

*Impartial & Independent*

# **MILITARY OMBUD**

## **ANNUAL ACTIVITY REPORT**

### **FY2016 – 2017**



**defence**

Department:  
Defence  
**REPUBLIC OF SOUTH AFRICA**



# **MILITARY OMBUD**

## **ANNUAL ACTIVITY REPORT FY2016 – 2017**





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# STATEMENT OF RESPONSIBILITY AND CONFIRMATION OF ACCURACY



## 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 the Annual Report as issued by National Treasury.
- The Financial Expenditure Report have been prepared in accordance with the cash standard and relevant frameworks and guidelines issued by the National Treasury.
- The Accounting Authority is responsible for establishing, and implementing a system of internal control has been designed to provide reasonable assurance as to the integrity and reliability of the performance information, the human resources information and the expenditure report.
- In our opinion, the annual activity report fairly reflects the operations, performance information, the human resources information and financial affairs of the entity for the financial year ended 31 March 2017.



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

# GENERAL INFORMATION

- Military Ombud General Information
- List of Abbreviations/Acronyms
- Foreword by the Minister of Defence and Military Veterans
- Foreword by the Military Ombud
- Strategic Overview
  - Vision
  - Mission
  - Values
  - Legislative Mandates



## GENERAL INFORMATION

### MILITARY OMBUD GENERAL INFORMATION

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Pretoria  
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**Telephone Number:** (012) 676 3800  
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**Facsimile Line:** 086 523 2296

**Website Address:** [www.milombud.org](http://www.milombud.org)

## LIST OF ABBREVIATIONS / ACRONYMS

A	APP	Annual Performance Plan
	AOMA	African Ombudsman and Mediators Association
	AD	Assistant Director
	AMHU	Area Military Health Unit
	ASB	Army Support Base
	AORC	African Ombudsman Research Centre

B	Brig Gen	Brigadier General
	BMT	Basic Military Training

C	CTC	Combat Training Centre
	CFO	Chief Financial Officer
	Cpl	Corporal
	CSANDF	Chief of the South African National Defence Force
	CHR	Chief of Human Resources
	CDLS	Chief Defence Legal Services
	CMS	Case and Matter Management System

D	DOD	Department of Defence
	DPASA	Department of Public Service and Administration
	DCAF	Democratic Control of Armed Forces
	DRC	Democratic Republic of Congo

E	EXCO	Executive Committee
	ENCA TV	e-News Channel Africa
	ETV	Educational Television

F	FY	Financial Year
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G	GLIS	Group Life Insurance Scheme
	GCIS	Government Communication Information Services
	GRC	Governance, Risk and Compliance
	Gp	Group
	GTAC	Government Technical Advisory Centre

H	HR	Human Resources
	HQ	Headquarters

I	ICOAF	International Conference of Ombuds Institutions for the Armed Forces
	IOI	International Ombudsman Institutions

J	JSB	Joint Support Base
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L	Lt Gen	Lieutenant General
	Log	Logistic
	L Cpl	Lance Corporal

M	MOD&MV	Minister of Defence and Military Veterans
	Maj Gen	Major General
	MDC	Military Discipline Code
	MSDS	Military Skills Development System
	MOU	Memoranda of Understanding
	MANCO	Management Committee

O	OC	Officer Commanding
	OHS	Occupational Health and Safety

P	Pte	Private
	PSC	Public Service Commission

R	RET	Retired
	RSCF	Resource Support Co-ordination Forum

S	SANDF	South African National Defence Force
	SAN	South African Navy
	SA Army	South African Army
	SAAF	South African Air Force
	SAMHS	South African Military Health Services
	SMCS	Structure Management Control System
	SAI BN	South African Infantry Battalion
	S Sgt	Staff Sergeant
	SLA	Service Legal Agreement
	SP	Strategic Plan
	SITA	State Information Technology Agency
	SABC	South African Broadcasting Co-operation
	SAHRC	South African Human Rights Commission
	SCM	Supply Chain Management
	SecDef	Secretary for Defence
	2IC	Second in Command

U	URS	User Requirement Specification
	UNCAT	United Nations Conventions Against Torture
	UNESCO	United Nations Educational, Scientific and Cultural Organisation

W	wrt	With regards to
	WO2	Warrant Officer Class 2



## FOREWORD BY THE MINISTER OF DEFENCE AND MILITARY VETERANS (MOD&MV), THE HONOURABLE MS N.N. MAPISA-NQAKULA, MP

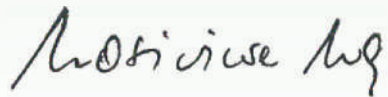
Five years ago, we made a commitment to our men and women in uniform within the South African National Defence Force (SANDF). A commitment that we will create an independent mechanism to investigate their complaints against the SANDF or complaints against them by members of the public in a fair, economic and expeditious manner. As we now mark the fifth year of the existence of the Office of the Military Ombud (the Office), it is therefore necessary that we look back and take stock of what we have achieved over the past financial year and most importantly reflect on the future and devise means and ways of strategically positioning the Office so as to enable it to discharge its functions independently without hindrance.

This Annual Activity Report, among other things, accounts for the performance and achievements of the Office over the 2016/17 financial year. From a performance perspective, I am proud to note that the Office has over the five year period attended to over 1900 complaints mainly from within the SANDF. This aptly demonstrates that systems and processes have been established within the Office and most importantly that soldiers have trust and confidence in their complaints being attended to professionally by the Office. The case studies and performance statistics reflected in this Annual Activity Report bear testimony to this professionalism and provides the public with an opportunity to hold the Office to account for utilisation of its allocated resources. I am further pleased to note that the Office has improved its ability to utilise Alternative Dispute Resolution mechanisms (ADR) to resolve some of the complaints. ADR is essential in building confidence, trust and maintaining good relations within the SANDF.

In as much as we celebrate these achievements, we shouldn't miss the opportunity to re-evaluate the current institutional arrangements between the Office and the Department of Defence (DOD). The Office is established by the Military Ombud Act 4 of 2012 as an independent institution and therefore it is essential that these institutional arrangements do not impinge on the independence of the Office. These institutional arrangements were both essential and necessary at the initial stages of establishing the Office. However, as the Office improves its capacity to run its systems and manage own affairs it must be given the space to do so independently.



It is therefore encouraging to note that the Office and the DOD have already established a joint task team to review and re-evaluate the current institutional arrangements. The public sector's institutional framework presents a number of options for the future positioning of the Office and each of these must be explored thoroughly to determine the next course of action for the Office. This will be an open and transparent process that will be pursued in full consultation with all other stakeholder departments.



**(N.N. MAPISA-NQAKULA)**  
**MINISTER OF DEFENCE AND MILITARY VETERANS, MP**

## FOREWORD BY THE MILITARY OMBUD, LT GEN (RET) T.T. MATANZIMA

It gives me great pleasure to table the South African Military Ombud Office Annual Activity Report for the 2016 / 17 financial year. It has been a year with many changes and challenges for the Office. For one, the Office continues to receive complaints. Second, we have considerably revised our Outreach Operational Strategy and further expanded our thematic reach. In line with this approach, I am pleased to note progress made in addressing the complaints lodged through my Office.

The changes are reflective of internal developments and of our own organisational learning, after more than four years of attempting to contribute to local efforts to reduce maladministration and enhance good governance.

The nascent collaboration with other stakeholders continues to yield good results. This and similar new partnerships are founded in the conviction, and indeed experience, of helping to resolve the complaints lodged in writing by the current and former serving members of the South African National Defence Force (SANDF) and the community regarding the official conduct of the SANDF members.

Another operational development is our quest to establish regional pilot offices across the country. This change in operational strategy is founded in the recognition that trust and an in-depth understanding of the context are essential prerequisites for tangible progress in any area of our work. We hope this will be of use to all our stakeholders, the citizens in uniform and the community.

Despite tough austerity measures I am optimistic that we will continue to pursue this goal, while constantly and critically reviewing our approach and remaining open-minded and flexible to adjust our way of doing business when and if it becomes necessary.

I am proud and grateful to my staff and colleagues, who have dealt with these significant changes with exceptional professionalism, calm, and seemingly never ending enthusiasm and passion in our mission to eradicate maladministration and improve operational oversight.



I herein conclude that the South African Military Ombud Office is on track and well positioned in its role in the management and resolution of complaints within the SANDF and communities.

In retrospect, I would like to extend my appreciation of the support the Office receives from the Minister of Defence and Military Veterans, the Honourable Nosiviwe Mapisa-Nqakula, in order to achieve our strategic objectives. We look forward to a fruitful relationship and interaction with the members of the SANDF, the Department of Defence (DOD) and the communities they serve.

In my opinion, the annual activity report fairly reflects the operations, the performance information, the human resources information and the financial affairs of the Office of the Military Ombud for the financial year ended 31 March 2017.

A handwritten signature in black ink, appearing to read 'T.T. Matanzima', with a stylized, flowing script.

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

## STRATEGIC OVERVIEW

### Vision

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

### Mission

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

### Values

Organisational Values. The core values in support of the mission of the Office of the Military Ombud shall include the following:

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

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

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

- Behaviour. We behave in a manner that engenders respect from our clients.
- Results Driven. We go the extra mile to ensure that the solutions that are developed adhere to and enhance departmental requirements.
- Teamwork. We take joint responsibility through teamwork.

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

## Legislative Mandate

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

**Table 1: Legislative Mandate**

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

<sup>1</sup> The Reporting function include the compilation and submission of an Annual Performance Plan (APP), Annual Report (AR) and the Quarterly Reports.



# PERFORMANCE INFORMATION

- Introduction
- Mandate
- Outcome
- Overview of Office Performance





# PERFORMANCE INFORMATION

## INTRODUCTION

The Office of the Military Ombud Annual Activity Report for the FY2016/17 is presented herewith. The report details the ways in which the Office achieved the strategic objectives by means of meeting set obligations, providing capabilities, ensuring comprehensive administration and management of the Office.

