulted and manhandled by her husband's line manager and other officials working within the environment.
- She claims to have approached the line manager on 01 December 2022, requesting that they discuss the detrimental affect her husband's contract non-renewal was having on their family. Furthermore, she wanted to highlight how her husband's working environment had caused him mental and emotional distress.
- She avers that the line manager proceeded to reprimand her in full view of other officials and ordered that she refrain from addressing him. Thereafter, she alleges that the line manager became rude and used demeaning and vulgar language towards her.
- She alleges that she was manhandled and physically assaulted. The complainant stated that she then proceeded to lodge a complaint with the South African Police Service (SAPS), regarding the incident and a case of assault was opened.
- She further highlighted that the situation continues to deteriorate her husband's health and was of the view, that the manner in which the line manager and his colleagues acted on that particular day was unlawful and against the DOD's Code of Conduct.

The relief sought by the complainant was the intervention of the Military Ombud to investigate the assault incident. During the process of interviewing witnesses, the complainant and the respondent, the Office explored possible settlement of the dispute through mediation. The Parties (Complainant and Respondent) indicated their willingness for the Office to assist in resolving the matter amicably through mediation. The Office therefore mediated the matter and a Settlement Agreement was signed by the Parties. The terms of the agreement, amongst others, are that the Parties will desist from pursuing any legal (civil or criminal) against each other and that they will regard the agreement as the settlement of the dispute.

**EDUCATION, TRAINING AND DEVELOPMENT**

A complaint was received from a member of the SANDF who is serving as a member of the Reserve Force within the SA Infantry Corps. The complaint was related to the issues pertaining to the applied Education, Training and Development (ETD) process, as the complainant was prevented from attending the SA Army Officers Formative Course.

The complainant alleged that, in 2010, he was nominated to participate in the SA Army Officers Formative Selections and had successfully completed the various selection processes. As a result, he was issued the rank of Candidate Officer (CO). However, during the final selection phase, it was discovered that the complainant had a Military Disciplinary Code (MDC) Offence, which prevented

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him from attending the Officer's Formative Course due to being convicted of Section 19(1) MDC offence recorded on his conduct record for disobeying a lawful order.

The complainant lodged a grievance and requested to attend the Officers Formative Course. However, he had to submit an application for the late referral of his grievance and it was reviewed by the Grievance Board.

On 13 November 2023, the Board declined his application for condonation, stating that the complainant had committed an offence under Section 19 of the MDC, which goes against the directive issued by the Military Command Council through the C SANDF Instruction 36/2021 on 06 December 2021.

The complainant therefore, believed that he was unfairly treated and is seeking intervention from the Office of the Military Ombud. He wished that his complaint be investigated and be given the opportunity to attend the SA Army Officers Formative Course. Additionally, he requested that the offence on his conduct record be condoned, as he believed it does not reflect his true character, and that he be considered for an officer position, a role he was confident he can excel in.

The complaint is about the complainant's withdrawal from the SA Army Officers Formative course. The complainant had lodged a grievance which was declined due to being lodged more than 180 days. The Grievance Board declined the late referral of the grievance, citing that the resolution sought could not be obtained due to SANDF Instruction 36/2021. As a result, the Military Ombud assumed jurisdiction to further investigate the complaint in terms of Section 6(1) of the Act.

**TERMINATION OF SERVICE**

A Complainant approached the Office and lodged a complaint wherein he alleged that he was deployed for Exercise MADULO from 20 September 2023 to 23 November 2023 at the SA Army Combat Training Centre (CTC), Lohatla.

On 06 October 2023, he lost all his belongings due to a veld fire at CTC. This incident triggered the trauma he had experienced on 06 August 2023 when his house burnt down in Polokwane. On 07 October 2023, the member wrote a letter requesting to be withdrawn from the exercise. On 08 October 2023, his Major General (Maj Gen) advised him to first consult with the Social Worker and the Psychologist, or resign if he wished to be withdrawn from the exercise.

The member consulted with the Social Worker and the Psychologist. Their assessment concluded that the member was experiencing personal stress, which negatively affected his resilience and combat readiness, and that he was in a vulnerable emotional and psychological state. The member requested resignation immediately, and the resignation is awaiting approval from the Division Commander.

The member sought the Military Ombud's intervention for his resignation to be approved. The Military Ombud contacted the member's unit to understand the delay in capturing the request to terminate his service.

Through the Office's intervention, the service was terminated on 31 December 2023. Phase I was captured on 08 December 2023, and Phases II and III were captured and finalized. The file is currently at the Government Employees Pension Fund (GEPF). Therefore, the Military Ombud resolved the complaint in terms of Section 6(6)(b) of the Act, by acceding to the member's request to terminate his service.

**PROMOTION**

A complainant approached the Office to lodge a complaint regarding promotion. He alleged that he recalled that, in 2007, members from the Non-Statutory Forces (NSF) were given an opportunity to

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appeal the ranks given to them when they joined the SANDF. Subsequently, he submitted his documentation for promotion and a file regarding the matter was opened and processed.

From the beginning of the process his name did not appear on the name list and when he enquired about the status of his application, nobody could explain why his name was omitted from the list. Enquiries by the complainant allegedly revealed that personnel responsible for working on the NSF promotion project were sent back to their home units prior to completion of the project and Complainant's file could not be found.

He sought the Military Ombud to assist him with promotion to Warrant Officer Class 1 (WO1) and have the promotion date backdated to 27 April 1994. The complaint was assessed for jurisdiction in terms of Section 4 of 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, which is promotion.

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 IGR 2016. Subsequently, the Military Ombud declined jurisdiction in terms of Section 7(2)(d) of the Act and the complainant was advised to lodge a formal grievance in terms of the IGR 2016.

Further, the Director Labour and Service Relations (DLSR) was requested to assist the complainant to lodge a grievance.

### OFFICIAL CONDUCT

The complainant, a member of the public who approached the Office complaining about the alleged official conduct of a member of the SANDF. The alleged official conduct related to delay or failure by the member/s of the SANDF to facilitate payment to the complainant, after she rendered maintenance services at one of the units of the SA Army.

The complainant's redress sought was for the Military Ombud to, in her words, "*assist with what could be the possible delay and to help resolve this matter.*" The Military Ombud noted that even though the complaint was capable of being adjudicated through the civil court process, the Office was also duty bound to intervene, as requested by the complainant.

It was noted that as an ombudsman institution, the Office is intended to be a less formal and a cost effective alternative available to persons who are alleged to have been wronged or prejudiced by the conduct of a member or members of the SANDF. It was emphasized that even though this matter ended up being handled as a formal investigation, it is expected of ombudsman institutions to, at all relevant times, strive to resolve matters amicably without delay and inconvenience to the parties involved.

With specific reference to the matter at hand and cases of this nature, the Office's involvement should lead to minimised litigation and improved relations between the SANDF and members of the public and other stakeholders.

The complaint was upheld in terms of Section 6(7)(a) of the Act, after the SA Army verified their documents and admitted that the complainant was indeed owed the amounts as per her complaint and further advised that they were in the process of paying her.

The Military Ombud included in his recommendations, that the MOD&MV should direct the Secretary for Defence (Sec Def) and the C SANDF to take steps to ensure that the DOD complies with the Public Management Finance Act, 1999 and Treasury Regulations regarding payment of creditors after establishing that payment to the complainant had been outstanding for a period of over 30 days after she submitted her invoice to the DOD.

