

ANNUAL ACTIVITY REPORT

FOR 2015 TO 2016

Impartial & Independent



defence

Department:
Defence
REPUBLIC OF SOUTH AFRICA



MILITARY OMBUD



**FOREWORD BY THE MINISTER OF DEFENCE AND MILITARY VETERANS,
THE HONOURABLE MS N.N. MAPISA-NQAKULA, MP**

This year marks the 4th anniversary of the establishment of the Office of the Military Ombud. It is therefore my privilege to present the 2015-2016 Annual Report.

Established over four years the Office has continued to enhance its strategies, processes and policies that are aimed at positioning the Office of the Military Ombud to deliver on its Legislative Mandate.

The core mandate of the Office of the Military Ombud as encapsulated in the Military Ombud Act, 4 of 2012 stipulates that the Office is to investigate complaints lodged in writing by:–

- ✓ a member of the Defence Force 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.



In pursuit of this mandate, the Office aspires to be one of the world's leading independent and impartial Military Ombud Institutions.

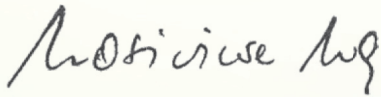
The work of this Office is closely associated with the stated objective of the Act that it must attend to the investigation of complaints in a fair, economical and expeditious manner. This is also the desired mission and objective of the Office.

Judging by the performance against plan report contained in this Annual Report, I am confident that the Office is fully operational and that it can only get better from here. Looking back at the progress made since its inception in 2012, I feel proud to be working with an entity such as this that is committed to the well-being of the stakeholders it serves, more especially the citizens in uniform (members of the defence force).

Moving into the future, we must be able to build good and strong relationships with key stakeholders, in the Department of Defence. This will enable the Office of the Military Ombud to engage better when discernible trends and patterns in the departmental systems and practices are observed. I hope that the Office will pursue a greater relationship with the relevant Chapter 9 Institutions with the view to better manage boundaries in their respective mandates and to improve efficiency and service.

Looking ahead the Office must continue to deliver on the mandate given by the Act. It is only in this way that the mantra of our government to “create a better life for all” can be fulfilled. We will continue to improve the lives of those we serve.

As such I am proud and honoured to present on behalf of the Office of the Military Ombud this first Annual Report and look forward to a fruitful engagement on the content of the Report.



(N.N. MAPISA-NQAKULA)

MINISTER OF DEFENCE AND MILITARY VETERANS, MP

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

The Office of the Military Ombud is an impartial avenue for resolving soldiers' complaints after they have exhausted the internal mechanisms of the South African National Defence Force (SANDF). It gives both the soldiers and the public the opportunity to resolve their grievances about the service speedily, amicably and free of charge. We resolve complaints at the lowest possible level and use our investigative powers to fix systemic problems when necessary with the view to bolster accountability and good governance.

In this report we give an exposition of the total number of complaints received and finalised. Since this is our first Annual Report we also provide historical data to cover financial years preceding the reporting period. Aside from these larger investigations, our staff is also instrumental in unblocking various bureaucratic blockages that affect many soldiers' lives on a daily basis.

Most of our targets and main objectives for the financial year were reached and in some areas surpassed. This demonstrates the Office's commitment to providing a just, fair and acceptable service to our stakeholders and is testament to the competence of the goal-oriented teams driving the Office.

Our Outreach Awareness Programme has revealed certain challenges and shortcomings in the Department of Defence (DOD) systems. As a result, the Military Ombud Regulations 2015 were promulgated to harmonise the management and lodging of complaints. However, with continued support from the Chief of the South African National Defence Force (C SANDF) and his team, and appropriate co-operation between the DOD and our Office, we are confident of being able to deal efficiently with the complaints, and in this way, build public confidence in our Armed Forces.

Having finalised and tabled our Annual Performance Plan (APP) and Strategic Plan for 2015-2016, we have a reliable monitoring and evaluation yardstick for mapping our way forward. This report therefore should be viewed in the context of the objectives and targets set in the 2015 Annual Performance Plan (APP).

In conclusion, in order to execute the mandate of the Office as encapsulated in the Military Ombud Act No 4 of 2012 we need to make a relentless effort to ensure every complaint resolution counts.



A handwritten signature in dark ink, appearing to read 'T.T. Matanzima'. The signature is fluid and cursive, written over a light green background.

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

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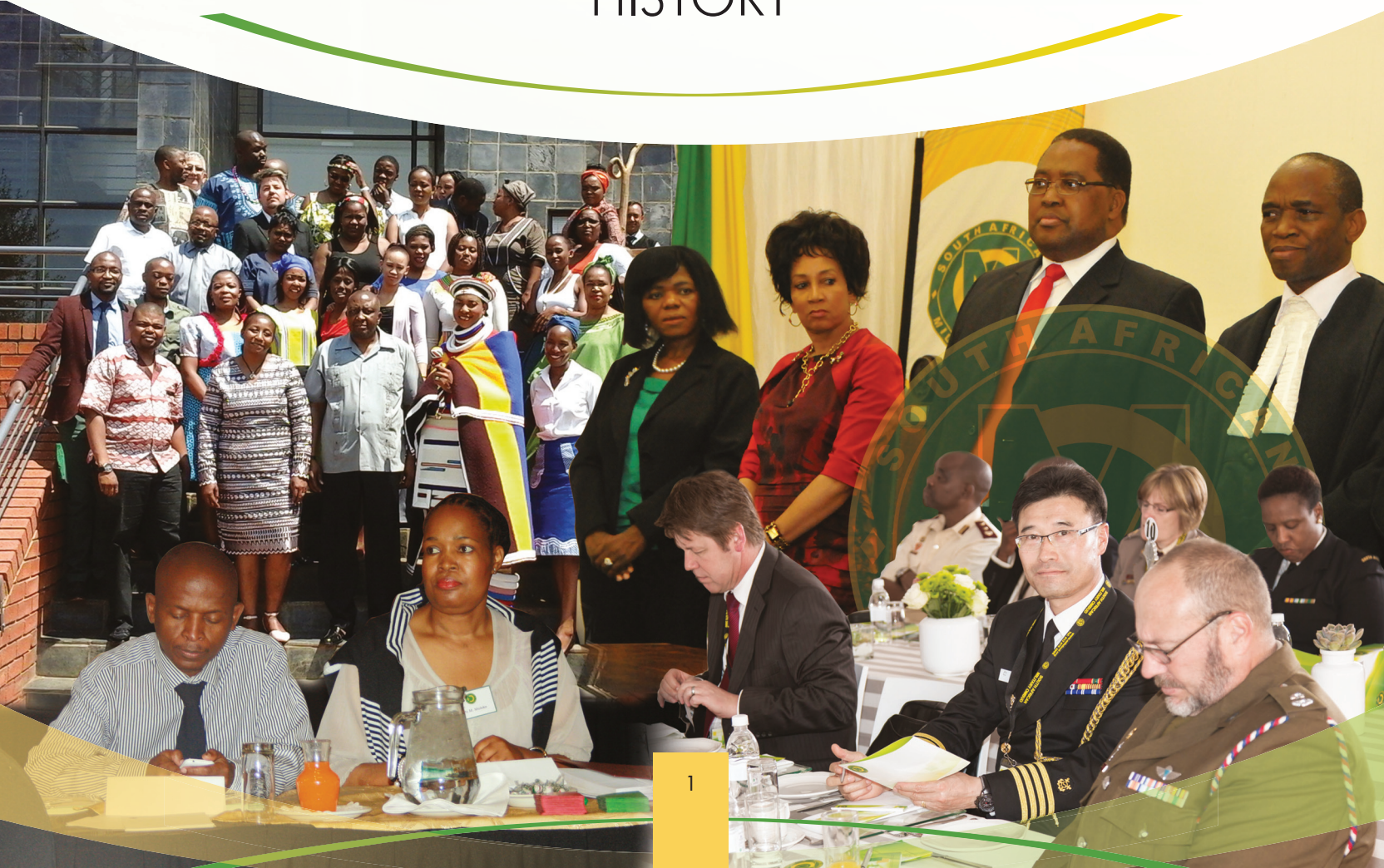
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MILITARY OMBUD