The Military Ombud is responsible for the performance of the Office's performance information and is responsible for establishing and implementing internal controls designed to provide reasonable assurance as to the integrity and reliability of the performance information.

The performance information fairly reflects the actual achievement against planned objectives, indicators and targets as per the Strategic Plan (SP) and the Annual Performance Plan (APP) of the Office for the Financial Year (FY).

## MANDATE

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

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

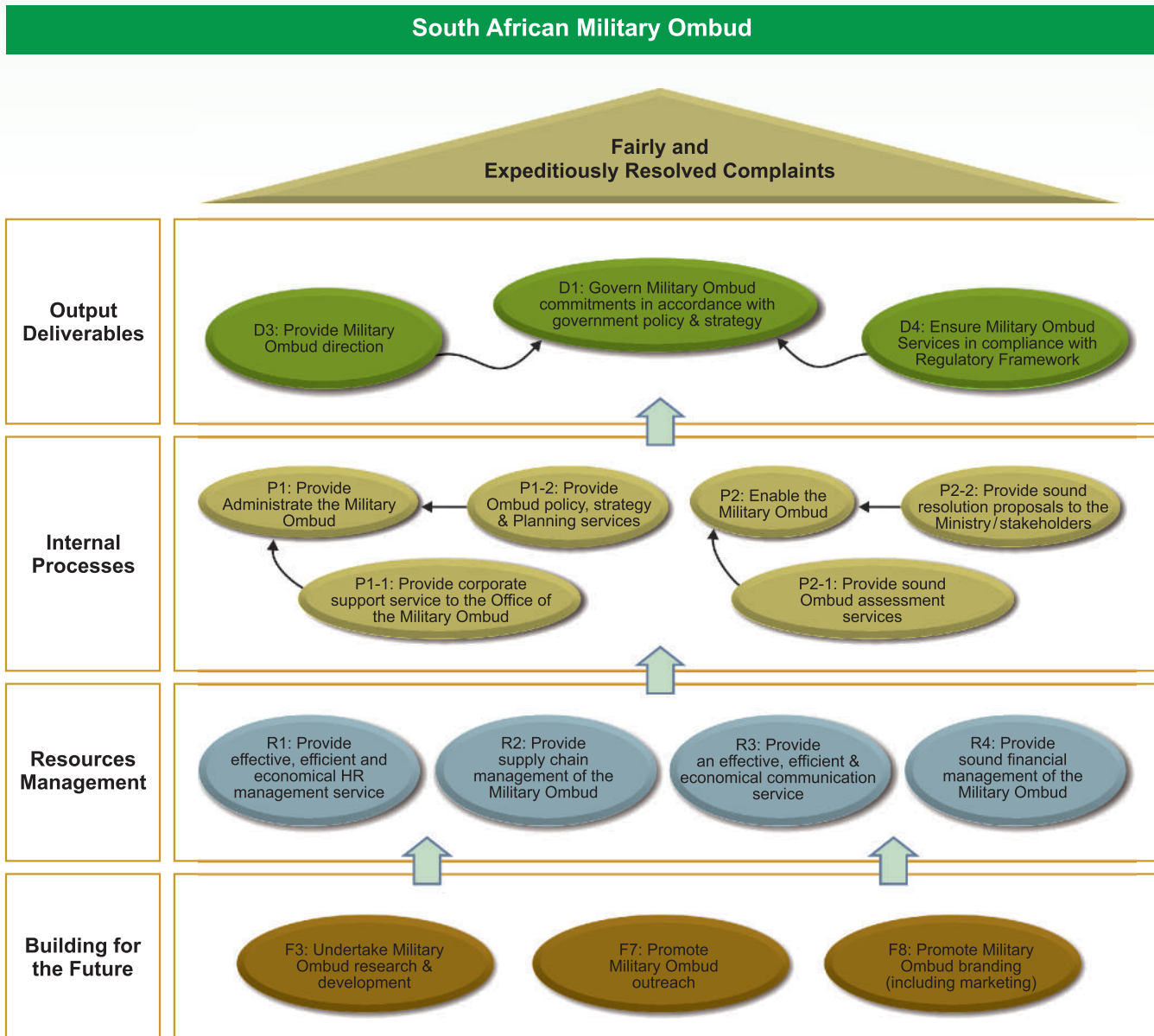
## OUTCOME

The Office remains committed to adhere to the national prescripts relating to planning, budgeting and reporting. The Military Ombud Strategy Map (Logic Model equivalent) as a representation of the core legislative mandate is presented in figure 1 and informs the Office's planning, budgeting, reporting and risk management processes throughout all functionalities within the Office. The strategy map is aligned to the national logic model requirements and provided the Office of the Military Ombud's outcome, outputs, internal processes (activities), resource management (inputs) and the additional perspective “Building for the Future”.

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

- Fairly and Expediently Resolved Complaints.

**Figure 1: Military Ombud Strategy Map**



## OVERVIEW OF OFFICE PERFORMANCE

**Table 2: Overview of the Office Performance for FY2016/17**

Strategic Objective	Programme Outputs	Measureable Indicator	Annual Target	Performance Results	Reason for Deviation	Comments
a.	b.	c.	d.	e.	f.	g.
To ensure strategic direction to the Office of the Military Ombud in-line with Government's intent and expectations.	To manage Military Ombud policy by providing credible policy direction.	Percentage compliance to Policy on Policy.	60%	50%	10% deviation due to a shortage of personnel capacity as well as non-adherence to target dates by stakeholders.	
	To provide strategic planning, risk management and performance monitoring and evaluation function.	Percentage compliance to National Prescripts.	100%	100%		The Office tabled the FY2015/16 AR during May 2016 and the FY2017/18 APP during March 2017.
	To ensure an optimal and cost effective organisational structure.	Percentage compliance to organisational requirements.	60%	40%	To address the quest for independence the Office engaged with National Treasury, GTAC, DPSA and SITA for assistance. Due to the detailed requirements and the required engagements this process is taking longer than expected.	
To enhance and maintain corporate operations within the Office of the Military Ombud.	To investigate and ensure that complaints are resolved/ finalised in a fair economical and expeditious manner.	Percentage complaints submitted versus finalised.	60%	55%	143 of 310 complaints received during the financial year were received during the last quarter which represents almost 50%, of complaints. Due to the turn-around time to finalise complaints this factor impacted negatively on the result.	Most of the complaints received during the last quarter of the financial year will be finalised during the first quarter of the new financial year.

Strategic Objective	Programme Outputs	Measureable Indicator	Annual Target	Performance Results	Reason for Deviation	Comments
a.	b.	c.	d.	e.	f.	g.
To enhance and maintain corporate operations within the Office of the Military Ombud.	To provide effective and efficient legal services to the Office of the Military Ombud.	Degree to which timely, effective and efficient legal services are provided to the Military Ombud, Operations and Support.	70% of requested legal services provided.	62% of all requested legal services provided.	8% deviation can be attributed to the litigation matters that involve lengthy litigation process and the delay by external stakeholders to respond within stipulated time frames for the finalisation of legal instruments such as Memoranda of Understanding (MOU's).	Approach to enhance stakeholder compliance will be reconsidered.
	To ensure an effective, efficient and economical communication service to the Office of the Military Ombud.	Percentage compliance to the communication strategy.	70% compliance to the communication strategy.	99.6%	The reason for overachievement of the communication annual target is due to the intensive outreach programme launched during the 3rd quarter where up to four (4) Military Units were reached per day.	
The administration of Military Ombud resources as prescribed in the Regulatory Framework.	To provide an effective, efficient and economical Human Resources (HR) management service.	Percentage compliance with HR plan.	90%	81.5%	The HR environment did not achieve the set 90% target due to the non-appointment of the Deputy Military Ombud and Staff.	
	To provide a cost effective financial management service for the Military Ombud within the evolving regulatory framework.	Percentage compliance with allocated budget.	95%	89.5%	The deviation on the HR and Log targets had a direct impact on the Finance target. The deviation is attributed to the long procurement process within the DOD as well as the non-appointment of the Deputy Military Ombud and Staff.	

**Table 2: Overview of the Office Performance for FY2016/17 (continued)**

Strategic Objective	Programme Outputs	Measureable Indicator	Annual Target	Performance Results	Reason for Deviation	Comments
a.	b.	c.	d.	e.	f.	g.
The administration of Military Ombud resources as prescribed in the Regulatory Framework.	To optimally direct supply chain management of the Military Ombud with the allocated budget in accordance with policies, procedures and prescripts.	Percentage compliance with allocated logistic budget.	95%	77.8%	The deviation is mostly influenced by the fact that the procurement progress is administered by the DOD and the Office of the Military Ombud has no control over the timelines.	
	To ensure the effective, efficient and proper use of Military Ombud Information and Communication Technology (ICT) in accordance with legislation.	Percentage down time versus connectivity.	80%	81.2%	The reason for the overachievement is a result of upgrades made during the reporting year on the LAN and Internet capacity within the Office.	
	To provide an effective and efficient facility and organisation security service in accordance with legislation and policy.	Reduction in the number of security infringements.	36%	63%	The deviation is a result of non-adherence to the security policy and the lack of a security culture within the Office.	

# GOVERNANCE

- Introduction
- Governance Structures
- Risk Management
- Corruption and Fraud Prevention



# GOVERNANCE

## INTRODUCTION

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

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

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

## GOVERNANCE STRUCTURES

Good Governance promotes timely, efficient and cost effective delivery of complaints handling services to complainants and it is being increasingly recognised as an important aspect for the management of the investigation of complaints.