### SERVICE TERMINATION

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The Office received a complaint regarding termination of service, from a former member of the SANDF in terms of Section 4(1)(b) of the Act. The complainant initially lodged a complaint alleging that between the years 2016 and 2017, he absented himself from official duty without permission (Absent without Leave (AWOL), because he was suffering from a mental breakdown due to the loss of a family member.

The complainant alleged that he started to attend Psychology sessions and they advised his Unit OC to book him into a Rehabilitation Centre at Bloemfontein. However, this did not occur. The complainant was of the view that the Senior Military Judge was harsh and unfair in his judgement to discharge him from the SANDF because the witnesses and the Psychologists were never summoned to appear before the court.

Upon the assessment of the complaint, it was established that the complainant was discharged from the SANDF with Ignominy on 22 October 2018. The Court of Military Appeal judgement was passed on 03 May 2019, wherein the Court of Military Judge sentence was upheld "*discharge from the SANDF*".

The relief sought by the complainant was for the Office to assist him with the re-instatement into the SANDF. The complaint was dismissed in terms of Section 7(1)(c) of the Act, because the Office lacked the requisite jurisdiction on a matter that has been decided by a Military Court.

**NON-PAYMENT OF A MEDICAL BENEFIT**

The complainant approached the Office of the Military Ombud and lodged a complaint regarding non-reimbursement of a medical benefit. He alleged that in 2017, he was appointed as a Defence Attaché to the United Arab Emirates (UAE), Qatar and Kuwait. Two weeks after his arrival in the UAE, his eye sight became blurry and he consulted an Optician at his own cost, to determine what was happening to his eyes. He was then informed that he was losing his eye sight due to growths in both of his eyes. Subsequently, he was referred for an emergency eye operation because, at that stage, he was temporarily blind.

Furthermore, before the operation he requested authority for the operation. He paid for the operation, at his own cost, however, he has not been reimbursed for same. As relief, he sought the reasons why authorisation was not granted for his operation and to be reimbursed.

During investigation into the complaint, the respondent responded that by the time the complainant was appointed as a Defence Attaché, he was already a patient at the Eye Clinic at 1 Military Hospital and the cataract formation in his eye was not a sudden onset. Therefore, it was not an emergency but an elective surgery.

Furthermore, Complainant had requested authority for the eye operation after it had taken place, which was contrary to the relevant Standard Working Procedure (SWP), which prescribed that all Ophthalmological services had to be authorised by the South African Military Health Services (SAMHS).

The respondent indicated that when the complainant applied for reimbursement, he was requested to provide proof that he had pre-authorization for the eye operation, which he failed to produce, hence his request for reimbursement was declined.

The complainant, responded *inter alia*, that the SWP was only a guideline and not a specific Instruction. It was discovered that the SWP was not in line with the Joint Directive Procedure (JDP) for health care delivery. As a document of higher authority, the JDP takes precedence over the SWP.

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The JDP did not require members to submit a request for pre-authorisation for medical procedures, but it required members to pay for the procedure and to submit a medical report to Director Medicine. The complainant did not submit a medical report, as prescribed.

Accordingly, the complaint was dismissed in terms of Section 6(7)(a) of the Act. Despite the dismissal of the complaint, it was recommended that MOD&MV is to direct the C SANDF to ensure that the SWP is brought in line with the JDP.

**SERVICE TERMINATION**

The Office received an application for condonation from a former member of the SANDF. The applicant averred that in December 2015 while on duty, she received an SMS from an unknown number with sensitive and nude photos of her and her partner. She alleged that she had been made aware that the photos were circulated by one of her colleagues, who copied them from her partner's laptop to his mobile phone.

She averred that the matter was reported to the Military Police, however, to date she has not been provided with the case number and the outcome of the investigation. The applicant reported that she resigned from the SANDF on 30 June 2016, and she was of the view that her resignation was unfair. As a result, she claimed a constructive dismissal.

The Office considered this matter and dismissed this application because the applicant was not able to provide adequate reasons and records that the SANDF put her in an intolerable situation, which forced her to resign.

It is common cause that the applicant indeed voluntarily submitted a resignation to exit the SANDF. Section 13 of the Constitution of the Republic of South Africa, 1996 states that, "*No one may be subjected to slavery, servitude or forced labour*". As a result, the applicant's request for resignation was approved and she resigned on 30 June 2016.

Furthermore, she was not able to demonstrate that she had taken plausible steps between her resignation from the SANDF to have her grievance addressed in terms of Section 7(2)(d) of the Act or any related matter addressed with any other suitable forum.

The applicant was unable to make out a case that entitled her late filing to be condoned, let alone make a convincing case that her complaint would succeed. The applicant could not substantiate her allegations of the alleged constructive dismissal and could not give justifiable reasons for the time taken before she referred the matter to the Office.

The applicant failed to show sufficient cause and for this reason, her application for condonation was dismissed in terms of Regulation 6(2).

**NON-PAYMENT OF ACTING ALLOWANCE OF A MEMBER BY THE SOUTH AFRICAN MILITARY HEALTH SERVICE**

The Office has conducted an investigation relating to non-payment of acting allowance.

The complainant alleged that he was appointed as the Acting Officer Commanding (A/OC) of Military Health Procurement Unit (MHPU) for a period of fourteen months (02 October 2019 to 15 December 2020), and he was not paid any acting allowance for the acting period as promised by his superiors. The relief sought by the complainant was for him to be paid the outstanding acting allowance from 02 October 2019 to 15 December 2020.

The Process and Procedures for the Management of the acting allowance in the Department of Defence JPD: POL AND PLAN NO 00033/2005 DD 21 APR 2008 was considered in this case as it was the applicable policy. During the analysis of the legal framework and evidence obtained, the

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investigation found that the complainant was not entitled to claim any acting allowance in respect of the post of OC MHPU as the post was not vacant.

The investigation also found that the payment of acting allowance to the complainant as requested by him, would have been irregular and not in-line with policy as the post in which he claimed acting allowance was not vacant and was aware of the situation when he accepted the acting appointment.

In view of the above findings, the complaint lodged by the complainant regarding the alleged non-payment of acting allowance was dismissed in terms of Section 6(7) (a) of the Act.

**UNFAIR TERMINATION OF RESERVE FORCE CALL-UP AND NON-UTILISATION OF RESERVE FORCE MEMBER BY THE SOUTH AFRICAN AIR FORCE**

The Office has conducted an investigation relating to termination of call up and non-allocation of days (Reserve Force call up).

The complainant alleged that the termination of his call up and non-allocation of days (Reserve Force call up) for the month of June 2018, was unfair towards him as he was not afforded any written reasons for the termination and non-allocation of days from June 2018 to date. He was also not provided with clarity or official communication regarding the alleged investigation that was purported to be one of the reasons for the termination of his call-up and the non-allocation of days as budgeted for in terms of the 2018/2019 financial year. The relief sought by the complainant was for his Reserve Force call up to be re-activated as he was not called up as a Reserve Force member for June 2018 to date.

The analysis of evidence and legal framework indicated that the call-up of the complainant was not terminated in accordance with regulation 31(2) of the Regulations for the Reserve Force. Regulation 31(2) of the Reserve Force Regulations, prescribes that the call-up of a member of the Reserve Force may be terminated only when the C SANDF or an Officer designated by him/her has informed the affected member and is provided with reasons of the intended termination, or afforded an opportunity to respond thereto before finally deciding on the matter and advising the affected person accordingly.