PART 1 HISTORY





HISTORY OF THE OFFICE

The Military Ombud concept was first contemplated in the late 1990's by parliament as an independent external mechanism to deal with soldier's complaints and grievances. In May 1996 the White Paper on Defence advocated for the establishment of an Office of the Military Ombud. No such post was created but a Senior Legal Administration Officer in the Office of the Public Protector was appointed to deal with complaints from SANDF members. This arrangement was largely ineffective.

The Joint Standing Committee of Defence recognised the urgency of establishing the Office and in April 1996 a Bill titled "The South African Military Ombud Bill" was tabled but later withdrawn. The Bill was again tabled in January 2011 leading to the Minister of Defence and Military Veterans (MOD&MV) tasking Lt Gen T.T. Matanzima to establish the Office of the Military Ombud. A project was registered with Defence Intelligence under the auspices of the MOD&MV and Project MOLAMODI was established. The project team (*consisting of members from Human Resources, Finance, Logistics, Information Communication Technology and Integrated Management Systems*) was established under the guidance of Lt Gen T.T. Matanzima.



Project MOLAMODI was approved by the MOD&MV with an end date of 30 June 2015. The Military Ombud Establishment Task Team was constituted as follows:

- | | |
|---------------------------------------|---|
| • Lt Gen T.T. Matanzima | Chairperson |
| • Dr. C.Tshitereke | Ministry |
| • R. Adm J.J. Rautenbach | Project Co-ordinator |
| • Brig Gen (Ret) S.J.W. Van Schalkwyk | Logistic |
| • Brig Gen T. Mohale | Human Resource |
| • Col T. Ntoni | CMIS |
| • Lt Col K.S.W. Mashego | Legal Services |
| • Lt Col M. Rapoo | Project PSO |
| • Lt Col N. Ntloedibe | Human Resources |
| • Lt Col M.D. Smit | CMIS |
| • Ms. A. Welgemoed | Organisation Structure Design |
| • WO1 (Ret) R.G Walker | Project WO |
| • Mr. A. Du Pisani | Finance (<i>Withdrawn from Project</i>) |
| • Mr A. Peyper | Finance |
| • Captain P. S. Phetlhe | Administrative Support |
| • Lt V.S. Maphumulo | Administrative Support |
| • Ms N. Moleko | Secretary to Chairperson |
| • Mr M. Swan | SITA (CMIS) |

To ensure that the Office of the Military Ombud was aligned to the latest trends and best practice a number of international as well as national benchmarking exercises were completed.

This project conducted extensive international benchmark exercises with visits to Austria and Germany in July 2011, Ireland and Canada in September 2011, Canada again in November 2011 and finally Norway, Germany and Switzerland in February 2012. The most important lessons learned from international best practices were first and foremost that the Military Ombud is established to strengthen and improve existing complaints handling mechanisms and secondly the importance of institutional independence (independence from the institution the Office is mandated to oversee), and operational independence (independence to pursue investigations to their conclusion free from interference).

In addition to international benchmarking the project team consulted with numerous national bodies including the Public Protector (PP), the Auditor General (AG), the Independent Electoral Commission (IEC), the Department of Public Service and Administration (DPSA), the Defence Force Service Commission and the Independent Police Investigative Directorate (IPID).

Inauguration of the Military Ombud. Lt Gen (Ret) T.T. Matanzima was sworn in by Judge Francis Legodi as South Africa's first Military Ombud at the Thaba Tshwane Sports Hall in Pretoria on 14 May 2012.

With the inauguration of the Military Ombud, the Office started to receive complaints even though there was no staff complement, consequently a law firm was contracted through the DOD to assist with the conduct of investigations prior to the appointment of the first employees.



First Appointments and the Official Opening of the Building. During August - September 2012, ten (10) posts were advertised and in February 2013 the first permanent appointments were made.

With the inauguration of the Military Ombud and the appointment of the first members the procurement of a building was initiated. As a result EcoFusion 5 in Centurion was identified as the most suitable and then procurement, design and furnishing of the building started. This process came to an end during February 2013 and the building was officially opened on 14 May 2013 by the Deputy Minister of Defence (Honourable T. Makwetla).

Second Phase Appointments. With the Office striving to be more effective, efficient and independent the second phase of staffing commenced during May 2013. An advertisement was placed in all local newspapers advertising 30 vacancies within the Office. With the finalisation of the staffing process 29 members reported for duty in October 2013. A full induction programme was held to induct and welcome the incumbents in their positions.

Third Phase Appointments. To ensure compliance to the staffing targets and the effectiveness and efficiency of the Office the third phase of staffing commenced. A total number of 18 posts were advertised with a closing date of 10 January 2014. On completion of the staffing process 14 members reported on 2 May 2014 for induction.

Fourth Phase Appointments. Due to increase in the number of staff vacating positions some positions were advertised to fill those gaps. A number of about 8 staff members commenced in April 2015.