**Figure 2: Corporate Governance High Level Model**



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

The governance mechanisms in place include monitoring actions, policies, practices, and decisions of the Office. Mechanisms are also in place to regulate formal and informal relationships between the Office and its stakeholders and in embracing good corporate governance the Office seeks to align its own goals with those of its stakeholders in order to strengthen cohesion and synergy. The Office has taken steps to address its own internal governance structures and requirements and has made significant progress in this regard. The Office has implemented a Fraud and Corruption Prevention Strategy which is aimed at anti-corruption awareness. In addition the steps taken encompasses the implementation of risk management and compliance mechanisms and the development and improvement of policies and procedures.

Although the Office is still fairly new a three (3) tier governance structure approach was institutionalised to ensure internal control mechanisms are in place. The governance structures institutionalised in the Office of the Military Ombud are:

**Table 3: Military Ombud Governance Structure**

Governance Structure	Function/Aim	Frequency	Chairperson
a.	b.	c.	d.
Executive Meeting (EXCO)	To provide strategic direction to the Office of the Military Ombud.	Quarterly	Military Ombud
Military Ombud Dashboard	To act as an oversight body ensuring standardisation compliance to service delivery standards.	Quarterly	Military Ombud
Resource Support Co-ordination Forum	To ensure oversight over the administrative function within the Office of the Military Ombud.	Monthly	Rotational basis between Chief Director Operations and Chief Corporate Support
Operations Management Meeting	The management and co-ordination of the Operations environments daily activities.	Twice a month	Chief Director Operations
Operations Dashboard	To provide guidance wrt the standardisation of complaints submitted.	Monthly	Chief Director Operations
Corporate Support Management Meeting	The management and co-ordination of the Corporate Support environments daily activities.	Twice a Month	Chief Corporate Support



## RISK MANAGEMENT

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

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

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

**Table 4: Risk Responses and Progress Made**

Strategic Objective	Risk Description	Risk Response	Progress Made
a.	b.	c.	d.
To ensure strategic direction to the Office of the Military Ombud in-line with Government's intent and expectations.	Military Ombud Act does not address the accountability framework.	The Military Ombud Act does not cover the scope of the Military Ombud function which influences the accountability framework, resolution enforcement and powers.	The legislative framework was reviewed in order to address issues relating to governance, accountability, institutional and financial independence. This review culminated as the point of departure to address the difficulties faced by the institution in this regard. The Office began discussions with DPSA, National Treasury and the Secretary for Defence to assist with the compilation of a business case to address the shortcomings and discrepancies identified by the Legislative framework, governance and accountability structures.
To ensure strategic direction to the Office of the Military Ombud in-line with Government's intent and expectations.	Independence of the Office is at risk.	Credibility of the Military Ombud is compromised due to the lack of understanding and trust by all stakeholders.	The Office presented the challenges wrt independence at various meetings (Joint Standing Committee on Defence, Deputy Minister of Defence and Military Veterans and Defence Secretariat Council) and is currently in process of obtaining the assistance of Government Technology Advisory Centre (GTAC) from National Treasury to assist with the compilation of a business case/rationale to register the Office as either an Schedule 3, Public Entity or a Government Component.

Strategic Objective	Risk Description	Risk Response	Progress Made
a.	b.	c.	d.
To enhance and maintain corporate operations within the Office of the Military Ombud.	Development of a Case and Matter Management (CMS) system.	The credibility, integrity and provision of management reports of complaints lodged and captured/ registered are unreliable due the limited availability of information.	The Office is currently assisted by State Information Technology Agency (SITA) to draft the User Requirement Specifications (URS). The first part of the project charter was completed and the e-forms will go live during 2017. The second part of the project has commenced and SITA is in process of capturing the support processes which will address the matter part of the CMS.
The administration of Military Ombud resources as prescribed in the Regulatory Framework.	Re-location of the Office.	Inadequate ablution facilities and office space thus impacting on the adherence to the Occupational Health and Safety (OHS) Act and standard norms of office space as prescribed by the Department of Public Service and Administration (DPSA).	This risk was resolved as the Office obtained a new building and assumed occupation during October 2016.

## CORRUPTION AND FRAUD PREVENTION

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

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

- Opportunity. Research has shown the opportunity to commit fraud results from the perpetrator having access to the assets at the point in time that the fraud is committed. Opportunity usually results from a lack of proper internal controls.
- Need/Greed. Results also show that fraud motivated by need is the highest when the economy is in a slump and greed when the economy is booming.

- Organisational Culture. Organisations that expect unreasonable performance standards, have little respect for controls, are not sensitised as to how serious fraud is, allow an employee to reason that it is his/her right to do the deed tend to have a higher incidence of fraud.

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

# EXECUTIVE OFFICE

- Introduction
- Powers and Functions of the Military Ombud
- International Relations Overview – Lessons Learnt from Good Practices and Strengthening Ombudsman Institutions Beyond our Shores



## EXECUTIVE OFFICE

### INTRODUCTION

The Executive Office provides a range of executive support, strategic and administrative services to the Military Ombud to facilitate the delivery of organisational objectives, and ensuring that strategic direction of the Office is in-line with Government's intent.



*The Executive Office.*

Our efforts in supporting the Military Ombud in pursuit of the mandate, vision and mission of the Office is but not limited to the following:

- to support the Military Ombud wrt execution of the strategic direction of the Office;
- to support the Military Ombud wrt organisational oversight, performance, monitoring and evaluation;
- to support the Military Ombud with administrative functions, procedures and standards to improve efficiency and service delivery; and
- to support the Military Ombud wrt execution of International Relations and Liaison.

The Executive Office in the coming year will continue to strive for continuous improvement to drive further enhancements to our processes and systems and carry out support functions in an effective and efficient manner.

### POWERS AND FUNCTIONS OF THE MILITARY OMBUD

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

- The Ombud must investigate complaints lodged with the Office in accordance with this section.
- A complaint must be lodged in writing with the Office in the prescribed manner.
- On receipt of a complaint the Ombud must register the complaint as may be prescribed.

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

## INTERNATIONAL RELATIONS OVERVIEW

### – Lessons Learnt from Good Practices and Strengthening Ombudsman Institutions Beyond our Shores

On the international front, through affiliation to the international bodies such as the Democratic Control of Armed Forces Council (DCAF), International Conference of Ombuds Institution for the Armed Forces (ICOAF), African Ombudsman and Mediators Association (AOMA), African Ombudsman Research Centre (AORC) and imminent membership to International Ombudsman Institute (IOI), our membership adds value on matters of international importance.

The Military Ombud continues to be a continental strong voice towards strengthening good governance within Ombudsman Institutions and promoting the observance of fundamental human rights for the Armed Forces. Relations of mutual acceptance, collaboration, respect and mutual support are critical to any emerging Institution.

The increase in international participation has however its own challenges such as limited financial and human resources to optimally maximise our participation in all key activities of the above mentioned international bodies. The intention is to derive value through our participation, whilst ensuring prudent and efficient use of our limited resources.

The Military Ombud profile has been raised on a global platform such as DCAF and ICOAF where South Africa serve as a member state and is represented by the Military Ombud, Lt Gen (Ret) T.T. Matanzima, as appointed by the Minister of Defence and Military Veterans on 30 July 2015. DCAF was established in 2000 on the initiative of the Swiss Government. DCAF partners include a wide range of governments, parliaments, international organisations, non-governmental and private actors. DCAF applies a broad understanding of the armed forces sector that incorporates core security actors, management and oversight bodies as well as private or informal security actors. The Centre places particular emphasis on supporting the armed forces sector institutions and actors.

From 1 January 2017, DCAF's Operational Division Sub-Saharan Africa is headed by Dr Sandy Africa, former Associate Professor in Political Sciences at the University of Pretoria, South Africa.

The profile of the institution has also been signified by the growing need for a similar model by other African countries such as Democratic Republic of Congo (DRC) Armed Forces and Republic of Cote d'Ivoire Ombudsman with emphasis on sharing of knowledge and expertise on the legislative framework, operational requirements and complaints handling processes and systems.



*Armed Forces Labour Union, Sweden.*





*8<sup>th</sup> ICOAF held in Amsterdam.*

The Military Ombud institution has been nominated by the DCAF to host an international conference in 2018 i.e. ICOAF. The 10th ICOAF will be jointly hosted by the South African Military Ombud, and the DCAF. Through this conference, South Africa will be a global platform to further strengthen functions of Ombudsman institutions for promoting democratic oversight of the Armed Forces and preventing maladministration and human rights abuses.

In addition, the 10<sup>th</sup> ICOAF participants will benefit immensely from diverse school of thoughts from Ombuds institutions, other state actors, including those from international and non-governmental organisations, who also play a vital role in international missions. This will be a great platform for profiling the Institution and our country and strengthening ombudsman institutions beyond our shores.

In the period ahead, the Office will continue to strengthen its international relations with special focus in Africa. We are committed to ensuring that we promote the observance of fundamental rights of the armed forces as enshrined in the Military Ombud Act. The Office must be accessible to all serving and former members of the Armed Forces and the public.

The Office participated in the 8<sup>th</sup> ICOAF in October 2016, Amsterdam. The ICOAF was jointly hosted by the Inspector General of the Royal Netherlands' Armed Forces, the National Ombudsman of the Netherlands and the DCAF.

The Office attended a workshop on torture held in Cotê d'Ivoire in March 2017 and hosted by AOMA, IOI and the Cotê d'Ivoire Ombudsman. In accordance to Article 16 (1) and (2) under the United Nations Convention Against Torture (UNCAT), South Africa has an obligation in relation to the international legal framework, to protect fundamental human rights. South Africa has ratified the UNCAT.

The South African legal system is sufficiently capable of adopting a zero-tolerance policy toward torture and has incorporated this international instrument with national law as the general stance against such crime. In many respects, South Africa is an example to other African countries and strongly condemn all forms of human rights violations.