The investigation found that the decision to terminate complainant's call-up was procedurally unfair as the fundamental principles of natural justice in terms of the *audi alteram partem rule* were not observed by the South African Air Force (SAAF) and the complainant was not afforded the right to fair labour practices.

The complaint lodged by the complainant regarding the alleged unfair termination of a Reserve Force call-up, was upheld in terms of Section 6(7) (a) of the Act.

The Military Ombud recommended that the complainant be compensated for a period of 10 months (call-up period limited to 10 days per month) representing the remainder of his unfair terminated call-up.

**NON-INCLUSION IN THE MILITARY DISPENSATION FOR ENGINEERS AND RELATED TECHNICAL PERSONNEL AND DELAY IN RESOLVING THE GRIEVANCE**

The Office has conducted an investigation relating to alleged non-inclusion in the Military Dispensation (MD) and delay in resolving the grievance.

The complainant alleged that in November 2021, he was placed additional to the structure as a result in April 2022, he did not translate to MD. The implications of not being translated to the MD had a bearing on loss of income and calculation of pension pay out, as MD forms part of the pension salary as opposed to technical allowance which does not form part of the pensionable salary. As a result, the complainant lodged a complaint relating to the issue. However, he did not receive

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feedback regarding the outcome on the grievance lodged. He as a result, then lodged a complaint with the Office.

The relief sought by the complainant was for the Military Ombud to assist him to be included in the MD from 01 April 2022 up to his retirement date which was 30 November 2022.

Upon investigation, the Office established that:

- The complainant suffered prejudice at the time when he was removed from the post and placed additional to the structure without consultation and his prior consent. As a professional (technician) the exclusion of the complainant from MD had a negative effect on his pensionable monthly income as well as his pension calculation. The SANDF as the employer, derived a benefit from the complainant performing technical work without being remunerated accordingly.
- The complainant's grievance was not handled in line with the IGR process, as such there was non-compliance with the IGR timeframes on the part of the SA Army as stipulated timeframes were not adhered to.

The complaint was upheld and it was recommended that the MOD&MV instruct the C SANDF to consider translating the complainant to MD from the time it was implemented until the time he went on pension from 01 April 2022 to 30 November 2022 and afford the complainant all the salary benefits.

**OUTSTANDING DEBT WITH GOVERNMENT EMPLOYMENT PENSION FUND AS A RESULT OF PURCHASE OF SERVICE YEARS.**

The Office has conducted an investigation relating to alleged outstanding debt with GEPF as a result of purchase of service years.

The complainant alleged that he made an arrangement with DOD Pension Office to purchase pensionable service for the period 19 December 2080 to 29 June 1992 and was advised that it will cost him R456,532.00. He was further advised that he can pay the amount in full or monthly instalments of R4,639.00 over a period of 180 months with effect from 01 July 2001. During 2020, he was informed of an amount of R347,304.00 that was outstanding regarding his purchase of service. Furthermore, GEPF submitted that the debt is as a result of 9.11% compounding interest added to his principal debt. According to him, he was required to pay a fixed amount of R454,532.47, however, the issue relating to interest was never explained to him. GEPF then advised him to pay the amount in full or the outstanding debt was going to be deducted from his pension benefit.

The relief sought by the complainant was that his accounts and the entire process of administration of his pension buyback be audited and verified in order for his matter to be finalised.

Upon investigating the complaint, the facts revealed that the dispute relating to the inclusion of the interest was not between the complainant and the SANDF pension section rather between the complainant and GEPF, as provided for by the Government Employees Pension Law Act, 1996. The complaint was referred to the Government Employment Pension Ombudsman (GEPO) for lack of jurisdiction by the Office over GEPF. GEPO would be the best and relevant institution to deal with the complaint.

**NON-PAYMENT OF SERVICE BENEFITS (PENSION)**

The Office has conducted an investigation relating to non-payment of pension benefits.

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The complainant a former member of the SANDF alleged that he did not receive his pension benefit since his retirement. The withholding of the payment of pension was as a result of allegations of fraud and absent without leave (AWOL) charges pending against the complainant. The payment of pension and related benefits to the complainant were to be withheld pending finalization of his fraud and AWOL charges.

The investigation did not find any proof relating to the allegations of fraud and AWOL charges against the complainant. Section 59(5) (b) of the Defence Act 42, 2002 states that, *“A member who is entitled to be discharged..... may not, without the prior consent of the Chief of the Defence Force, be permitted to obtain his or her discharge while disciplinary proceedings are still pending against him or her.”*

In terms of the law, even if there were pending charges against the complainant, it was illegal to withhold payment of his pension.

In terms of Section 21(3)(c) of the Government Employees Pension Law Act, 1996, it was expected of the employer to:

- Firstly, inform the complainant (presumably in writing) of the total financial liabilities and debt that will be claimed from the pension benefits before the exit documents are submitted to the GEPF;
- Secondly, the debt must be in respect of any loss sustained by the employer, which must have been caused by reason of theft, fraud, negligence or misconduct by the complainant;
- Thirdly, the complainant must admit (liability for) the loss as a result of theft, fraud, negligence or misconduct; and
- Lastly, a Court Order or Complainant’s approval in writing is needed.

The investigation found that the SANDF acted contrary to this legislation because the withholding of the Complainant’s pension benefits was unlawful and as a result his complaint was upheld in terms of Section 6(7)(a) of the Act.

In light of the findings, it was recommended that Sec Def direct Director Personnel Payment to expedite finalisation of the payment of the complainant’s pension and related benefits, inclusive of the interest thereon at the rate prescribed in the Prescribed Rate of Interest Act, calculated from the day after the expiration of the period of sixty (60) days, post termination of his service.

**NON-PAYMENT OF TECHNICAL ALLOWANCE**

The Office has conducted an investigation relating to non-payment of technical allowance.

The complainant a serving member in the South African Navy (SAN), stationed at the Regional Works Unit, Eastern Cape (RWU EC) alleged that he is an Artisan (Carpenter) who received a technical allowance until it was stopped on 01 April 2022. A signal was issued indicating that the allowance would be stopped for all members receiving the technical allowance. He also mentions that this problem started when the MD was introduced in March 2022.

Another signal was received stating that the technical allowance would be reinstated and this happened around July 2022. He stated that all other Artisans received their technical allowance with backdating with effect from 01 April 2022 but his was never reinstated.

He approached his HR Officer, about the non-payment of his technical allowance. The HR Officer then started enquiring with the DWF. During those discussions, it was indicated by his HR that his

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name was omitted erroneously from the list of members for reinstatement of the allowance but were working on having the issue resolved.

In October 2022, DWF informed him that a submission was made to C HR to have his details added to the list of members receiving the technical allowance and to have the payment backdated. He lodged a grievance internally on 16 February 2023 but has since not received any feedback. Further enquiries were done after his allowance was not reinstated with the OC, and his Unit HR Officer but despite his OC writing numerous letters to the Formation, no responses were provided.

The relief sought by the complainant was that the Office intervene in order for his technical allowance to be reinstated with backdating to 01 April 2022.

The complainant alleges that a grievance regarding the reinstatement of his technical allowance was lodged on 16 February 2023 at the Unit. The grievance was forwarded to the Formation on 15 March 2023 with a target date for a response on 29 March 2023. To this date no feedback has been provided to the complainant. The evidence from the Grievance IT system reveals that the grievance was still at the Formation. It was evident that there was an unreasonable delay to finalise the complainant's grievance.