MILITARY OMBUD

PART 2 STRATEGIC DIRECTION





PERFORMANCE INFORMATION

The performance information for strategic direction as captured in the 2015/16 APP is:

Table 1: Performance Indicator and Targets as per the 2015/16 Annual Performance Plan – Strategic Direction

Output	Performance Indicator	5 Year Strat Plan Target	Audited/Actual Performance (Targets)				Estimated Performance (Targets) 15/16	Medium-Term Targets		
			11/12	12/13	13/14	14/15		16/17	17/18	18/19
a.	b.	c.	d.	e.	f.	g.	h.	i.	j.	k.
To ensure strategic direction to the office of the Military Ombud in-line with Governments intent and expectations										
To manage Military Ombud policy by providing credible policy direction	Percentage compliance to Policy on Policy	95%	-	-	-	-	50%	60%	70%	80%
To provide strategic planning, risk management and performance monitoring and evaluation functions	Percentage Compliance to National Prescripts	100%	-	-	-	-	In-line with National Prescripts 100%	In-line with National Prescripts 100%	In-line with National Prescripts 100%	In-line with National Prescripts 100%

MANDATE OF THE MILITARY OMBUD

The legislative mandate of the Military Ombud is captured in the Military Ombud Act, Act 4 of 2012. The responsibilities delegated to the Military Ombud in the before mentioned Act are:

- ✓ The Ombud must investigate complaints lodged with the Office.
- ✓ The Ombud must investigate a complaint economically, fairly and expeditiously without fear, favour or prejudice.

- ✓ The Ombud may resolve any dispute by means of mediation, conciliation or negotiations or in any other expedient manner.
- ✓ The Ombud must promote the observance of the fundamental rights of the members of the Defence Force.

VISION

To be “A world leading independent and impartial Military Ombud institution.”

MISSION

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

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”.

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.

MEDIUM-TERM STRATEGIC FOCUS AREAS

In pursuing the Office's legislative mandate, the Office strives to continuously contribute to the high level governmental drivers.



After analysing the 12 Medium-Term Strategic Framework (MTSF) outcomes the Office identified outcome 12, “an efficient, effective and development orientated Public Service and an empowered, fair and inclusive citizenship” as the outcome the Office of the Military Ombud indirectly contributes towards by virtue of its legislative mandate.

The outcome 12 was linked to a set of activities and performance targets aimed at facilitating the achievement of the outcome.

In the medium to long term the Office of the Military Ombud will execute its mandate through focusing on the following strategic objectives:

- ✓ Ensuring strategic direction to the Office of the Military Ombud in-line with government intent and expectations;
- ✓ Enhancement and maintenance of Corporate Operations within the Office;
- ✓ Administration of the Military Ombud resources as prescribed by the Regulatory Framework.

Table 2: Military Ombud Strategic Objectives, Purpose and Outputs per Objective

Sub-Programme	Sub-Programme Purpose	Sub-Programme Output/s
a.	b.	c.
To ensure strategic direction to the office of the Military Ombud in-line with Governments intent and expectations.	To develop and maintain strategy and policy in support of the mandate of the Office of the Military Ombud.	<ul style="list-style-type: none"> ✓ Military Ombud Direction and Planning. ✓ Monitoring and Evaluation Reporting. ✓ Regulatory Framework and Policy Development. ✓ Governance Risk and Compliance. ✓ Organisation Structure Management.
To enhance and maintain corporate operations within the office of the Military Ombud.	To establish and maintain an office to effectively manage the function of registering, analysing, investigating and resolution of complaints.	<ul style="list-style-type: none"> ✓ Intake Analysis and Investigations of complaints. ✓ Outreach, Communication and Corporate Branding. ✓ Legal Services. ✓ Research and Development.
The administration of Military Ombud resources as prescribed in the Regulatory Framework.	To establish and maintain an office with efficient, effective and economical resource utilisation.	<ul style="list-style-type: none"> ✓ Human Resource management and Development. ✓ Financial Management. ✓ Information Communication and Technology. ✓ Logistic and Facility Management. ✓ Internal Monitoring, Evaluation and Reporting.

OUTCOMES

Outcomes relate to the medium term results that are the consequence of achieving specific outputs. Outcomes are “what we wish to achieve”. The outcomes of the Office are:

- ✓ Establishment of an independent Office of the Military Ombud.
- ✓ Investigate and ensure that complaints are resolved in a fair, economical and expeditious manner.

OUTPUTS

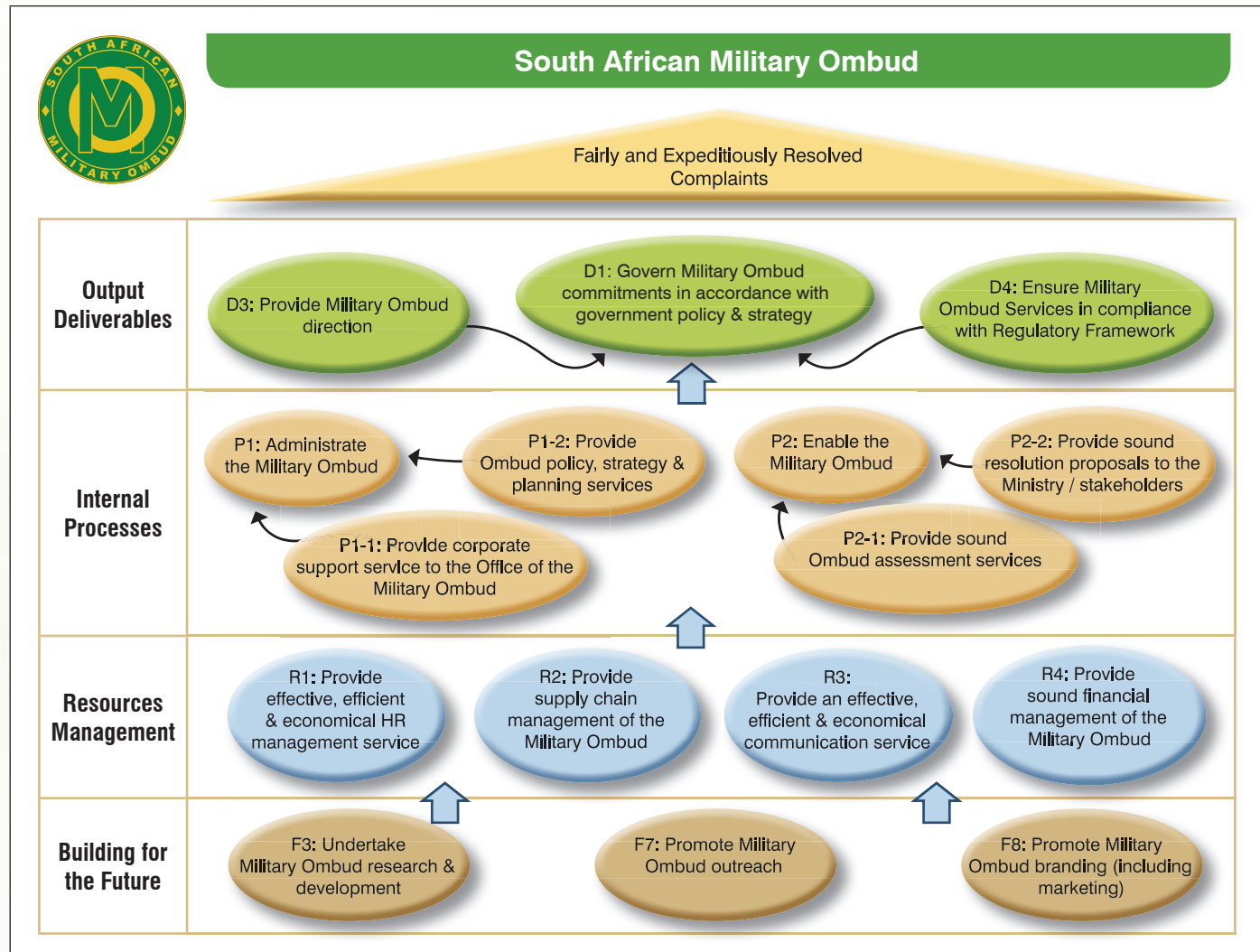
Outputs are defined as “what we produce or deliver”. The outputs related to the Office’s final products, or services produced for delivery are:

- ✓ Provide sound direction.
- ✓ Ensure the resolution of complaints submitted.
- ✓ Ensure compliance with the Military Ombud Regulatory Framework.