The protection of fundamental human rights is also enshrined in the Constitution of the Republic of South Africa, Act 108 of 1996 and also part of the Military Ombud Act 4 of 2012, Section 6 (c) to promote the observance of fundamental human rights of the members of members of the Defence Force.





*Visit to UNESCO in the DRC.*

The Military Ombud has embarked on a nationwide and continental outreach and awareness programme to serving members of the armed forces in military precincts, correctional facilities, military hospitals incl. disabled members and also visited serving members deployed on peace keeping missions under the United Nations Educational, Scientific and Cultural Organisation (UNESCO) based in the DRC. This was part of education and promotion of the mandate of the Office.

Benchmarking visits to Spain, Portugal and Sweden were informed by the strategic direction and vision of the Office, i.e. to become “A World leading Independent and Impartial Military Ombud Institution”.

The international stakeholder engagement improvements are attributable to sharing best practices with countries such as Spain, Portugal and Sweden through mutual collaborations in order to strengthen our internal capacity and advance our knowledge and expertise.

While we intend to continue implementing our mandate, through different stakeholder platforms, the ultimate objective is to ensure that as state institutions from different countries we find each other and together contribute towards the advancement of our shared Ombudsman values of good governance and the protection of human rights.



*Outreach event in the DRC.*



*Military Ombud with Maj Gen Mpaxa, Chief Director Force Preparation, SA Army.*



*Military Ombud with Dr Van Harte, Defence Force Service Commission.*

# CORPORATE OPERATIONS

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# CORPORATE OPERATIONS

## INTAKE, ANALYSIS AND INVESTIGATIONS

### Introduction

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

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

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

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



*Chief Director Operations and his staff.*



*Intake and Analysis Directorate.*

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

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



*Investigations Directorate.*

## Statistical Overview

Number of Complaints Submitted. Over the past five (5) years a total number of **1447** complaints have been registered. The table below indicates the detail wrt the complaints submitted, finalised and carried over.

**Table 5: Five Year Statistical Overview**

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

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



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

Category	Number of Complaints
a.	b.
A member regarding his or her conditions of service	158
A former member regarding his or her conditions of service	120
A member of the public regarding the official conduct of a member of the Defence Force	30
Unknown	2

Of the above 15 complainants were represented.

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

- Service Termination;
- Service Benefits and Working Environment; and
- Promotion, Demotion and Career Intervention.

**Table 7: Performance Information per Complaints Category**

Category	Carried Over from FY15/16	Received in FY16/17	Total Received	Finalised in Year Received	Total Finalised	Number to be Carried Over to FY17/18
a.	b.	c.	d.	e.	f.	g.
Promotion, Demotion and Career Intervention	28	55	83	21	44	39
Utilisation and Placement	6	44	50	11	16	34
Service Benefits and Working Environment	26	74	100	37	60	40
Education, Training and Development	1	7	8	5	6	2
Remuneration	12	27	39	7	19	20

Category	Carried Over from FY15/16	Received in FY16/17	Total Received	Finalised in Year Received	Total Finalised	Number to be Carried Over to FY17/18
a.	b.	c.	d.	e.	f.	g.
Grievance/Disciplinary Procedures	5	12	17	7	12	5
Service Termination	34	75	109	38	65	44
Other	2	8	10	7	8	2
Official Conduct of Member of the SANDF	4	8	12	2	6	6
<b>TOTAL</b>	<b>118</b>	<b>310</b>	<b>428</b>	<b>135</b>	<b>236</b>	<b>192</b>

Of the reports finalised by the Military Ombud, the following number of reports have not been implemented by the DOD.

**Table 8: Number of Reports not Implemented per Financial Year**

FY2012/13	FY2013/14	FY2014/15	FY2015/16	FY2016/17
a.	b.	c.	d.	e.
2	0	1	5	2

Where do Our Complaints Come From? In our quest to launch satellite/pilot offices throughout the country it is essential to monitor where the majority of complaints submitted comes from. Based on statistics gathered throughout the financial year the Office established its first satellite/pilot office in Bloemfontein.

**Table 9: Number of Complaints per Province**

Province	Number of Complaints Received
a.	b.
Gauteng	109
Limpopo	19
Mpumalanga	12
Free State	50
Western Cape	36

**Table 9: Number of Complaints per Province (continued)**

Province	Number of Complaints Received
a.	b.
North West	14
Kwa-Zulu Natal	23
Northern Cape	17
Eastern Cape	13
Unknown	17

## Case Studies

### Case 1: Deceased Benefits.

*The complaint was referred to the Office by the South African Human Rights Commission. The complainant who is the mother of the deceased accused the Department of Defence (DOD), South African Navy (SAN) of negligence in that her son died whilst on duty in Cape Town. The complainant alleged that attempts to receive an autopsy report has been fruitless and she was frustrated that the DOD did not pay any money to the family.*

The matter fell within the jurisdiction of the Office. Upon investigation it was established that there were benefits due to the family apportioned in terms of the last will and testament of the deceased. The Office assisted the complainant to retrieve these benefits from SAN and the Group Life Insurance Scheme (GLIS).

### Case 2: Promotion.

*The complainant alleges that during 2012 he was placed and accepted a post at the Combat Training Centre (CTC) Lohatla, as a Disposal Warrant Officer Class 2 (WO2). He was serving at 3 SA Infantry Battalion (3 SAI BN) at the time. He reported at the Unit, CTC Lohatla on 04 February 2013, but later found that the post was never vacated by the post incumbent who was detached to another Unit in Bloemfontein for medical reasons. He then requested to return to his former Unit, 3 SAI BN, but the Officer Commanding (OC) allegedly refused to accept him back, due their history of being unable to work together. He further alleges that his OC had been obstructing his progress, because of a grievance he lodged against him during 2012.*

After intervention by the Office of the Military Ombud, a promotion signal to the rank of a WO2 was issued to the member on 02 October 2016. An undertaking to investigate the back-dating of the promotion to 04 February 2013, was made by the DOD on 08 November 2016.

### Case 3: Promotion.

*A Corporal (Cpl) in the South African Military Health Services (SAMHS) lodged a complaint regarding promotion, inequitable practices relating to backdating of promotion. He was promoted from the rank of Private (Pte) to the substantive rank of Lance Corporal (L Cpl) with effect from 01 January 2009. He became eligible for promotion to the rank of Cpl with effect from 01 January 2011, in terms of experience and minimum period in a rank as regulated in the DOD promotion policy (DODI/PERS21/2001). He was promoted to the rank of Cpl with effect from 01 March 2012. He sought backdating of his promotion to 01 January 2010 as a redress to his complaint.*

Our investigation established that SAMHS have backdated the promotion of some members from 01 March 2012 to their respective dates on which they became eligible for promotion. His allegation of inequitable practices relating to backdating of promotion was substantiated. We also established that he was placed in a Staff Sergeant (S Sgt) post which meant that a higher vacant and funded post was available to promote him with effect from 01 January 2011 after completing his Senior Personnel Clerk course on 15 December 2010, he was already placed in a suitable promotion post, as he was performing the functions of the said post and that he had served two years as a L Cpl.

The Military Ombud therefore resolved to rectify his promotion from 01 March 2012 to 01 January 2011 in terms of section 6(7)(a) of the Military Ombud Act 4 of 2012 (the Act). The Military Ombud recommended to the MOD&MV in terms of section 6(7)(b) of the Act that the complainant's promotion be backdated accordingly and the Minister has requested Chief of the SA National Defence (CSANDF) to implement the recommendation.

### Case 4: Promotion.

*The complainant alleged that he has been treated unfairly by the DOD because he has been in one rank level (Brigadier General (Brig Gen)) for more than ten years and his juniors were promoted ahead of him.*

The investigation by the Military Ombud found the practice by the DOD to promote the complainant's juniors ahead of him without providing him with reasons for the surpassing, is an unfair labour practice. It was recommended that CSANDF conducts a career intervention plan and that the complainant be considered for promotion by the CSANDF and the MOD&MV during the next Top Officers Succession Planning Forum. The complainant was promoted to the rank of Major General (Maj Gen) in 2016.



#### Case 5: Disciplinary Measures - Unfair Suspension.

*The Office of the Military Ombud received complaints from two serving members of the DOD. Due to the similarity in the facts of the complaints, the Office dealt with the complaints jointly in a single report.*

*The background to the two complaints is briefly set out hereunder:*

*The two complainants lodged complaints regarding suspension without salary.*

*In general terms both complainants did not challenge the authority of the CSANDF to suspend them in appropriate circumstances, but were aggrieved that the suspension is without pay since they have not been found guilty yet.*

*The complainants urgently sought lifting of their suspension without pay and payments of their salaries with retrospective effect.*

After investigating the matter and consulting relevant prescripts the Military Ombud made the following findings in relation to the issues raised, allegations made and redress sought:

- The CSANDF is not empowered by section 42 of the Military Discipline Supplementary Measures Act 16 of 1999 to suspend members of the SANDF without pay.
- This practice constitutes a violation of the fundamental rights of soldiers, in particular the right to be presumed innocent.
- The SANDF can only recover salaries paid to suspended members after being found guilty by a military or civilian court in terms of section 128 of the Military Discipline Code (MDC).
- The old ministerial directive issued by a former Minister in 2008 supposing to provide the CSANDF with the discretion to suspend members without pay, is not founded in law. In fact it purports to overrule the existing laws on the matter which is legally untenable.

Therefore, both complaints were upheld in terms of section 6(7)(a) of the Military Ombud Act 4 of 2012 and the following recommendations were made for consideration by the MOD&MV:

- That the suspension without pay of both members should be uplifted with immediate effect.