The investigation revealed further that a submission for the payment of technical allowance of Artisans was made by the DWF in October 2022, wherein the General Officer Commanding (GOC) DWF referred the matter to the Office of the Chief of Logistics (C Log) for signature and further processing to the Office of C HR.

Subsequent to a meeting convened with officials from the SANDF and the Office, the Office decided to afford the SANDF the opportunity to finalise the grievance. As such, the outcome would be communicated to the complainant and should he not be happy with the response, submit a complaint to the Office.

The following findings were made in relation to the analysis made and the provisions of the applicable Regulatory Framework:

- The SANDF has been afforded the opportunity to finalise the grievance on the grievance IT system, through the Logistic Division Grievance Office;
- There was an undue delay in finalising the complainant's grievance.

In conclusion the complaint regarding the non-payment of technical allowance was referred in terms of Section 6(7)(c) of the Act.

The following recommendations were made to the MOD&MV in terms of Section 6(7)(b) and 6(8) of the Act, in line with what was found and concluded above:

The C SANDF to direct the C Log to comply with the grievance timeframes as stipulated in the IGR.

#### **NON-COMPLIANCE WITH GRIEVANCE PROCEDURE/TIME FRAMES AND INCORRECT SERVICE DATE.**

The Office has conducted an investigation relating to non-payment of technical allowance, non-compliance with grievance procedure/time frames and incorrect service date.

The complainant, a serving member in the SANDF within the Military Police Division (MP Div), stationed at SA Army Gymnasium, Noordbrug, Gauteng alleged that, her service commencement date on her salary advice being 1991 was not consistent with her pension records and service certificate being 1989. As a result, she lodged a grievance on 20 June 2022 relating to incorrect service date.

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She made various means to correct the situation with her HR Section. However, she was not provided with satisfactory answers. After attempting for several months to obtain feedback, she was provided with an outcome on her application for condonation on 31 January 2023 which was declined by the Grievance Secretariat. She requested intervention in relation to the rectification of her service date to 22 May 1989 which was when she joined Umkhonto Wesizwe (MK).

The relief sought by the complainant was that:

- The Office to intervene in order for her grievance to be finalized.
- The complainant was interviewed on 02 August 2023 in efforts to obtain a valid stamped service certificate. It was agreed during the meeting that she has three weeks until 18 August 2023 to obtain same from the African National Congress (ANC) Headquarters at Chief Albert Luthuli House, Johannesburg. The complainant failed to submit the certificate as agreed.
- A further extension was granted to her until 07 September 2023. She then later sent an email stating that, she will carry on with the service date that appears on the system being 1991 instead of 1989 and wishes the Office to close the file.
- The investigation into the incorrect service date could not continue as the complainant failed to submit a valid MK service certificate. The complainant was advised during a meeting on 02 August 2023 to obtain and submit a valid certificate due to the discrepancies noted on the two certificates such as no official date stamp, incorrect spelling, and no certificate number. She however failed to submit same.

With regard to the grievance process pertaining to the incorrect service date which was lodged on 08 March 2023, the evidence from the system reveals that the grievance is still at the Unit. It is evident that there was an unreasonable delay to finalize the complainant's grievance.

The following findings were made in relation to the analysis made and the provisions of the applicable Regulatory Framework:

- There was no evidence to corroborate the complainant's version that she joined the MK in 1989 and she failed to submit a valid service certificate;
- There was an undue delay in finalizing the complainant's grievance.

In conclusion, the complaint lodged regarding;

- The grievance procedure is upheld in terms of Section 6(7)(a) of the Act.
- The incorrect service commencement date was dismissed in terms of Section 6(7)(a) of the Act.

The Military Ombud recommended that the C SANDF to direct the Head of the MP Div to comply with the grievance timeframes as stipulated in the IGR.

**NON-PAYMENT OF PENSION BENEFIT PORTION**

The Complaint relates to the alleged non-payment of pension benefit portion of the complainant.

In summary the complainant alleged that on 19 June 2019, he was discharged from the SANDF by the Court of the Military Judge and his case was automatically set on review by the Court of Military

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Appeals from June 2019 to June 2020. During the review period he was working and contributing to GEPF.

During the process to finalise his pension pay-out, he was told that his salary was overpaid based on the fact that he was discharged on 19 June 2019. His pension was calculated from 2014 to 2019 instead of 2014 to 2020.

He then made an enquiry with Legal Satellite Office (Legsato) where he was advised that he is entitled to the benefits from 2014 to 2020 including the period when his case was on review, which is June 2019 to June 2020. Furthermore, his Unit submitted necessary documents (roll call books & Z102 form) in order to assist the pension office to speed up the process, however he did not receive his pension pay out.

The relief sought by the complainant was for the Military Ombud to intervene in resolving his outstanding payment of pension pay out.

The complainant was sentenced on 06 June 2023 and his case was sent on review on the same date. While he was waiting for the decision of the Court of Military Appeals, he continued to work from 19 June 2019 to 12 June 2020 and this is supported by roll call books and DOD PERSOL systems salary advice.

Based on the fact that the discharged date was captured as 06 June 2019, the period from 19 June 2019 to 12 June 2020 appeared as if the complainant was overpaid on the PERSOL system.

The complainant was eligible for remuneration and benefits for the period that he served since the sentence was announced and the actual date of separation from the SANDF. In other words, the complainant was eligible for remuneration from 19 June 2019 to 12 June 2020.

The complainant contributed to GEPF for the period from 19 June 2019 to 12 June 2020 and that is supported by the complainant's pay sheets. However, when GEPF paid his pension benefit, he was paid from 01 January 2014 to 06 June 2019 and this was as a result of the announced sentence date, which is 06 June 2019 not the actual date of separation from the SANDF, which is 12 June 2020. Based on the above, the reimbursement of the complainant's pension for the period 19 June 2019 to 12 June 2020 was valid and supported.

The following findings are made in relation to the analysis made and the provisions of the applicable Regulatory Framework:

- The complainant's sentence was announced on 19 June 2019 and the discharge date was 12 June 2020.
- The complainant continued to work from 19 June 2019 to 12 June 2020 while he was waiting for the Court of Military Appeal's decision.
- The complainant's pension was paid on 23 February 2021 for the period 01 January 2014 to 06 June 2019.
- The complainant was owed pension benefits from 19 June 2019 to 12 June 2020.

In terms of Section 6(7)(a) of the Act, the complaint relating to the alleged non-payment of pension benefit, was upheld.

It was recommended that the C SANDF to instruct CD HR Management to facilitate reimbursement of the complainant pension benefit portion from 19 June 2019 to 12 June 2020.

**WITHDRAWAL FROM COURSE AND NON-PROMOTION.**

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The Office has conducted an investigation relating to allegations of withdrawal from course and non-promotion.

Complainant alleged that he was selected to attend the Pre-Course Preparation for the Infantry Platoon Commanders Learning Programme with effect from 05 August 2012 until 23 August 2012. He was withdrawn from the course which began on 13 August 2012, due to his age, DD28 and the medical restriction on his DD50 being categorised as “yellow”. He lodged a formal grievance regarding the matter and was informed that he had failed to meet the requirements necessary to attend the Platoon Commanders Learning Programme. His relief sought was for the Office to investigate the alleged unfair labour practice and assist him with fast-tracking his promotion to the rank of WO1.