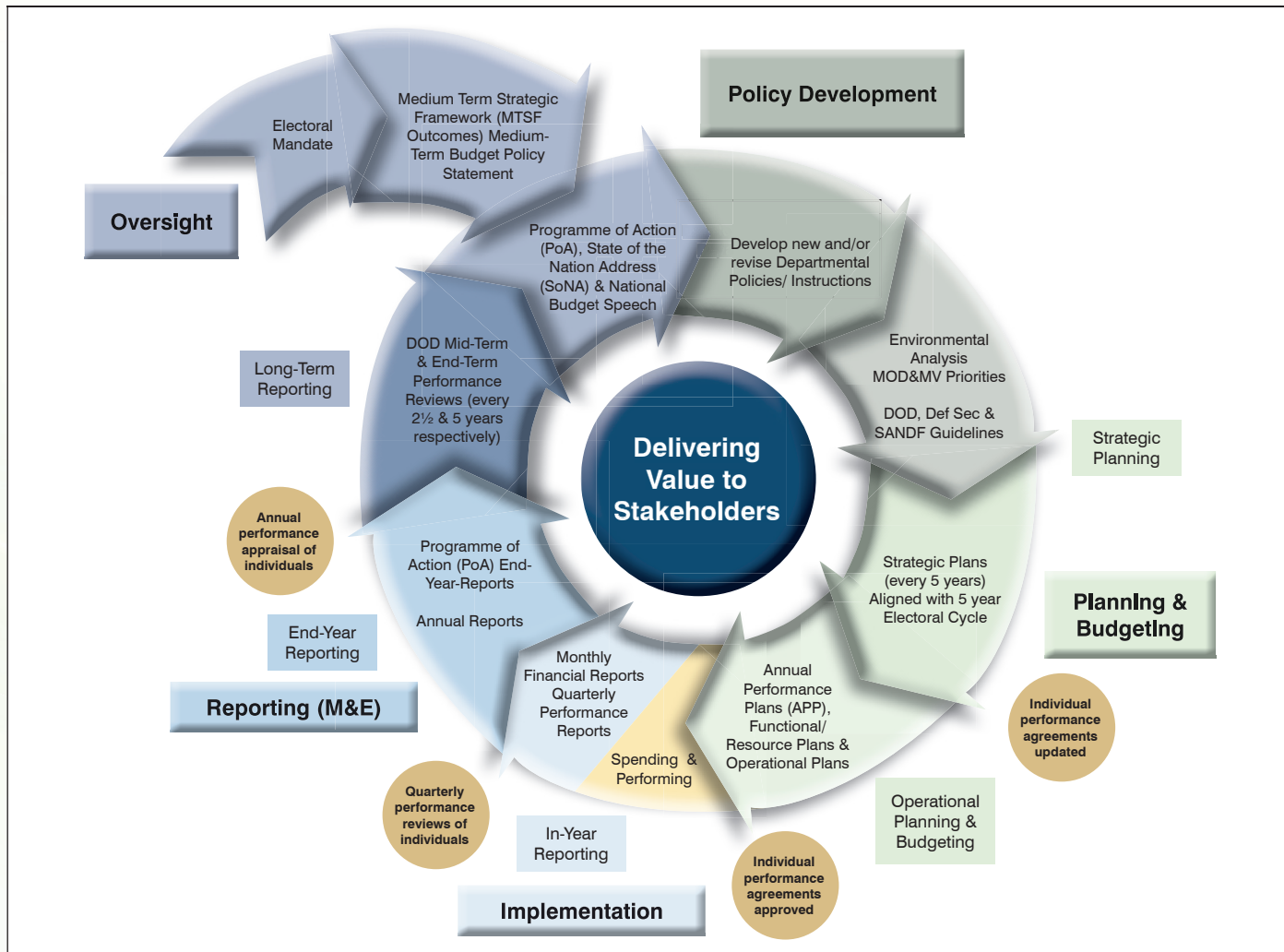
Based on the outcomes and outputs as listed above the office of the Military Ombud developed the corporate strategy map presented in figure 1, which informs the organisation's planning budgeting, reporting and risk management processes across all levels and functionalities of the Office.

Figure 1: Military Ombud Corporate Strategy Map



For the reporting period the Military Ombud pursued the Government Medium Term Strategic Framework for the planning cycle. The strategic priorities will enable subsequent Organisational planning instruments, strategic budgeting, monitoring and evaluation and risk management functions. The planning, budgeting and reporting cycle followed is depicted in Figure 2 below.

Figure 2: Military Ombud Planning, Budgeting and Reporting Cycle



The execution of the priorities enhanced the effective realisation of the Military Ombud mandate through a strategically focused organisation supported by and within the available resources.

PART 3

CORPORATE OPERATIONS



INTAKE, ANALYSIS AND INVESTIGATIONS

PERFORMANCE INFORMATION

The performance information for intake, analysis and investigations as captured in the 2015/16 APP are:

Table 3: Performance Indicator and Targets as per the 2015/16 Annual Performance Plan – Intake, Analysis and Investigations

Output	Performance Indicator	5 Year Strat Plan Target	Audited/Actual Performance (Targets)				Estimated Performance (Targets) 15/16	Medium-Term Targets		
			11/12	12/13	13/14	14/15		16/17	11/12	12/13
a.	b.	c.	d.	e.	f.	g.	h.	i.	j.	k.
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	50% finalised in-year 45% finalised from previous year	-	-	-	-	50%	60%	70%	80%

INTRODUCTION

The purpose of the Operations environment is to resolve complaints in accordance with the prevailing regulatory framework as received within the mandate of the Military Ombud which is:

- ✓ Complaints from serving members of the South African National Defence Force regarding their terms and conditions of service, and
- ✓ Complaints from former members of the South African National Defence Force regarding their terms and conditions of service, and
- ✓ Complaints from the public regarding the official conduct of a member of the South African National Defence Force.

Any of the above groupings may be represented in their individual complaints.