- That the complainants should be repaid all the salaries they would have received with effect from the date of their suspensions. The back pay should be with interest from date of suspension on the applicable rate.
- That the DOD should do an audit of all its members placed on suspension without pay and henceforth deal with them as set out above.
- That the Minister should withdraw the Ministerial Directive with immediate effect and advise the CSANDF to terminate the practice henceforth.
- That the CSANDF immediately advise all Services/Divisions of these findings and direct them to act accordingly.

The findings and recommendations mentioned above were accepted by the MOD&MV, she withdrew the 2008 directive and gave an instruction to CSANDF for the recommendations of the Military Ombud to be implemented.

#### Case 6: Promotion – Seniority List.

*A complainant lodged a complaint with the Office of the Military Ombud regarding her position on her Service's Seniority List (A seniority list refers to a Service/Divisional list used for career development purposes i.e. promotions, course attendance etc). The complainant averred that upon completion of corps training she was supposed to be promoted to a Cpl, but was instead promoted to a LCpl. The SANDF alleged that she had failed a module during her corps training and after several years of persistence from the complainant this anomaly was corrected and her promotion date to a Cpl was corrected. The complainant indicated that while her promotion date to a Cpl was corrected her position on the Service's Seniority List was not, meaning that her career development was adversely affected.*

The complaint was analysed and it was established that indeed the complainant was prejudiced as a result of being promoted to a LCpl rather than a Cpl. A comparison was done with the complainant's peers where after it was recommended that she is placed in a position similar to her peers.

The Military Ombud upheld the complaint and recommended that the complainant be placed at a better position on the Service's Seniority List. The MOD&MV concurred with the recommendation of the Military Ombud and instructed the CSANDF to give effect to the recommendations.

#### Case 7: Benefits - Housing Allowance.

*The complainant received a letter from the DOD Human Resources (HR) Housing Section (HR Maintenance Directorate) informing him that there has been an overpayment of R35,000.00 to him for housing allowance. He was further informed that an amount of R2,683.33 will be deducted monthly from his salary. A deduction against his salary was instituted and an amount of R35 000 was deducted from the complainant. The complainant alleged that, the deduction against his salary was illegal and unfair because during the period of the alleged overpayment, he was actually entitled to receive a housing allowance.*

The investigation by the Military Ombud found that the housing allowance paid to the complainant from 01/05/2010 to 28/02/2011 (ten (10) months), did not comprise an overpayment. The payment of housing allowance to the complainant was justified and therefore did not amount to irregular expenditure. The complainant was reimbursed the housing allowance for the period 01/05/2010 to 28/02/2011 (ten (10) months) that was deducted irregularly from his salary.

#### Case 8: Unfair Termination of Service.

*A complainant lodged a complaint with the Office of the Military Ombud requesting assistance to be reinstated into the SANDF. The complainant was dismissed from the SANDF in terms of section 59(2)(b) of the Defence Act 42 of 2002 after having been accused of raping a colleague while on deployment. The dismissal was done while the complainant was still being prosecuted and he was subsequently acquitted.*

The case was analysed and it was established that the SANDF misapplied the provisions of section 59(2)(b) of the Defence Act. The complainant was at no stage declared incapable of performing his duties, procedurally the complainant should have been suspended with pay pending the finalisation of his case. The Military Ombud upheld the complaint and recommended that the complainant be reinstated with full salary effective from date of dismissal as well as fast tracking of his complaint. The MOD&MV concurred with the recommendations of the Military Ombud, and instructed the CSANDF to give effect to the recommendations.

#### Case 9: Unfair Termination of Service.

*The complainants are Recruits doing Basic Military Training (BMT) at Infantry School. They were allegedly caught smoking marijuana during February 2016 by their instructor. They were taken to the Officer Commanding (OC) on Office Bearing and were informed that their Military Skills Development System (MSDS) contracts will be terminated. They were stopped from participating in all training activities while awaiting authority for termination of their services.*

The investigation by the Office found that the decision and process utilised to terminate the complainant's MSDS contracts amounted to maladministration, as it was done in contravention of the Defence Act 42 of 2002, Military Discipline Supplementary Measures Act 16 of 1999, General Regulations for the South African Defence Force and the Reserve, Military Disciplinary Code and South African Army (SA Army) MSDS Administrative Instruction 043/09 dated April 2009.

The complainants' termination of service was reversed and they were allowed to continue with their BMT from January 2017.

#### Case 10: Disciplinary Measures – Unfair Suspension.

*A complainant lodged a complaint with the Office of the Military Ombud regarding non-payment of salary. The complainant was accused of murdering his wife with a service issued rifle while on duty. The complainant was detained for a period of six months after the commission of the alleged crime. While being detained the complainant's salary was never suspended. After being granted bail the complainant reported for duty and was served with a notice of suspension with pay. After responding to the notice the complainant was subsequently suspended without pay. After eleven (11) months of suspension without pay the complainant resigned from the SANDF. The complainant requested that he be assisted to recover salaries for the period that he was suspended without pay.*

The case was analysed and the relevant regulatory framework considered. It was established that the CSANDF is not empowered to suspend members of the SANDF without pay. It was also established that the complainant was issued with a notice to suspend him with pay but the suspension was without pay, this therefore amounted to un-procedural conduct by the authorities. The Military Ombud upheld the complaint and recommended that the complainant be paid salaries for the months he was suspended without pay.

#### Case 11: Termination of Call-Up Instruction.

*The complainant is a Reserve Force Member, who was serving after being called for duty up and was appointed as Officer Commanding of the Unit in November 2014. He continued as such until he handed over the Unit to the Training Officer as instructed on 8 April 2016, as the Second in Command (2IC) was absent that day.*

*The discontinuation of his call-up instruction was as a result of the recommendations of a Board of Inquiry convened to investigate allegations of insubordination, disrespect and undermining authority levelled against the complainant. He objected to the President of the Board as he was involved in the allegations that lead to the convening of the Board, but to no avail.*

The complainant then approached the Office of the Military Ombud to assist him to set aside the decision to discontinue his call-up. He felt that a proper procedure to discontinue his call-up was not followed as stipulated by law.

The Military Ombud engaged the DOD to discuss the complainant's complaint. After our engagement a decision was taken by the DOD to conduct an internal investigation, the result of which a decision was taken by the DOD to call-up the complainant again. This decision was communicated to the complainant and he did not raise any objections. The complainant has since been called up for service.

#### Case 12: Promotion.

*The Office of the Military Ombud received complaints from two serving members of the Defence Force. The complaint related to promotion, with the complainants alleging that the DOD is refusing to back-date their promotion dates. The redress sought by the complainants is to have their promotions back-dated by four months.*

The Military Ombud assumed jurisdiction in terms of section 4 (1) (b) of the Military Ombud Act 4 of 2012 read with section 1 of the Defence Act 42 of 2002.

The complainants reported that they were promoted in May 2007 even though they became eligible for promotion on 01 January 2007. They reported that their promotion was with effect from 01 May 2007, but other members in a similar position had their promotion dates rectified and backdated to be with effect from 01 January 2007, although their promotion signal was only released in June 2007.

During the investigation, the Military Ombud obtained and assessed documents received from the complainants and the DOD. On evidence it was clear that the complainants were promoted in May 2007 and that their promotion was with effect from 01 May 2007.

One of the important aspects the Military Ombud had to consider was whether the complainants had a legal entitlement to be promoted to a higher level on 01 January 2007.

While it was noted that the complainants had no legal claim to promotion, but only an interest to the promotion it was accepted that they indeed had a right to be considered for promotion. Their argument was that they were eligible to be promoted to the higher rank in January 2007.

Another argument presented by the complainants was that their counter parts in a similar position had their promotion dates rectified and backdated to 1 January 2007, even though their promotion signal was only released in June 2007. The complainants elaborated that they work for the same Defence Force as the other members and that their rights were violated because they were not being treated like their counterparts.

It was accepted that the restructuring within the DOD led to the complainants being prejudiced by losing seniority. The DOD did not provide any evidence to show that the complainants were considered for promotion. The loss of seniority was in itself insufficient to prove that an unfair labour practice has been committed, but as mentioned above the fact that there was no evidence to show that the complainants were considered at the time when they were eligible for promotion is in itself unfair.

It should be noted that the complainants continued to perform the very same functions (at the higher level) of the posts they occupied before the restructuring while waiting to be absorbed into the new structures, albeit serving another command.

After investigating the matter the Military Ombud made the following findings in relation to the issues raised, allegations made and redress sought:

- The complainants' request to have their promotion backdated was not approved by the South African Navy Headquarters (SAN HQ).
- The SAN HQ did not give any reasons for declining to approve the request for the complainants' promotion.
- It remains a fact that the complainants were eligible for promotion on 01 January 2007 and that due to restructuring they were denied the opportunity to be considered for promotion to the next higher level in January 2007. They were only considered and promoted in May 2007.



- The DOD was at fault in not considering the complainants for promotion at the time when they became eligible for promotion.

Therefore, both complaints were upheld in terms of section 6(7)(a) of the Military Ombud Act 4 of 2012 only in as far as it relates to their right to be considered for promotion to a higher level is concerned and the following recommendations were made for implementation by the MOD&MV:

- That the complainants' promotion dates be back-dated to be with effect from 01 January 2007 with the normal benefits that would have accrued to them had they been considered and promoted then.
- Further that the complainants' seniority be rectified on PERSOL to reflect the date as mentioned above.

The findings and recommendations mentioned above were accepted by the MOD&MV and she gave an instruction to the CSANDF for the recommendations of the Military Ombud to be implemented.