During the investigation, it was found that the Policy titled “Policy on the SA Army Assessment and Selection of Officers” which is dated 23 January 2013 could not be applied retrospectively to Complainant’s matter. The respondent further provided the Infantry Platoon Commanders Learning Programme curriculum which highlights the entry requirements for the above-mentioned course.

The complainant mentioned in his complaint documents that the signal dated 31 July 2012 did not specify the age requirement. However, the SA Army provided a signal dated 07 July 2022 with an instruction to the Unit OC to nominate members for the Infantry Platoon Commander Learning Programme according to a specific criterion, and age was one of the listed requirements. The Signal required that a nominated Corporal (Cpl) to Private (Pte) should not be older than 28 years. It was apparent that the OC did not nominate Complainant according to the age requirement as stipulated in the Signal, as Complainant was 44 years at the time.

The Office further considered the DOD Policy titled “*Process and Procedures for the Implementation of Inherent Rank-Age Requirements for the SANDF*” which sought to address an imbalance between rank and age to maintain a state of combat readiness. Whereas complainant made allegations that the age requirement constituted discrimination under Section 9 of the Constitution. It was already established that being excluded from any environment due to age requirements for reasons of functional efficacy does not necessarily amount to unfair discrimination.

*Ipsa facto*, complainant did not fulfil all the requirements set to attend the course as he did not fulfil the age requirement as he was 44 years, whereas he had to be at least the age of 28 years in the rank of Cpl. Therefore, the allegation by complainant, that the course selection Policy was discriminatory and amounted to unfair labour practice is not substantiated and it cannot be disputed that the SA Army acted within their mandate and policy.

It was determined that the complainant's removal from the aforementioned course was not unjust and did not constitute maladministration since the complainant did not satisfy the prerequisites for admission to the Infantry Platoon Commanders Learning Programme. Additionally, because the complainant was not course qualified and there was not a funded position available, the complainant did not demonstrate an entitlement to a promotion.

In conclusion, the complaint lodged in relation to his withdrawal from course and non-promotion to the rank of WO1 was dismissed by the Military Ombud in terms of Section 6(7)(a) of the Act.

### LEGAL SERVICES

#### PURPOSE

The purpose of the Directorate Legal Services (DLS) is to provide effective and efficient legal services and legal support to the Office.

#### OVERVIEW

## PART C: OPERATIONS

The outputs for DLS are aligned to and supports the mandate of the Office as reflected in the Office's APP. The primary role of DLS is to provide legal drafting, litigation management, review and advisory services, to participate in the NPM, conduct legal compliance services and to provide legal services internal support.

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 MOD&MV's authority to amend the Military Ombud Act, Act No. 4 of 2012.

## NATIONAL PREVENTIVE MECHANISM

As a multi-body entity, the NPM operates in accordance with the Optional Protocol to the Convention against Torture and other Cruel, Inhuman and Degrading Treatment or Punishment (OPCAT). Cabinet made a decision to designate the Office of the Military Ombud, Judicial Inspectorate of Correctional Services, the Health Ombud, Independent Police Investigative Directorate and the South African Human Rights Commission (SAHRC), which provides the co-ordination function for these entities.

During the reporting period the NPM Strategic Planning Session (STP) was held in November 2023 to map the NPM's three-year strategic plan and ensure appropriate governance for the NPM. The NPM has received the SPT report and it is still being considered by the NPM.

The NPM conducted visits to various Military Detention Barracks (Bloemfontein and Wynberg) and Military Police holding cells. A delegation from the SAHRC, including the Chairperson, also participated in the visits. The relevant reports were developed.

## LITIGATIONS

Litigations managed for the period under review, continued to range from applications instituted by complainants in the High Court either seeking orders against the MOD&MV 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 judgements in specific applications were notable for purposes of amending the Act and protecting the interests of the Office.

Table 8: Litigations managed during the FY2023/24

Ser No	Party in Litigation	Date Received	Description	Current Status
	a	b	c	d
1	M. Tsotetsi v Minister of Defence and Military Ombud	10/02/2017 - inactive	Review application to set aside Ministers decision and implement Military Ombud findings.	Consultation with Senior Counsel Court processes adhered to discovery of documents and affidavits complied with. Notice to Abide with Explanatory Application to join granted. Awaiting Applicant's Heads of Argument
2	GT H. Swart v Minister of Defence and Military Ombud	28/11/2017	Application in the Equality Court seeking an order recognising disability as well as an opportunity to do officers formative course.	Counsel appointed. Applicant instituted action to rescind Court Order of October 2019 as order was not implemented by the DoD. The matter was set down for hearing on 26 October 2020 but was removed. No date as yet. No relief was sought against MO.
3	Lt Col M.K. Mzinyati v Minister of Defence and Military Ombud	04/06/2018 - inactive	Application to review decision of the Military Ombud not to investigate complaint relating to non-renewal of employment contract.	Consultation with Counsel approved. As per Counsel's advice/ Memo of 25 June 2018, the Notice to Oppose was withdrawn & replaced with Notice to Abide. Court processes adhered to and dies complied with.
4	Z.P. Noveve v Minister of Defence and Military Ombud	25/02/2019 - inactive	Application to review decision of the Military Ombud regarding investigation of complaint relating to promotion.	Consultation with State Attorney and Executive. Notice to Abide filed due to the intricacies of this matter. Awaiting further pleadings Process.

**PART C: OPERATIONS**

Ser No	Party in Litigation	Date Received	Description	Current Status
	a	b	c	d
5	Cpl L.J. Themane v Minister of Defence and Military Ombud	02/04/2019 - <b>inactive</b>	Application to review and set aside the decision of the Military Ombud.	Notice to Abide filed ROD Filed. SANDF to oppose. Court Record filed. Awaiting Replying Affidavit and Set Down.
6	D.J. Pillay v Military Ombud	11/09/2019 - <b>inactive</b>	Application to review and set aside the decision of the Military Ombud to dismiss her complaint.	Notice to Abide filed. No further action taken thus far. Awaiting Notice of set down.
7	Gnr C. Ramatsetse v Minister of Defence and Military Ombud	20/03/2020	Application for HC order for the Minister to implement the recommendations of the MO (Section 59(2) (c) Discharge.	Notice to Abide Filed. Pleadings in process.
8	R.W. Bedford v Minister of Defence and Military Ombud	19/06/2020	High Court Review Application to review and set aside the recommendations of the Military Ombud.	Notice to Oppose and R O D Filed. Answering Affidavit Filed. The SG filed his answering affidavit on 20 October 2020. Applicant filed replying affidavit. MO's answering affidavit filed on 30/09/2020 Awaiting further pleadings and notice of set down.
9	AB E. Fisher v Minister of Defence v Military Ombud and 4 Others	06/10/2020	High Court Application to review and set aside the MO decision to dismiss his complaint.	Judgement delivered 20 July 2023. Reviewed the MO's decision. Application for leave to appeal received on 23 August 2023.
10	Cpl R.A. Nkwana v Military Ombud	06/11/2020	High Court Application to review and set aside the Ombuds Findings and Recommendations.	Notice to abide Filed. ROD filed. Instruction to appoint Counsel to consult on Explanatory. State Attorney advised against the Explanatory due to the nature of the decision taken by the MO.
11	Maj N.M. Mashabane v Military Ombud	15/02/2021	High Court Application – Implementation of the MO's recommendations.	Applicant sought no order against the Ombud. State Attorney was instructed to file Notice to Abide.
12	CO K. Mokheseng v Military Ombud (5th Respondent)	March 2021	High Court Application to review and set aside the MO's finding that his section 59(3) discharge was fair.	Judgement was delivered November 2022. The Office was notified by State Attorney.
13	Minister of Defence v Military Ombud and B.B. Plaatjies	March 2021	Application to have the Ombud's recommendations set aside.	State Attorney was instructed to oppose the matter. Private Attorneys appointed through SA due to conflict of interest. Consultation took place on 24 Feb 2022/ROD Filed. Consultation with Counsel - 1 June 2022. Applicant did not supplement or amend their papers. Answering affidavit Filed 29 August 2022. Applicant did not serve a replying affidavit. Attorneys instructed to set the matter down for hearing.
14	J.J. Maasdorp v Minister of Defence	20/12/2021	Application to have the Ombud's recommendations implemented.	Instructed State Attorney to file a notice to Abide. No further feedback on pleadings
15	M.P. Maleka v Minister of Defence and Military Ombud	11/05/2022	Application to have the Ombud's recommendations implemented.	Instructed state attorney to file a notice to abide and to brief counsel to file an explanatory affidavit. No relief is sought against the Ombud. However, an explanatory will be filed to protect the interests of the Office. Quotations sought from 3 Advocates for briefing purposes.
16	A.M. Maroga v Minister of Defence	07/08/2023	Application for joinder. The Office of the Military Ombud was joined as the 6 <sup>th</sup> respondent and no order is sought against the Office.	Matter set down for 21 December 2023
17	S.Y. Marape v Minister of Defence, SANDF, Adjutant General, Maj Gen Mnisi and Military Ombud	02/10/2023	To file Notice to Oppose Motion and to appoint Counsel.	Notice to file was filed by State Attorney. Counsel was appointed. Consultation was held on 21 November 2023 between State Attorney, Counsel, DOD and MO. State Attorney was provided with copy of record (office file), outline of MO Investigation process and mapping of historical events.