Since the inception of the Office, the Intake, Analysis and Investigations environment received a total of **1 137** cases which were registered, assessed and corresponded to. A total of **1 019** complaints were finalised. The tables below provide the detail of the cases received under the category other, complaints were filed relating to reports of maladministration and claims for maintenance and damages.

FOUR YEAR STATISTICAL OVERVIEW

Over the past four years a total number of 1 137 complaints has been registered. The table below indicates detail with regards to the complaints submitted, finalised and carried over.

Table 4: Four Year Statistical Overview

Financial Year ¹	Total Carried Over Cases	Total Cases Received in 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

PERFORMANCE INFORMATION PER COMPLAINTS CATEGORY

The complaints submitted over the past two financial years 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 Rank Review.

¹ Note: As of 31 March 2016, 10 reports submitted by the Military Ombud and accepted by the Minister of Defence and Military Veterans were still pending implementation by the SANDF

Table 5 below provides detail with regards to complaints submitted and the number per category.

Table 5: Performance Information per Complaints Category FY2015/16

Category	Carried Over Form FY2014/15	Received in FY2015/16	Total Received	Finalised in Year Received	Total Finalised	Carried Over to FY2016/17
a.	b.	c.	d.	e.	f.	g.
Promotion, Demotion and Rank Review	49	34	83	20	55	28
Utilisation & Placement	19	18	37	13	31	6
Service Benefits & Working Environment	46	76	122	59	96	26
Education, Training & Development	6	3	9	3	8	1
Remuneration	18	25	43	20	31	12
Grievance/Discipline Procedures	8	13	21	10	16	5
Service Termination	68	69	137	47	103	34
Other	18	5	23	5	21	2
Official Conduct of Member of SANDF	1	7	8	3	4	4
TOTAL	233	250	483	180	365	118

CASE STUDIES

In terms of section 6(7) and subsection (8) of the Military Ombud Act, 4 of 2012, the Military Ombud has to uphold or dismiss a complaint, or recommend an alternative resolution to the Minister of Defence and Military Veterans, or refer a complaint to an appropriate public institution for finalisation should the complaint fall outside the Military Ombud's jurisdiction. If the Military Ombud upholds the complaint, the Military Ombud must recommend the appropriate relief for implementation to the Minister.

Below are some of the complaints considered by the Military Ombud:

Case 1: Wrongful Termination of Service.

The complainant was a non-commissioned officer who was found guilty on a charge of culpable homicide in a magistrate's court. The Magistrate sentenced the complainant to five years imprisonment and refused his application for leave to appeal. He was incarcerated upon sentencing. His defence attorney applied on his client's behalf to the High Court for leave to appeal and informed the Department of Defence thereof. The complainant's attorney furthermore applied to the High Court to grant his client bail, pending the decision on the appeal, which the court granted. He reported to his unit the following day, but was informed by the Officer Commanding that he has been dismissed and would not be allowed into the unit lines again. He lodged his complaint approximately a year later with the Military Ombud requesting re-instatement.

The investigation revealed that the complainant had been dismissed in terms of the provision contained in section 59(1) (d) of the Defence Act 42 of 2002 which determines that: *“The service of a member of the Regular Force is terminated if he or she is sentenced to a term of imprisonment by a competent civilian court without the option of a fine”*

The investigation further revealed that his unit had applied for authority to terminate his service two months prior to his sentencing and that approval was granted by the Human Resources Division on the day of his sentencing.



He continued to receive his monthly salary while awaiting the High Court's decision on his application for leave to appeal. Only two weeks after he had reported for duty to his unit when he was informed he had been discharged, did the unit initiate Phase 1 of service termination computer actions.

He succeeded with his Appeal in the High Court and the court amended the original sentence by giving the complainant a fine or one year imprisonment failing the payment of the fine.

The SA National Defence Force was therefore premature in invoking the provision contained in section 59 of the Defence Act. There is furthermore no other empowering legislation allowing for the complainant's discharge given these facts.

The Military Ombud therefore upheld the complaint and recommended to the Minister of Defence and Military Veterans to reinstate the complainant retrospectively with pay.

The Minister accepted the recommendation and ordered his reinstatement retrospectively.

Case 2: Promotion.

An officer lodged a complaint demanding a substantive promotion to the rank of Lieutenant Colonel backdated to the date of his temporary promotion without pay.

During 2010 the officer received a geographical transfer to the Western Cape and was placed in a Lieutenant Colonel's post. He received temporary promotion without pay since he was not yet course qualified for purposes of command and control.

In his complaint to the Military Ombud he argued that the scope of his current post exceeds the scope of his previous post and that he is therefore entitled to the higher remuneration. He further substantiated this argument by claiming that he is expected to perform at the higher level and is being assessed as a Lieutenant Colonel. In addition he claimed that he was due for promotion as his previous promotion was more than six years ago.

He had exhausted the Department of Defence (DOD) individual grievances procedure and attached a copy of the reply he received from the DOD Grievance Board. The Grievance Board did not rule in his favour.

The Military Ombud referred the matter to the Service Chief who provided his reasoned response, as well as copies of the Service Grievance Committee minutes where his grievance was deliberated on and the reply sent to the officer.

On assessment of the responses provided to the complainant by the Service Grievance Committee and the DOD Grievance Board, the Military Ombud found that the officer had been treated fairly within the regulatory framework that directs promotions (DODI NO 21 of 2001) and dismissed the complaint. The officer was informed accordingly.

Case 3: Integration Rank Review/Appeal.

The Military Ombud received a complaint from a Sergeant regarding the allocation of rank during the SANDF integration process. The Sergeant was allocated the rank of Private upon integration in 1994. He followed the appeal process that was available at the time and he was then allocated the rank of corporal. He signed acceptance of the offer and filed a further appeal three days later. He claims that he should have been allocated the rank of Colonel upon integration as that was the comparative rank level he held in his former non-statutory force.

The Military Ombud took into consideration that the Termination of Integration Intake Act, 44 of 2001 and the Demobilisation Amendment Act, 2001 legally and formally brought the process of integration of the non-statutory forces (MK and APLA) to an end by December 2002.

The Final Integration Report by the then Chief of the SA National Defence Force and the Secretary for Defence to the then Joint Standing Committee on Defence sitting as the Parliamentary Integration Oversight Committee during May 2003 found the process of integration to have been concluded.

The Military Ombud further took cognisance of the Plenary Defence Staff Council decision of 17 February 2003 which reads as follows: “That the Audit of Ranking process, conducted over a period of more than two years, be considered as concluded and that no other ranks of the first 1994 intakes or any other intakes be subjected to a similar auditing process.”

The above decision was furthermore confirmed during meetings of the Military Command Council held on 4 October 2010 and 15 October 2010.

In light of the above as well as the fact that the complainant had signed for acceptance of his rank following his appeal, the complaint was dismissed and the complainant was informed of the decision.