#### Case 13: Disciplinary Measures – Suspension.

*The complainant was suspended on 28 May 2007 on account of alleged theft of State fuel. He was subsequently found guilty by a Court of Military Judges. However, Court of Military Appeals set the case aside because the investigation was conducted in terms of an incorrect procedure and directed the Director Prosecutions to consider investigating the matter afresh. However, the member remained on suspension with full pay. The complaint before the Military Ombud related to the prolonged suspension for a period of 9 years while the SANDF was deciding whether or not to prosecute the case against the complainant.*

No provisions exist in the SANDF to delineate the periods of suspension of members. The absence of policy restricting the period of suspension exposes members to unfair labour practices in relation to the duration of suspension. The dictates of reasonableness would indicate an appropriate period. It was found that the suspension was procedurally unfair, unreasonable and without justification. Furthermore, the value of the petrol that formed the basis of the charge of theft is disproportionate to the cost of the suspension over a period of 9 years. The member's complaint was upheld and it was recommended that the prolonged suspension be uplifted within one month of the MOD&MV's acceptance of the report and that CSANDF be advised to instruct Chief Human Resources (CHR) and Chief Defence Legal Services (CDLS) to regulate the management of suspension by prescribing timeframes for the suspension of members, within 18 months.

#### Case 14: Unfair Discharge.

*The complainant is a member of the public complaining about the official conduct of a member of the SANDF. The complainant is the wife of a deceased former SANDF member. The complainant's husband was discharged by SANDF in May 2008 following his conviction for assault and sentence of two years imprisonment by the Johannesburg Magistrate Court, without the option of paying a fine.*

*The complainant's husband noted an appeal for both conviction and sentence and appeal was granted. Upon appeal complainant's husband was found guilty of common assault and sentenced to a fine of R1000, 00 (one thousand rand) or three (3) months imprisonment. The deceased paid the fine. He thereafter applied for reinstatement, but all his attempts were futile despite being approved by the DOD until his passing away.*

*The complaint alleges that her husband was unfairly discharged from the DOD. She alleges that the DOD failed to implement its decision to reinstate her husband following its undertaking to do so. She alleges that the DOD reversed its initial decision of reinstating her husband without good cause.*

Upon investigation by the Military Ombud, the complaint was upheld as per section 6(7)(a) of the Military Ombud Act in that the discharge was both procedurally and substantively unfair. Section 59(1)(d) of the Defence Act 42 of 2002 provides for the termination of a member's services "if he or she is sentenced to a term of imprisonment by a competent civilian court without the option of a fine or if a sentence involving discharge or dismissal is imposed upon him or her under the Code". The DOD was premature in invoking the section as the criminal case was still pending the outcome of the appeal.

The deceased estate or his dependents were paid the deceased's salary from the time of his wrongful discharge in May 2008 until his death in May 2010, leave gratuity, recalculated pension pay out and termination record was changed to death.



## CORPORATE COMMUNICATIONS

### Introduction

The purpose of the Corporate Communication Directorate is to ensure an effective, efficient and economical communication service to the Office of the Military Ombud in accordance with Government Communication and Information System (GCIS) handbook 2014 - 2017 and in-line with the mandate of the Office as outlined in the Military Ombud Act 4 of 2012.



*Corporate Communications Directorate.*

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

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

## Overview

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



*Military Ombud and CD Operations during a Media Engagement.*

Media engagement and liaison ensured that key events were covered to showcase the capabilities of the Office. Eleven (11) articles were published in various print media during the financial year reinforcing the strides the Office has made to date. The Military Ombud and his officials were interviewed on various electronic media platforms such as; ENCA TV, ETV, SABC Radio, EWN/ Radio 702, OFM, Ligwalagwala FM. The Office has a presence on social media platforms such as Twitter, Facebook and Instagram.

Stakeholders are key to the Office and various stakeholder engagement activities were executed. The Office was also involved in a Corporate Social Responsibility initiative which took place on Nelson Mandela Day on 18 July 2016. At this event Members of the Office led by the Military Ombud donated time and gifts to the Mokoena Orphanage Home in Olievenhoutbosch, Pretoria.



*Nelson Mandela Day: Mokoena Orphanage Home.*

## Stakeholder Engagement

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

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

As a statutory mandate, the Office relies heavily on legal discourse and framework. As such technology and reliable information cannot be disregarded. The engagement, in January 2017, of the Competition Commission's Library Information Services was crucial. This benchmark shed more light on how international partnerships are forged, information outsourced and the advantages and disadvantages of copyrights. The modern use of e-books vis-a-vis technology was explored. The Office Research Centre's potential, innovation and operational effectiveness hinges on such practices.

### Stakeholder Interaction Annual Military Ombud Symposium



**Table 10: Internal Stakeholder Interaction Planned versus Achieved FY2016/17**

Stakeholder	Date	Event	Outcome
a.	b.	c.	d.
Women in the Office of the Military Ombud	31 August 2016	Belated commemoration of the National Women's Day motivational talk was given by Ms Suraya 'Bibi' Khan as part of celebrating Women's Day.	Achieved
Staff Recognition Awards	2 December 2016	An event to recognise staff who excelled in their duties above the call of duty and beyond expectations.	Achieved

**Table 11: External Stakeholder Interaction Planned versus Achieved FY2016/17**

Stakeholder	Date	Event	Outcome
a.	b.	c.	d.
Military Command Council (MCC)	4 April 2016	Presentation of the Mandate of the Office	Achieved
Military Academy	12 April 2016	Presentation of the Mandate of the Office	Achieved
Military Community	13 May 2016	Annual Military Ombud Symposium	Achieved
Mokoena Orphanage Home	18 July 2016	Nelson Mandela day in Olievenhoutbosch	Achieved
Director General	25 July 2016	Bi-lateral meeting between the Military Ombud and Director General of the DPSA	Achieved
Editors	16 August 2016	Meeting with editors of publications within the DOD	Achieved
Military Community	25 August 2016	Annual Military Ombud Golf Day	Achieved
Media	10 November 2016	Military Ombud media briefing hosted by National Press Club	Achieved
Public Protector	12 December 2016	Bilateral meeting between the Military Ombud and the Public Protector	Achieved
Deputy Minister of Defence and Military Veterans	30 January 2017	Bilateral meeting between the Military Ombud and the Deputy Minister of Defence and Military Veterans	Achieved
Defence Secretariat Council	6 February 2017	Presentation of the Mandate of the Office	Achieved
Secretary for Defence	8 February 2017	Bilateral meeting between the Military Ombud and Secretary for Defence (SecDef)	Achieved
Public Service Commission (PSC)	14 February 2017	Presentation of the Mandate of the Office	Achieved



### Staff Recognition Awards



### Military Ombud Golf Day



### Bilateral Meeting with Public Protector



## Research and Development

As part of data analysis, face-to-face interviews and a research questionnaire was completed by SANDF members at Military Units during outreach events which in turn revealed interesting questions, such as victimisation, deployment and systemic issues that added value in the drafting of a concept document for the Office.

The commissioned telephonic research survey jointly undertaken with Intake and Analysis Directorate revealed a progressive satisfaction in complaints handling. The purpose of this survey was to gauge member satisfaction as far as handling of their complaints by the Office is concerned:

- Out of 100 respondents interviewed 69% were satisfied with the service rendered by the Office;
- 22% were unsure of the Office ability to resolve their complaints;
- 3% felt that the Office was taking too long to resolve complaints;
- 2% required more clarity on the mandate of the Office; and
- 1% did not participate in the survey.

The survey was conducted as a “preliminary feel” to test the attitude of the members towards the Office. Indeed, plans are underway to conduct a national perception survey to measure the effectiveness of the Office and the SANDF member's opinions concerning the Office.

The R&D unit was hosted in an exchange information meeting by the South African Human Rights Commission (SAHRC), May 2016. Emerging from the meeting was a series of factors, amongst others, on how the Office can accommodate people living with physical disabilities and challenges. The lessons learnt herein will in future help to capacitate the Office as some of the members of the SANDF and the public that lodge complaints are physically disabled. The latest software and tools for the physically challenged was also on exhibition for the attendees to note.

## Outreach Programme

The Military Ombud outreach programme provides an opportunity for the Office to connect with citizens, and current and former members of the SANDF in order to keep abreast of developments that may relate to the mandate of the Office, complaints handling process and procedures for lodging a complaint with the Office. During the FY2016/17, a total of 79 engagements were accomplished successfully around the country and only five were postponed due to unforeseen circumstances. A total of 11 486 members of the SANDF were reached through the programme which is above 12% of the total staff complement of the DOD.



## Outreach



**Table 12: Number of Military Units Visited per Province**

Province	Number of Complaints Received
a.	b.
Gauteng	30
Limpopo	2
Mpumalanga	0
Free State	12
Western Cape	24
North West	4
Kwa-Zulu Natal	6
Northern Cape	1
<b>TOTAL</b>	<b>79</b>

**Table 13: Outreach Programme per Province for FY2016/17**

Province	Base/Unit	Planned As Per Outreach Programme				Date Visited
		Qtr 1	Qtr 2	Qtr 3	Qtr 4	
a.	b.	c.	d.	e.	f.	g.
Gauteng	Swartkop Air Force Base		x			17 August 2016
	TSC Training Centre		x			31 August 2016
	JSB Garrison		x			1 September 2016
	SAAF HQ Unit		x			7 September 2016
	Logistic Support Formation HQ		x			14 September 2016
	SA Army Engineering Formation			x		12 October 2016
	SAMHS Military Command Council			x		11 October 2016
	Army HQ Unit and ASB Dequar road			x		19 October 2016
	43 SA Brigade			x		26 October 2016
	Defence Works Formation			x		21 October 2016
	Navy HQ Unit			x		26 October 2016
	SA Army Signal Formation			x		2 November 2016
	1 Signal Regiment			x		2 November 2016
	7 Medical Battalion Gp			x		3 November 2016