**PART C: OPERATIONS**

Ser No	Party in Litigation	Date Received	Description	Current Status
	a	b	c	d
				MO's answering affidavit signed and submitted to State Attorney
18	J.P.S. Dzumba v Minister of Defence and Military Ombud	09/10/2023	To file Notice to Oppose and to appoint Counsel.	Notice to Oppose filed by State Attorney. Counsel was appointed and consultation held on 07 Nov 2023. Record was filed. Amended Advisory Memo from Counsel received. Applicant required further documents in regard of filed record, which were provided. Consultation with Counsel was held on 29 February 2024 regarding MO's draft Answering Affidavit. Awaiting new draft Answering Affidavit from Counsel.

**STATUS OF MEMORANDA OF UNDERSTANDING/MEMORANDA OF AGREEMENT/ SERVICE DELIVERY AGREEMENTS**

Key stakeholder relations that impacted on the core business of the Office were managed through Memoranda of Understanding (MOU), Memoranda of Agreement (MOA) and Service Level Agreements (SLA). While these documents 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 financial year.

**Table 9: Status of Memoranda of Understanding, Memoranda of Agreement and Service Level Agreements**

Stakeholder	Status of MOU/MOA/SLA			Comment
	In Process	Signed	To be Reviewed	
a	b	c	d	
DOD (MOU/SLA)	✓			MOU between Sec Def, C SANDF and Military Ombud received on 25 January 2024 from DLSD. MOU was discussed with SANDF Legal Advisor on 10 April 2024. MO Office requires to include some amendments.
Defence Force Service Commission (MOU)			✓	Copy obtained from DFSC. Review assessment due in October 2024.
Public Protector (MOU)	✓			MOU currently in review by the MO office and distributed to Senior Management. Target date for inputs to Legal is 19 April 2024.
Office of the Health Ombud (MOA)		✓		The MOA with the Office of the Health Ombud was signed.
Government Communication and Information System (GCIS) (MOA)		✓		The MOA with the Government Communication and Information System (GCIS) was signed.

**LEGAL REVIEW OF INVESTIGATION REPORTS**

The legal review of investigative reports enhances the complaints handling mechanism of the Office. In addition, it intends to limit foreseeable legal risks in an effort to contain and possibly minimise exorbitant litigation costs to the Office, complainants and the DOD.

**PROMOTION OF ACCESS TO INFORMATION MANUAL**

Efforts are currently ongoing to update the Promotion of Access to Information Manual for the Office. The Information Regulator conducted a compliance assessment audit and issued a Compliance Assessment Report to the Military Ombud during October 2023. The recommendations of the said report were currently addressed and the updating and amendment of the Promotion of Access to Information Manual for the Office is underway.

**PART C: OPERATIONS****COMMUNICATION****PURPOSE**

The purpose of Communication Services is to ensure an effective, efficient and economical communication services to the Office of the Military Ombud.

**OVERVIEW**

The Office Communication Unit has the responsibility to create awareness and educate members of the SANDF, former members of the SANDF and members of the public about the role and the mandate of the Office of the Military Ombud. Furthermore, the Office aims to strengthen internal, external and international relations between the Office and its internal and external stakeholders.

To fulfil this output a comprehensive communication strategy detailing partnerships and collaborations with diverse stakeholders has been developed to ensure the effective implementation of the communications plan.

During the reporting period, the Office conducted Outreach Programmes, stakeholder engagements in areas where the SANDF is internally deployed. The purpose of the Outreach Programmes and community awareness programmes is creating a platform of communication between the Office and the members of the public to educate the public in terms of the support which the Office can provide regarding the official conduct of members of the SANDF.

The Office, in partnership with Joint Operations Mission Readiness Induction training, has become one of the most progressive platforms to educate SANDF members on the mandate of the Office and human rights issues prior to internal and external deployments.

The invitation by the Chief Defence Reserves during their special visits to deployment areas in the borderlines have assisted the Office tremendously in fulfilling its objective since this has been an opportunity to introduce the operations of the Office to the Reserve Forces and other members.

The Office enhanced stakeholder relations between the Office and the Border Management Agency (BMA), municipalities, the GCIS and other Government Departments which have proved to be effective as the Office has been able to conduct numerous public activations through Presidential Imbizos, public participation events, national days and other municipality community engagements.

The MOA signed between the Office and GCIS ensured that the Office was able to reach diverse audiences. The Office had unsolicited interviews on various Community Radio Stations which included Makhado FM, Energy FM and Choice FM and media statements were issued continuously during Outreach Programmes.

**INTERNAL COMMUNICATION MANAGEMENT**

Internal communication platforms remain a priority in order to inform Staff Members of strategic matters pertaining to the Office. These platforms were used to disseminate information and achievements by the Office. The internal communication platforms included Military Ombud Communication Sessions, Executive Committee and Management Committee meetings, e-mail broadcasting services and Office newsletters.

**EXTERNAL COMMUNICATION MANAGEMENT**

During the period under review, the Communication Directorate, aimed to maintain and sustain the existing stakeholders to implement its Outreach Programme. The successful engagement with key

## PART C: OPERATIONS

stakeholders during the 2023 Annual Military Ombud Symposium proved that the Office has extended its reach to different segments of audiences in the military, academia, government, public entities, similar organisations and the public.

Over the years, the Office has spent time building relations with the three spheres of government and public entities to fulfil the objectives of the communication strategy to reach stakeholders far and beyond, and this is bearing fruits.