Case 4: Non-Renewal of a Core Service System Contract.

The complainant was a fire fighter formerly serving as a member of the SA National Defence Force since 1999, effectively serving for a period of eleven years (11). His Core Service System (CSS) contract had been renewed on six (6) occasions with periods of one (1) to two (2) years up until September 2011. When the member’s CSS contract lapsed in September 2011, he was advised to stay at home until such time when his contract would be renewed. The CSS contract was not renewed which led to the member lodging a complaint with the Office of the Military Ombud. The member sought renewal of the CSS contract as a redress to his complaint.

The complainant is of the view that he had been unfairly treated by his superiors as they had neglected their responsibilities by not timeously considering his contract renewal.

On 29 August 2011 a request from the Fire Chief and Rescue Services was sent out to him that explained that he should submit a request for the renewal of his CSS contract as it was coming to an end on 30 September 2011. As a consequence the complainant submitted a total of five (5) different letters for his contract renewal.

As part of the investigations, four officials were interviewed and documentation was obtained from the SANDF. Evidence obtained revealed that the member was advised to re-muster due to his medical condition which impeded on his functioning as a Fire Fighter. Furthermore, the minutes of the Personnel Advisory Committee (PAC) meeting held in January 2013 recommended that the complainant's contract should be renewed with effect from 01 October 2011.

The inputs provided by the SANDF suggested that their position was to renew the contract with effect from 01 October 2011 as his contract was not handled in terms of the relevant policy, the CSS Instruction. The CSS Instruction determines that all CSS members shall be informed at least 18 months prior to the end date of their contracts of the intention of the SANDF to offer them a subsequent contract or not.

The Military Ombud found that the SANDF had failed in exercising its duties by not informing the member, 18 months prior to expiry of his contract, that it does not intend to renew his contract.



The Military Ombud therefore upheld the complaint and recommended to the Minister of Defence and Military Veterans that the SANDF should restore the member to a situation he would have been had his contract been appropriately handled 18 months prior to its lapse on 30 September 2011. The Minister has accepted the Ombud's recommendations and ordered reinstatement retrospectively to 01 October 2011.

Case 5: Termination of Service.

The complainant, a former member reported that he was appointed on a permanent basis in a position of Artisan Aircraft Support Mechanic in the South African Defence Force (SADF). He alleged that his contract was from 23 June 1992 to 05 December 2030. He could not provide a copy of the contract.

He was discharged on 30 September 1993 and he alleges that his discharge was unfair. On merits the complainant mentioned a list of incidents starting from September 1992 leading up to his discharge.

The incidents mainly related to his absenteeism.

The matter was analysed and the complainant was consulted to gather more facts and establish the basis of the complaint. It was established through consultations with the complainant that he was on many occasions charged for being absent without official leave. In all instances he pleaded guilty to the charges.

The complainant could not substantiate his allegations of victimisation and he could not give justifiable reasons for failing his courses. It was noted that the complainant did not want to take any blame for his situation.

It was noted that before being discharged the complainant was offered an opportunity to serve in a non – technical mustering but he declined the offer.

On the information furnished by the complainant, the Military Ombud found no evidence of victimisation leading to the complainant being discharged from his employment in the Defence Force. His under-achievement during training courses as well as his disciplinary record provided justifiable grounds for discharge as per the General Regulations for South African Defence Force and the Reserve, Chapter IV, paragraph 21, (1) (a) (iii) which provide that subject to the provisions of section 12 (1), 85 and 96 of the Act, the Minister may, under section 12 (1)(f) of the Act, discharge any other rank of the Permanent Force- on account of misconduct where – before or since his or her appointment he or she has been convicted by a civil or military court on more than one occasion of offences which, considered individually would not justify or did not lead to his or her discharge on account of misconduct, but considered collectively, render his or her continued employment in the Permanent Force undesirable.

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

The Military Ombud concluded that the complainant failed to lay a basis for his allegations of victimisation and unfair dismissal.

The Military Ombud further concluded that the evidence showed that the Defence Force was justified in discharging the member based on his disciplinary and training record.

The complainant was advised to consider consulting a legal representative to establish any further remedies available to him.

Case 6: DOD Failure to Implement Court Order.

Four Messrs submitted a complaint as their contracts were not renewed when they expired on 30 June 2012. The former members then lodged a grievance through the individual grievances process of the DOD. They allege that the SANDF failed to respond to their grievances. They referred the matter to their Union, SANDU, and consequently the matter was dealt with by the North Gauteng High Court, Pretoria. The court granted an order on 10 September 2013 directing the SANDF to re-employ the members with effect from 01 July 2012 and transfer the members from the Military Skills Development System to the Core Service System. The members now request our office to compel the Defence Force to implement the court order granted on 10 September 2013.

The assessment of the matter indicates that the DOD's non-compliance with the court order amounts to contempt of court, however, in terms of section 7(1)(c) of the Military Ombud Act, 2012, the Military Ombud may not investigate a complaint relating to a matter on which a decision has been taken by a military or civilian court.

As such, the Office is restricted in terms of what it can do about the matter but the complaint was nevertheless referred to the Chief of Defence Legal Services for immediate action.

Case 7: Payment of Pension Benefits.

The complainant is a former Non-Statutory Force Member who integrated into the SA NAVY, with the rank of a Seaman. In 1994. Over the years he received rank progression until the rank of a Chief Petty Officer (CPO) in 2006 and at the time he was attached to 13 CR PROVOS COY Unit. In 2006, he was charged on allegations of absence without leave (AWOL) for more than thirty (30) days the result of which he was sentenced to a Discharge by the Court of the Military Judge on 30/11/2006. The sentence was later confirmed by the Court of Military Appeals on Review on the 05/07/2007.

The Complainant filed a complaint with the Military Ombud requesting that the decision of the Military be looked at and be paid the remainder of his pension

The investigation revealed that an amount of R 58 875.95, was initially withheld from the complainant on the basis that he was not on duty for period December 2006 to July 2007. The roll call registers for the period January to May 2007 were thereafter submitted, as proof that the complainant was on duty. An amount of R 32 041.23, was later paid into the bank account of the complainant, leaving the balance of an amount of R 26 833.95 due to him. The money (R 26 833.95) was withheld on the basis that the complainant was not on duty for the period December 2006, June and July 2007.

Thus the evidence adduced by the SANDF could not conclusively say that the complainant was not at work for the duration of the period in question and therefore lacked credibility and remained unsubstantiated. The roll call books and schedule name list for the period in question (December 2006, June and July 2007) could not be located. The roll call marker to whom the complainant also reported has since passed away. On the other hand, he made it clear that he was in the unit. This version remained contradicted and as such reliable

The Military Ombud upheld the complaint and recommended in terms of section 6 (8) of the Military Ombud Act as the SANDF had no legal basis for withholding of complainant's pension benefits amounting to R 26 833.95. Regarding the Complainant's Discharge by the Military Court, it should be noted that section 7(1) of the Military Ombud Act 4 of 2012, limits jurisdiction of the Military Ombud to investigate matters that were decided by or are pending before a Military Court.