## Outreach



**Table 13: Outreach Programme per Province for FY2016/17 (continued)**

Province	Base/Unit	Planned As Per Outreach Programme				Date Visited
		Qtr 1	Qtr 2	Qtr 3	Qtr 4	
a.	b.	c.	d.	e.	f.	g.
Gauteng	1 Military Hospital			x		9 November 2016
	SA Army College			x		15 November 2016
	AMHU Gauteng			x		16 November 2016
	46 SA Brigade			x		23 November 2016
	Peace Mission Training Centre			x		23 November 2016
	ASB Johannesburg			x		30 November 2016
	68 Air School			x		30 November 2016
	Personnel Service School				x	2 February 2017
	Mobile MH HQ				x	9 February 2017
	J Ops Division HQ				x	23 February 2017
	Catering School				x	28 February 2017
	Special Forces HQ				x	28 February 2017
	Defence College				x	7 March 2017
	SA National War College				x	7 March 2017
	SA Army Gymnasium				x	14 March 2017
	D HR Career Management				x	14 March 2017
	Works Training School				x	16 March 2017
	Training Command				x	21 March 2017
	Medical Base Depot				x	21 March 2017
	Waterkloof Air Force Base				x	28 March 2017
	Air Force College				x	28 March 2017
Limpopo	SAMHS: Lephalale Training Centre				x	17 February 2017
Mpumalanga	SAAF:AFB Hoedspruit				x	16 February 2017
Free State	De Brug Mob Centre	x				18 May 2016
	J Tac HQ FS		x			21 September 2016
	3 Mil Hosp		x			21 September 2016
	AMHU FS		x			22 September 2016
Western Cape	Naval Base Simonstown			x		7 September 2016
	Naval Base Simonstown			x		7 September 2016
	Naval Base Simonstown			x		7 September 2016
	Naval Base Simonstown			x		8 September 2016
	Naval Base Simonstown			x		8 September 2016

**Table 13: Outreach Programme per Province for FY2016/17 (continued)**

Province	Base/Unit	Planned As Per Outreach Programme				Date Visited
		Qtr 1	Qtr 2	Qtr 3	Qtr 4	
a.	b.	c.	d.	e.	f.	g.
Western Cape	Naval Base Simonstown			x		8 November 2016
	Naval Base Simonstown			x		9 November 2016
	Naval Base Simonstown			x		9 November 2016
	Naval Base Simonstown			x		9 November 2016
	Institute for Maritime Medicine			x		10 November 2016
	SA Naval College			x		10 November 2016
	SAS Wingfield			x		11 November 2016
	NSD Wingfield			x		11 November 2016
	AFB Langebaanweg				x	6 March 2017
	4 Special Forces Regiment				x	6 March 2017
	SAS Saldanha				x	7 March 2017
	Military Academy				x	7 March 2017
	DOD School of Log				x	8 March 2017
	ASB Youngsfield				x	8 March 2017
	9 SAI BN				x	8 March 2017
	AMHU Western Cape				x	9 March 2017
	Military Police Wynberg				x	9 March 2017
	2 Military Hospital				x	9 March 2017
	AFB Ysterplaat				x	9 March 2017
	AFB Overberg				x	10 March 2017
	SA ARMY: Infantry School				x	9 February 2017
North West	SA Army School of Int			x		14 September 2016
	SA Army Int Regiment			x		14 September 2016
	AMHU NW			x		15 September 2016
	Mil Veterinary Institute			x		15 September 2016
KwaZulu Natal	Military Police Port Shepstone	x				24 June 2016
	Joint Operational Tactical HQ			x		22 February 2017
	Naval Station Dbn Bluff			x		22 February 2017
	121 SAI Bn			x		23 February 2017
	5 SAI Bn			x		23 February 2017
	AFB Durban			x		24 February 2017
Northern Cape	3 SAI BN Kimberley			x		2 February 2017

# LEGAL SERVICES

- Introduction
- Overview





## LEGAL SERVICES

### INTRODUCTION

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

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

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

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



*Legal Services Directorate.*

## OVERVIEW

During the 2016/2017 FY we managed litigation and other legal processes in respect of matters where the Office was a party including a number of legal drafting and advisory services by means of legal requests from various directorates and environments within the Office on a varied legal services model, which was implemented effectively during this year. Our commitment to ensuring the delivery of quality legal services to the Office continued through a process of ongoing training, skills development and the quality assessments of our work.

The 2015 Complaints Regulations which was promulgated and implemented in the previous financial year was reviewed and will remain valid until the need for amendment arises while the Military Ombud Act, 4 of 2012, is being reviewed in line with current trends and challenges experienced by the Office.

The Determinations on the remuneration and other terms and conditions of service for the Military Ombud and the Deputy Military Ombud were promulgated in this financial year while the Determination on the remuneration and terms and conditions of service for the staff of the Office awaits concurrence from the Minister of Finance.

The Directorate also managed, within this FY, to overcome administrative hurdles and finalise the long awaited appointment of the Deputy Military Ombud to the post which remained vacant for a long period of time.

The Office was involved in litigation processes, which included matters related to complainants who applied to the High Court seeking orders for the Minister of Defence and Military Veterans to implement findings and recommendations of the Military Ombud as contained in his investigation reports and these matters remained *sub judice* at the time of finalising this report.

In this financial year we continued to provide legal advisory services to ensure the Office rigorously complied with the regulatory and good governance framework. The Directorate's strategic planning process highlighted important issues that contributed to shaping the future of the Office as an institution.

The Directorate has continuously contributed to the enhancement of complaints handling through the management of stakeholder relations by ensuring effective implementation of and compliance with legal instruments such as Memoranda of Understanding (MOU), Service Level Agreements (SLA) and contracts that were signed in the previous and current financial year. While these MOU's, SLA's and contracts are being continuously reviewed for effectiveness and efficiency, new agreements were developed and signed to ensure significant stakeholder relationships are formalised and sustained.

In the year under review the Legal Services Directorate continued to render proficient Legal Services to Corporate Operations, Corporate Support and the Executive Office and dealt with a variety of legal issues, some of which arose from separate and unique circumstances both in terms of complaints and institutional compliance and development.

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

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

# CORPORATE SUPPORT

- Human Resources Management
- Information Communication and Technology
- Logistic Management
- Financial Management
  - Overview
  - Expenditure Report





## CORPORATE SUPPORT

### STRUCTURE OVERVIEW

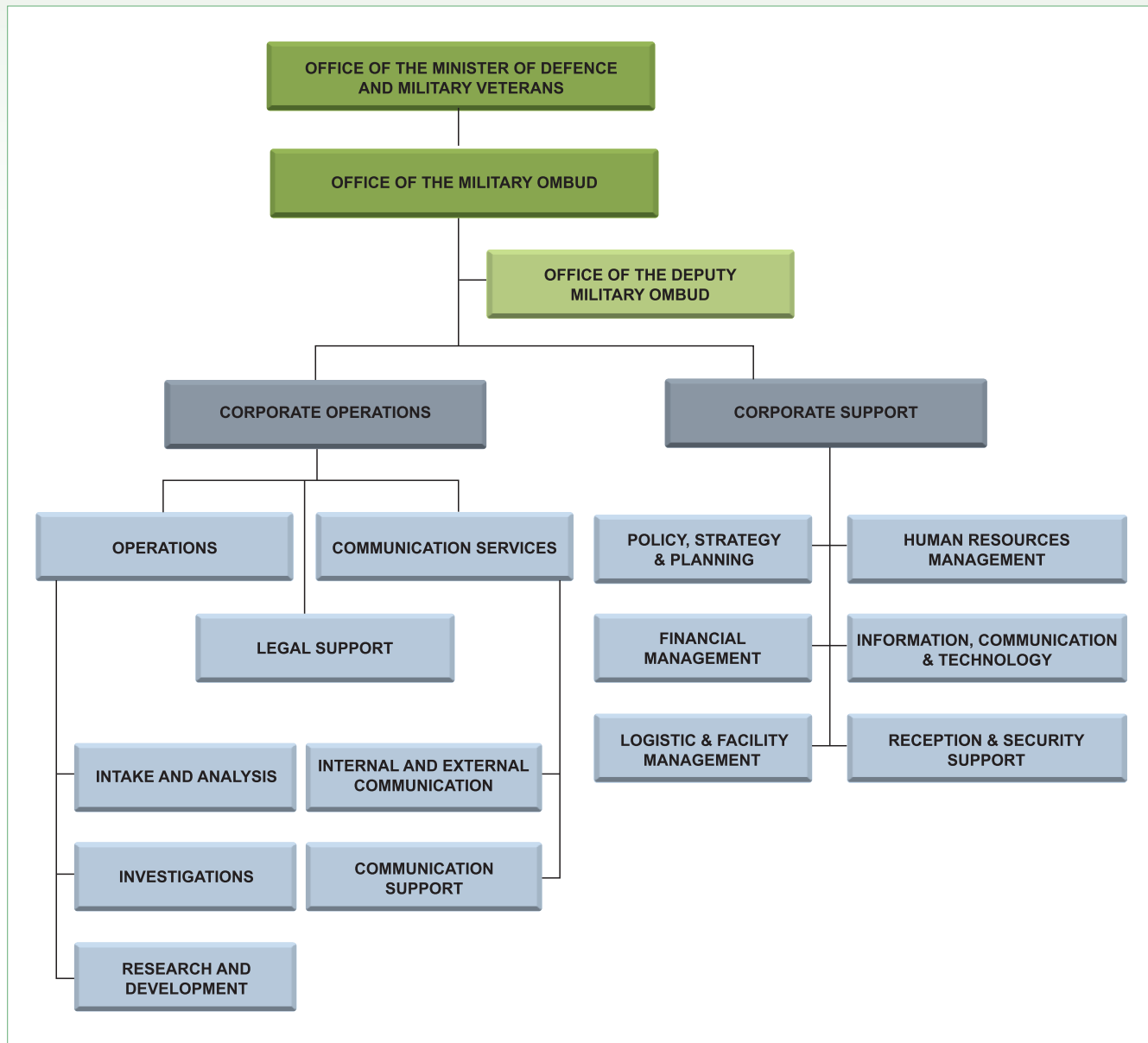
The organisational structure is informed by the current mandate, vision, mission, outputs and processes. The current organisational structure comprises of two (2) functional lines and was created based on best practises and the provisions of the Military Ombud Act.