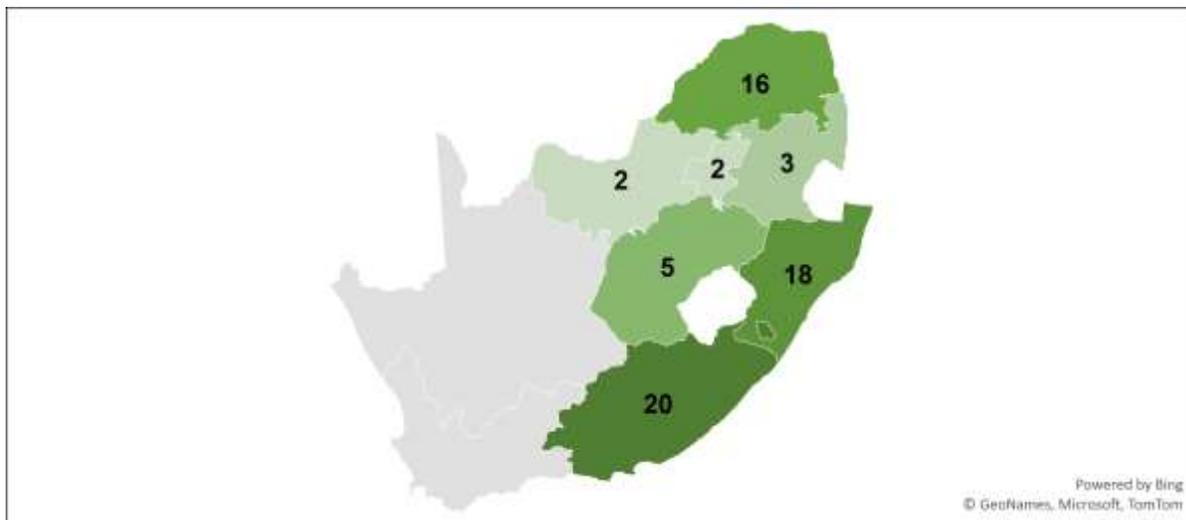
The Outreach Programme campaign is impactfully creating awareness among former and current servicing members of the SANDF and strengthening the understanding and support of the Office in the Defence Force.

The Office continues to strengthen its relations with the Department of Defence and Military Veterans, regional and international bodies and the public.

### OUTREACH PROGRAMME

During the reporting period, the Office successfully implemented its Outreach Programme through community engagements and visits to deployment areas and units. Figure 13 below illustrate the number of visits per province.

**Figure 13: Number of Military Units visited per Province**



### INTERNATIONAL RELATIONS

The Office continued to build and enhance international relations with international stakeholders. International relation collaborations have consistently strengthened the profile of the Office internationally.

The Office is an affiliate voting member of the IOI, AOMA and DCAF and continue to derive value from these international memberships. The value of being a member of these institutions has proven to be a necessary tool to strengthen the capacity of Ombudsman institutions to be an efficient service that is responsive to the needs of the citizens of their respective countries and enhanced complaints handling.

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

**PART C: OPERATIONS**

The Military Ombud and DCAF bilateral relations has grown substantially over the years, including mutual collaboration in Africa to support the establishment of similar military ombud institutions. Through open dialogue and a consultative approach, the Office had promoted good governance of the security sector at international, sub-regional and regional levels.

The Office attended webinars presented by AOMA bi-monthly. The Military Ombud attended the DCAF Foundation Council during June and December 2023. He further led a delegation to the AOMA General Assembly in November of 2023 where he participated in the voting of new Members.

**RESEARCH AND DEVELOPMENT**

The Research and Development (R&D) 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.

In the reporting year the R&D Unit undertook Complainants Satisfaction surveys and Perception surveys 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.

**PART D: GOVERNANCE, RISK AND COMPLIANCE****PART D: GOVERNANCE, RISK AND COMPLIANCE**

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 Office aligned itself with the principles of governance and implemented the GRC Framework to ensure it supports effective and efficient functioning.

During the reporting period, the Office continued to improve internal control systems in terms of Section 45 of the PFMA. The Office ensured accountability through the implementation of the SP (2020-2025), APP for the 2023/24 Medium-Term Expenditure Framework, AOP for FY2023/24 and required Support Plans.

The day-to-day organisational administration support and management function to the Office ensured the effective, efficient and economic resource administration and support services (HR, Finance, Logistics and Procurement of goods and services and ICT).

Through conducting monthly Executive (EXCO) meetings, Management (MANCO) meetings and Dashboards, the Office ensured that the performance outputs and targets were achieved by continuously monitoring, reporting and taking corrective measures.

**COMMITTEE, AUTHORITIES AND RESPONSIBILITIES**

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

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 and as captured in Table 10 below.

**Executive and Management Committee.** During the period under review, leadership has managed to improve on turnaround times with complaints resolution. Management practices continued to be the foundation of the operations of the Office. The Military Ombud and his Deputy contributed towards strengthening accountability in the Office, by ensuring quarterly EXCO meetings and monthly MANCO meetings; and provided strategic direction on matters of governance, accountability and effective management.

**Governance Committees.** The following committees were 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 guidelines and PFMA.

## PART D: GOVERNANCE, RISK AND COMPLIANCE

Table 10: Governance Structures

Governance Structure	Function/Aim	Frequency	Chairperson
a	b	c	d
Executive Meeting	To provide strategic direction to the Office of the Military Ombud	Quarterly	Military Ombud
Management Committee	To outline terms of reference for MANCO and develop an ongoing partnership/trust between Operations Chief Directorate, Legal Services, Executive Office and Corporate Support, enabling the organisational entities to co-ordinate efforts geared towards improved accountability, governance, risk and compliance for effective, efficient and transparent reporting.	Monthly	Deputy Military Ombud
Military Ombud Dashboard (Operations)	To act as an oversight body ensuring standardisation compliance to service delivery standards.	Monthly	Military Ombud
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
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
Military Ombud Dashboard (Corporate Support)	The management and co-ordination of the Corporate Support environments daily activities.	Monthly	Chief Corporate Support
Corporate Support Management Meeting	The management and co-ordination of the Corporate Support environments daily activities.	Monthly	Chief Corporate Support
Finance Governance Risk Compliance Sub Committee	To ensure that Office has accountable, transparent, cost effective, efficient and equitable financial management.	Fortnightly	Deputy Military Ombud
Human Resource Development Committee	To promote education, training and development within the organisation in order to enhance organisational performance	Bi-monthly	Director Investigations

## ENTERPRISE RISK MANAGEMENT

During the FY2023/24, the Office continued to ensure that Strategic and Operational risks were managed and reported through management committees and oversight governance structures. These committees were responsible for not only determining the risks that the Ombud is willing and able to take to achieve the mandate, impact and strategic outcomes, but also emphasised that all the risks are properly identified, evaluated and managed.

The Office has elevated strategic risks and mitigating factors and implementing good governance practices such as accountability, transparency, and setting clear objectives.