It was recommended to the MOD & MV that the withheld pension benefits be released to the complainant.

Case 8: Salary Payment.

The complainant filed a complaint with the Military Ombud in terms of section 4 read with section 6 of the Military Ombud Act 4 of 2012 pertaining to him not receiving a 2% salary adjustment as he had reasonably expected, but rather 0.1%.

It is alleged by the complainant that, during December 2009 the President made an announcement regarding salary increases for the soldiers from levels 2 to 12 respectively. The increase was to be between 2% and 65%. According to the complainant, the announcement made by the President, created a legitimate expectation. When the salary adjustment was done, the complainant received 0.1% instead of 2%, a situation against his expectation.

Evidence reveals that, the salary adjustment percentages were not the same to all rank categories. It was made clear that all Col's were awarded 0.1% and the lower the level, the more percentage the member would receive.

The investigation further revealed that the correct interpretation of the salary grading system would be the one created by the Committee of Ministers. It is clear that the complainant only concentrated on the political speech without comparing that with what has been decided by the technocrats, to wit, the Committee of Ministers. It is where the SANDF drew its mandate to implement the salary grading system.

Instruction letter by the then Chief Human Resource was issued on behalf of the Minister detailing that a salary increase for SANDF members to be in par with the SAPS and has to be effected as from the 01 December 2009. This was only applicable to members appointed in terms of the Defence Act No 42 of 2002.

It was found that the complainant being a Col and a staff officer in the SANDF is well placed to understand the intricacies surrounding political statement vis-a-vis what should be implemented.

It is further found, and from the subjective point of view that, the complainant could not have relied on legitimate expectation to justify his claim. The Complainant is not just an ordinary Col judging from the subjective factors. It is further found that the complainant was not as objective in as far as the complaint is concerned and as such the credibility of his evidence was questionable. The member's salary was correctly adjusted by 0.1% as per the calculation based on the decision by the Committee of Ministers.

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

Case 9: Salary Payment and Unfair Suspension of a Reserve Force Call Up Instruction.

The Complainant is a Reserve Force Member who was called up as Ops Personnel Maintenance Officer at Joint Operations Tactical HQ Limpopo. The complainant alleged that he was unfairly suspended on the allegation of fraud and corruption by the Acting Officer Commanding; as a result his call up extension was cancelled. During the suspension the complainant was not receiving any salary payment.

Upon investigation it was established that the suspension was substantively and procedurally unfair. It was further established that the decision to suspend the complainant amounted to an unfair labour practice in that there was a breach of contract on the part of the employer.

The Military Ombud upheld the complaint and made the following recommendations to the Minister:

- ✓ That the complainant be given a preferential call up for a period of six months; or
- ✓ that the remaining months of his call up be effected as a remedy; alternatively
- ✓ that he be compensated for the remainder of his call up (6 months) work; and
- ✓ that the Unit should correct his conduct record on the system.
- ✓ The Minister accepted the recommendations and the complainant was paid R108,000 for the remainder of his call up.

Case 10: Delay/Non-Payment of Pension.

The complainant is a former short term contract member who resigned from the SANDF. The complainant alleged undue delay in payment or non-payment of the pension monies owing to the SANDF not having processed the clearing out forms.

The reason for SANDF failure to process the clearing out forms was as a result of the complainant being a subject of an investigation regarding a missing R4 Automatic rifle that was allocated to him whilst on service with SANDF. Two (2) Boards of Inquiry were convened by SANDF in 2012 and 2013 respectively, to ascertain what happened and who was responsible for the missing rifle.

The first Board of Inquiry was abandoned due to technical irregularities, and the second Board of Inquiry found that according to the records the complainant handed in the missing weapon and as such was not liable thereof. It was recommended that the complainant clearing out process be finalised accordingly.

Despite the outcome and recommendations of the Board of Inquiry, the complainant's clearing out process remained incomplete. The complainant then approached the Military Ombud requesting assistance to have the clearing out process finalised so that pension monies due to him can be paid.



The investigation revealed that the SANDF was not ready to process the complainant's pension documents as there was an ongoing internal investigation regarding other missing weapons apart from the weapon that was allocated to the complainant. However there was no evidence implicating the complaint in the latter investigation.

It became apparent that the best way to resolve the complainant's dilemma was through an alternative dispute resolution (ADR) mechanism as per section 6(6)(b) of the Military Ombud Act which provides that, the Military Ombud *may resolve any dispute by means of mediation, conciliation or negotiations or in any other expedient manner.*

The mediation process was conducted to resolve the complaint with the SANDF. Parties agreed that there was no justification for withholding the complainant's pension as it was difficult to impute culpability on him (complainant). There was nothing linking the complainant to the missing weapons as per the Board of Inquiry.

The SANDF processed the complainant's clearing out documents including his pension documents. Complainant's pension was paid.

Case 11: Recruitment and Selection.

The complainant, is a member of the public acting on behalf of his son. He was complaining about the SANDF apprentice Selection that took place in May/June 2010. The apprentice training in the SANDF was advertised in May 2010, and his son applied. His son was invited for panel interviews and a technical test for the said apprentice selection process.

After the said interview the complainant's son received a letter dated 24 May 2010 which advised him that he was successful during the said technical test and the panel interview. The aforementioned letter further advised him that an official date for the medical assessment will be forwarded to him shortly, and that his acceptance for the apprentice training in the SANDF will be confirmed once he is medically fit.

The complainant alleged that they waited for the date of the medical assessment to be made known to his son from May 2010 until November 2012, but there was no communication from the SANDF. They then started to communicate with the SANDF official a Maj, however their inquiries were fruitless because the Major kept "tossing them from pillar to post" and at times he would promise to get back to them but failed to do so.

The complainant was of the view that his son was prejudiced by the Department of Defence in that, they had failed to provide his son with the date for the medical assessment, thus denying his son the opportunity to join the SANDF. He further alleged that this situation has negatively affected his son emotionally because he was excited and looking forward to be part of SANDF as promised in the letter.

The investigation revealed that the Complainant's son was presented with a letter dated 24 May 2010. The letter informed him that he was successful during the SANDF technical test and panel interviews for the Apprentice Selection Process. The letter further informed him that an official date for medical assessments will be forwarded to him shortly and that his acceptance in the SANDF will be confirmed once he is medically fit.

The wording and content of the letter created a legitimate expectation on the part of complainant's son.

The selection process was suspended on account of the 2010 FIFA World Cup Competition. Complainant was not informed of the decision to suspend the selection process. This was a failure on the part of the SANDF to comply with Section 33 (1) of the Constitution, 1996. Which states that: "Everyone has the right to administrative action that is lawful, reasonable and procedurally fair." Section 33 (2) further states that: "Everyone whose rights have been adversely affected by administrative action has the right to be given written reasons for the decision."