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



*Corporate Support Management Team.*

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



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

## HUMAN RESOURCES MANAGEMENT

In pursuing the achievements of the Office Human Resources (HR) Unit continues to improve service delivery by delivering professional, effective and efficient human resources services in all domains of the human resources management value chain.

For the year under review challenges were experienced in the compensation of employee expenditure as a result of the following:

- High attrition rate.
- Delayed appointment of the Deputy Military Ombud and staff.

In order to enhance the human resources value chain, significant progress was made in developing and implementing HR policy.



*Human Resources Section.*

## Human Resources Overview Statistics

The tables below provide the Human Resources Oversight Statistics of the Office for the FY2016/17:

**Table 14: Planned versus Actual Strength as at 31 March 2017**

Environment	Planned Strength	Actual Strength
a.	b.	c.
Executive Office	7	2
Corporate Operations	37	35
Corporate Support	21	19

**Table 15: Employment and Vacancies per Environment as at 31 March 2017**

Environment	Approved Posts	Staffed Posts	Vacant Posts
a.	b.	c.	d.
Executive Office	9	2	7
Corporate Operations	59	35	24
Corporate Support	21	19	2

**Table 16: Personnel Cost**

Expenditure	Number of Approved Posts	Number of Staffed Posts	R-Value
a.	b.	c.	d.
Total Expenditure	89	56	Rm31,361,650

**Table 17: Reasons why Staff Left the Organisation**

Environment	Number
a.	b.
Death	0
Resignation	2
Expiry of Contract	1
Dismissal - Operational Charges	0
Dismissal – Misconduct	0
Dismissal – Inefficiency	0
Discharged due to Ill Health	0
Retirement	0
Transfers to Other Organisations	1
Other	0
<b>TOTAL</b>	<b>4</b>

**Table 18: Number of Skills Development Opportunities per Environment as at 31 March 2017**

Environment	Short Courses	Symposia/Seminar
a.	b.	c.
Executive Office	2	0
Corporate Operations	26	0
Corporate Support	5	0

**Table 19: Employment Equity Figures per Environment as at 31 March 2017**

Environment	Male				Female			
	African	Asian	Colour	White	African	Asian	Colour	White
a.	b.	c.	d.	e.	f.	g.	h.	i.
Executive Office	1	0	0	0	1	0	0	0
Corporate Operations	15	0	0	1	17	1	1	0
Corporate Support	10	1	0	0	6	0	1	1

**Table 20: Attrition per Environment as at 31 March 2017**

Environment	Attribution Number
a.	b.
Executive Office	0
Corporate Operations	2
Corporate Support	2

**Table 21: Disciplinary Action for the Period 1 April 2016 – 31 March 2017**

Environment	Male				Female			
	African	Asian	Colour	White	African	Asian	Colour	White
a.	b.	c.	d.	e.	f.	g.	h.	i.
Corrective Counselling	0	0	0	0	0	0	0	0
Verbal Warning	0	0	0	0	0	0	0	0
Written Warning	0	0	0	0	0	0	0	0
Final Written Warning	0	0	0	0	0	0	0	0
Suspension without Pay	0	0	0	0	0	0	0	0
Suspension with Pay	0	0	0	0	0	0	0	0

**Table 21: Disciplinary Action for the Period 1 April 2016 – 31 March 2017 (continued)**

Environment	Male				Female			
	African	Asian	Colour	White	African	Asian	Colour	White
a.	b.	c.	d.	e.	f.	g	h.	i.
Dismissal	0	0	0	0	0	0	0	0
Not Guilty	0	0	0	0	0	0	0	0
Pending Disciplinary Process	1	0	0	0	0	0	0	0
<b>TOTAL</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

## INFORMATION, COMMUNICATION AND TECHNOLOGY (ICT)

Military Ombud ICT objective is to enable and provide ICT infrastructure needs and Enterprise Architecture design through development and maintenance of software applications. The Military Ombud is an organisation that envisages to support 89 employees in keeping with the total approved structure.

The Office is currently in process of developing strategic policies and implementation of ICT best practices according to the requirements of the broader government framework. The Office deals with complaints from members and former members of the SANDF, thus it requires its own unique automated systems that are cost effective and that will provide quality of service delivery.



*ICT Section.*



## LOGISTIC MANAGEMENT

The main objective of the Logistics Unit is to optimally direct Supply Chain Management (SCM) of the Office of the Military Ombud within the allocated budget and in accordance with policies, procedures and prescripts.

Policies and Procedures are currently being developed in order to ensure internal control systems are established and that the Office is in full compliance with the legislative framework. The availability of logistic policies and procedures will further more contribute to the good governance of the Office, assist with meeting the requirements of the Office and facilitate and guide the SCM processes within the Office.



*Logistic Section.*



*Facility, Security and Reception Management Section.*

## FINANCIAL MANAGEMENT

### Overview

The Office of the Military Ombud received an allocation of R46 810 144 through the budget vote of the DOD.

The allocation comprised of R35 241 830 for personnel expenditure and R11 568 314 for Operating expenditure.

The total expenditure against the allocation for the FY2016/17 was R44 132 567 which comprises of R31 562 689 for personnel expenditure and R12 569 878 for operating expenditure.

An additional amount of R1 001 564 was received for the payment of costs associated with the relocation of the Office to Eco Origin.

The net deviation from the total expenditure against the allocation of R46 810 144 was R2 677 577.

The main reason for under expenditure against the personnel allocation is attributed to the delay in the appointment of the Deputy Military Ombud together with her staff as these posts remained vacant due to matters outside the control of the Office. Further the Office of the Military Ombud had an attrition rate of 3 officials who left the organisation during the FY which contributed to the non-payment of salaries for these officials.



*Finance Section.*

## Expenditure Report

**Table 22: The Expenditure Report of the Office of the Military Ombud as Reflected on the Financial Management System, 31 March 2017**

Standard Chart of Accounts Level 3 Description	Standard Chart of Accounts Level 4 Description	Vote	Final Appropriation	Amount Paid	Remarks
a.	b.	c.	d.	e.	f.
Compensation of Employees	Salary and Wages	31 950 520	28 243 154	28 243 154	
	Social Contributions	3 291 310	3 319 535	3 319 535	
	<i>Sub-Total</i>	<i>35 241 830</i>	<i>31 562 689</i>	<i>31 562 689</i>	Deviation as a result of the non-staffing of the Deputy Military Ombud and his/her personnel staff posts and attrition of 3 officials during the current year.
Goods and Services	Inventory: Food and Food Supplies	30 000	26 632	26 632	
	Inventory: Fuel, Oil and Gas	30 000	3 599	3 599	
	Inventory: Materials and Supplies	0	24 937	24 937	
	Consumable Supplies	150 000	150 919	150 919	
	Cons: Stationery and Printing and Office Supplies	125 438	151 520	151 520	
	Operating Leases	4 153 990	0	0	
	Property Payments	150 000	732 525	732 525	
	Travel and Subsistence	2 399 070	2 220 321	2 220 321	
	Training and Development	743 625	652 662	652 662	
	Operating Payments	198 776	253 770	253 770	
	Venues and Facilities	190 000	240 547	240 547	

Standard Chart of Accounts Level 3 Description	Standard Chart of Accounts Level 4 Description	Vote	Final Appropriation	Amount Paid	Remarks
a.	b.	c.	d.	e.	f.
Goods and Services	Advertising	550 000	454 572	454 572	
	Minor Assets	209 194	82 676	82 676	
	Catering: Departmental Activities	150 000	79 506	79 506	
	Communication	558 381	865 092	865 092	
	Computer Services	1 714 557	5 988 756	5 988 756	
	Consultants: Business and Advisory Services	15 000	5 077	5 077	
	Contractors	23 282	258 485	258 485	
	Agency and Support/ Outsourced Services	92 971	78 318	78 318	
	Entertainment	26 688	41 693	41 693	
	Fleet Services	0	0	0	
	<i>Sub-Total</i>	<i>11 510 972</i>	<i>12 311 607</i>	<i>12 311 607</i>	Deviation as a result of additional finding that was received to pay for costs associated with the relocation of the Office of the Military Ombud
Machinery and Equipment	Transport Equipment	0	0	0	
	Other Machinery and Equipment	0	568 628	568 627	
	<i>Sub-Total</i>	<i>0</i>	<i>568 628</i>	<i>568 627</i>	Deviation as a result of additional finding that was received to pay for costs associated with the relocation of the Office of the Military Ombud

**Table 22: The Expenditure Report of the Office of the Military Ombud as Reflected on the Financial Management System, 31 March 2017 (continued)**

Standard Chart of Accounts Level 3 Description	Standard Chart of Accounts Level 4 Description	Vote	Final Appropriation	Amount Paid	Remarks
a.	b.	c.	d.	e.	f.
Software & Intangible Assets	Software and Other Intangible Assets	0	0	0	
Departmental Agencies and Accounts	Transfers and Subsidy: Departmental Agencies	1 210	1 008	1 008	
Households (HH)	H/H: Employee Social Benefits	53 288	-318 653	-318 654	
Provincial and Local Governments	Transfers and Subsidy: Municipalities	2 844	7 290	7 290	
	<i>Sub-Total</i>	<i>57 342</i>	<i>-310 355</i>	<i>-310 356</i>	Deviation as result of the payment of employee settlement.
<b>TOTAL</b>		<b>46 810 144</b>	<b>44 132 569</b>	<b>44 132 567</b>	



## **Military Ombud** Annual Activity Report FY2016–2017

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