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

Table 11: Strategic Risks for the FY2023/24

Risk Ref No	Risk Description	Risk Response
MO02/19	<p>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.</p> <p>The Act furthermore is not aligned with higher order legislation (PFMA) wrt reporting timeframes.</p> <p>The credibility of the Military Ombud to deliver on the mandate is compromised due to a lack of understanding and trust by all stakeholders.</p>	<p>The Office will follow the Legislative amendment/review process to ensure alignment of the Military Ombud Act with the appropriate organisational form identified.</p> <p>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.</p>
MO01/20	<p>Shortfall on Compensation of Employees (CoE) Budget. Since the Office was created as a line-item, numerous</p>	<p>The Military Ombud will continue to address this matter with the Executive Authority.</p>

**PART D: GOVERNANCE, RISK AND COMPLIANCE**

Risk Ref No	Risk Description	Risk Response
	requests were submitted to the DOD explaining that the allocation did not fulfil the requirement wrt the number of staffed posts.	
MO01/22	<p>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 wrt the finalisation of complaints, namely:</p> <ul style="list-style-type: none"> <li>• Non receipt of timeous response from DOD (Services and Divisions);</li> <li>• Unavailability of information from DOD archives; and</li> <li>• Lack of cooperation of stakeholders</li> </ul>	<p>Enforcement of MOU with Stakeholders and Service level Agreements .</p> <p>Monthly engagements between Mil Ombud and CSANDF as well as monthly Liaison Forums between the Office and SANDF to monitor progress.</p>

## PART E: CORPORATE SUPPORT

## PART E: CORPORATE SUPPORT

## PURPOSE

The purpose of Corporate Support is to provide effective, efficient and professional resource support services in order to enable the Office of the Military Ombud to achieve its mandate.

To ensure effective, efficient and professional resource support services to the Office to achieve its mandate, Corporate Support provided management and resource support functions which includes HR Management, Financial Management, Logistic and Procurement Services, Information and Communication Technology Support, Policy, Strategy and Planning guidelines and Facilities, Security and Reception Management.

## HUMAN RESOURCE MANAGEMENT

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

**Planned Strength, Employment and Vacancies.** The planned strength for the Office, Table 12 and 13 below, was 63 for the FY2023/24. However, during the review period the Office could only achieve a strength of 58 employees. The decline in personnel strength was due to delays in the recruiting process and unplanned attritions.

Table 12: Strength as at 31 March 2024

Environment	Planned Strength	Actual Strength
a	b	c
Executive	6	5
Operations	37	34
Support	20	19
<b>Total</b>	<b>63</b>	<b>58</b>

Table 13: Employment and Vacancies as at 31 March 2024

Environment	Approved Posts	Staffed Posts	Vacant Posts
a	b	c	d
Executive	6	5	1
Operations	37	34	3
Support	20	19	1
<b>Total</b>	<b>63</b>	<b>58</b>	<b>5</b>

**Compensation of Employees.** The Office Item 10 Vote for FY2023/24 was Rm40,462 which represents 60% of the allocation. Rm45,215 was paid leading to an over expenditure of Rm4,753 on the COE as seen in Table 14 and 18.

Table 14: Compensation of Employees as at 31 March 2024

Expenditure	Number of Approved Posts	Number of Staffed Posts	Rand Value
a	b	c	d
Total Expenditure	89	58	Rm45,215

**Education, Training and Development.** The Office provided learning opportunities and skills training to enhance knowledge and skills of employees, towards creating a competent workforce

**PART E: CORPORATE SUPPORT**

and a culture of learning. Table 15 below indicates the number of learning opportunities which were provided during the financial year.

**Table 15: Education, Training and Development Opportunities as at 31 March 2024**

Environment	Short Courses/Symposium/Conference
a	b
Combined Training	389

**Employment Equity Figures.** 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 16: Employment Equity Figures as at 31 March 2024**

Environment	Male				Female			
	African	Asian	Coloured	White	African	Asian	Coloured	White
a	b	c	d	e	f	g	h	i
Executive	2	0	0	0	3	0	0	0
Operations	17	1	0	1	15	0	0	0
Support	7	0	0	1	8	0	1	2
<b>Total</b>	<b>26</b>	<b>1</b>	<b>0</b>	<b>2</b>	<b>26</b>	<b>0</b>	<b>1</b>	<b>2</b>

**Attrition.** Table 17 below indicates the unplanned attritions during the FY2023/24. As an intervention, the Office were able to call-up reserves to bridge the gap.

**Table 17: Attrition as at 31 March 2024**

Environment	Attrition Number
a	b
Resignation	2

**OFFICE OF THE MILITARY OMBUD EXPENDITURE****PERSONNEL EXPENDITURE**

Personnel expenditure increased from R44,074 million in the 2022/23 financial year to Rm45,215 in the 2023/24 financial year. There were a number of vacancies during the financial year that reduced the over-expenditure.

Should the posts have been staffed, the personnel expenditure would have exceeded the allocation further. This is a result of when the Office became a line item in the National Treasury letter of allocation. The allocation did not take into account the costs related to the sixty-three (63) staffed posts and the Office was underfunded.

**OPERATING EXPENDITURE**

Operating expenditure increased from Rm12,061 in the 2022/23 financial year to Rm13,370 in the 2023/24 financial year. The variance of Rm1,309 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 all planned outputs.

## PART E: CORPORATE SUPPORT

Table 18: Expenditure Report for the Office of the Military Ombud as at 31 March 2024

Standard Chart of Accounts Level 3 Description	Standard Chart of Accounts Level 4 Description	Vote R'000	Final Appropriation R'000	Amount Paid R'000
		R'000	R'000	R'000
a	b	c	d	e
Compensation of Employees	Salaries and Wages	35,364	35,364	39,835
	Social Contributions	4,800	4,800	5,380
<b>Compensation of Employees Total</b>		<b>40,164</b>	<b>40,164</b>	<b>45,215</b>
Goods and Services	Advertising	5,300	4,402	72
	Catering Departmental Activities	291	268	109
	Communication	1,160	1,160	875
	Computer Services	5,857	3,021	1,834
	Consumables Supplies	107	523	207
	Consumables Stationary Print and Office Supplies	262	373	151
	Consultants Business and Advisory Services	855	1,427	4
	Contractors	100	110	51
	Entertainment	20	20	6
	Fleet Services	273	402	195
	Inv: Chemicals, Fuel, Gas, Wood and Coal	33	490	336
	Inv: Clothing Material and Accessories	0	98	0
	Inv: Food and Food Supplies	39	127	23
	Inv: Materials and Supplies	28	89	16
	Inv: Medical Supplies	18	78	27
	Minor Assets	118	570	216
	Operating Payments	866	1,407	567
	Property Payments	1,980	1,211	777
	Science and Technology Services	221	45	0
	Training and Development	3,470	2,605	1,035
Travel and Subsistence	3,295	3,947	3,022	
Venues and Facilities	310	524	524	
<b>Goods and Services Total</b>		<b>24,605</b>	<b>22,898</b>	<b>10,045</b>
<b>Payments Total</b>		<b>64,769</b>	<b>63,062</b>	<b>55,260</b>
Departmental Agencies and Accounts	Transfers and subsidies Departmental Agencies	1	1	1
Provincial and Local Government	Transfers and subsidies Municipalities	12	12	11
Households	Employee Social Benefits	102	102	241
<b>Transfers and Subsidies Total</b>		<b>116</b>	<b>116</b>	<b>253</b>
Machinery and Equipment	Other Machinery and Equipment	778	2,649	1,966
	Transport Equipment	0	1,042	977
Software and Intangible Assets	Software and Other Intangible Assets	1,500	191	128
Buildings and Other Fixed Structures	Buildings	0	103	0
<b>Purchase and Construction Capital Assets Total</b>		<b>0</b>	<b>103</b>	<b>0</b>
<b>Grand Total</b>		<b>67,163</b>	<b>67,163</b>	<b>58,585</b>