An ADR session was convened wherein the SANDF recognized the failure on their side and conceded with the above stated provisions. An undertaking was made to rectify the mistake by offering the complainant an opportunity to go through the selection process again.



LEGAL SERVICES

PERFORMANCE INFORMATION

The performance information for legal services as captured in the 2015/16 APP is:

Table 6: Performance Indicator and Targets as per the 2015/16 Annual Performance Plan – Legal Services

Output	Performance Indicator	5 Year Strat Plan Target	Audited/Actual Performance (Targets)				Estimated Performance (Targets) 15/16	Medium-term Targets		
			11/12	12/13	13/14	14/15		16/17	17/18	18/19
a.	b.	c.	d.	e.	f.	g.	h.	i.	j.	k.
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 Divisions	90% of all requested legal services provided	-	-	-	-	80% of all requested legal services provided	80% of all requested legal services provided	90% of all requested legal services provided	90% of all requested legal services provided

INTRODUCTION

The objective of Legal Services is to provide effective and efficient legal services to the Office of the Military Ombud by reviewing, developing and drafting legislation regarding the mandate of the Military Ombud, drafting and scrutinising legal documents involving the Office and rendering legal support and advice to the Office.

Most of the Directorates targets for the 2015/2016 financial year have been achieved despite capacity constraints within the directorate. Being responsible for the provision of legal advisory, legal drafting and litigation management services. For the 2015/2016 FY the receipt of requests for legal services can be summarised as follows:

Table 7: Number of Legal Requests received for FY2015/16

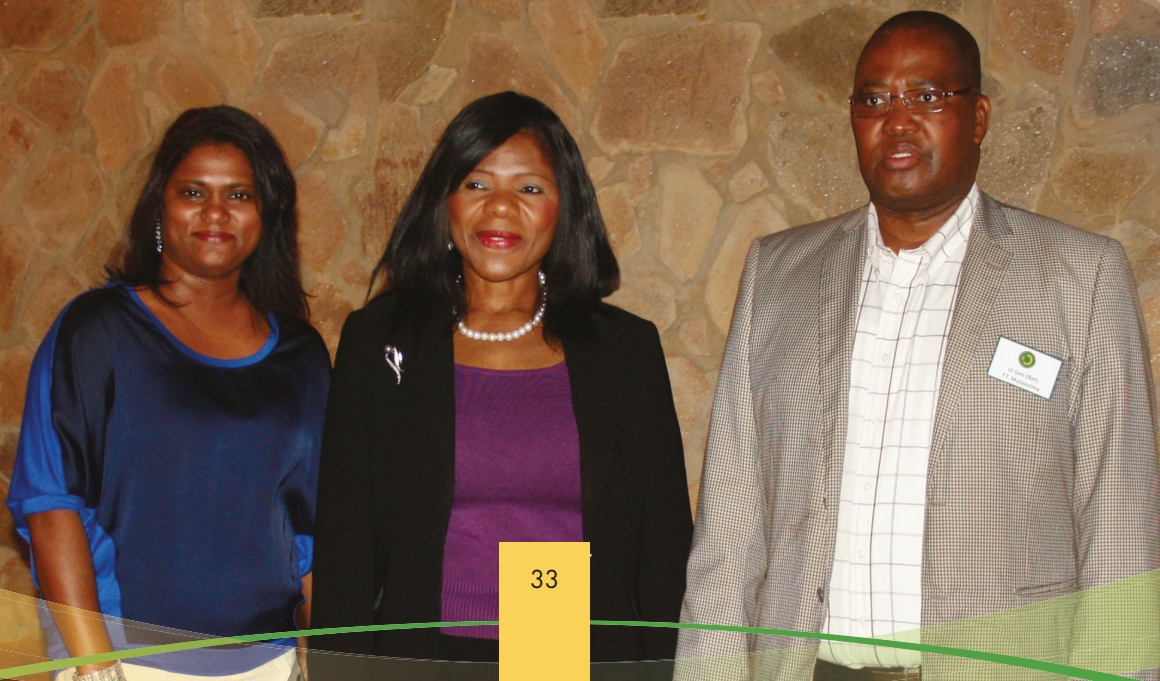
Legal Drafting	Legal Opinion	Legal Advice	Legal Review	Litigation
a.	b.	c.	d.	e.
6	15	11	8	0

A total of 41 requests were attended to with 37 being finalised and a total of 4 requests still in progress to date. No litigation management was received for this year however, one litigation matter was carried over from the previous financial year for finalisation.

ACHIEVEMENTS

Some of the Directorate's main achievements can be summarised as follows:

- ✓ **Military Ombud Complaints Regulations 2015.** The Military Ombud Complaints Regulations were presented to the Minister of Defence and Military Veterans on 4 September 2015 after going through a demanding legislative drafting and consultation process. The Regulations were approved and promulgated by the Minister by publication in the Government Gazette on 16 November 2015.



- ✓ Memorandums of Understanding. The Office continued with its engagement with pertinent stakeholders and in so doing entered into Memorandums of Understanding with the *Commission for Gender Equality, the Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities, Government Pension Fund Administration Agency, South African Police Services and the Office of the Public Protector*. The signing of MOU's with the Department of Military Veterans and the South African Human Rights Commission are in the process of being finalised. All MOU's were developed with a view to establishing and defining activities that are to be carried out by each institution in respect of areas of mutual interest and it specifies mutually accepted expectations between them, such as the referral of complaints that fall within either institutions mandate to ensure effective and efficient complaints handling, the sharing of information and assistance which will include but will not be limited to complaints, support systems and procedures, best practices, training and development and or any other assistance within the expertise of each party; and collaborative partnerships on advocacy matters and raising awareness on relevant issues.

CORPORATE COMMUNICATION

PERFORMANCE INFORMATION

The performance information for the communications environment as captured in the 2015/16 APP is:

Table 8: Performance Indicator and Targets as per the 2015/16 Annual Performance Plan – Corporate Communication

Output	Performance Indicator	5 Year Strat Plan Target	Audited/Actual Performance (Targets)				Estimated Performance (Targets) 15/16	Medium-term Targets		
			11/12	12/13	13/14	14/15		16/17	17/18	18/19
a.	b.	c.	d.	e.	f.	g.	h.	i.	j.	k.
To enhance and maintain corporate operations within the office of the Military Ombud										
To ensure corporate communication products and services	Percentage compliance with annual requirements in terms of media liaison, communication information products and services as well as marketing and communication support requirements	90% of all requirements submitted	-	-	-	-	60%	70%	80%	90%

INTRODUCTION

The Communications Directorate is responsible for the co-ordination and implementation of all Military Ombud Office outreach programmes to current members of the South African National Defence Force (SANDF). The main objective of Corporate Communications Directorate is to provide efficient, effective and economical communication services to the Office of the Military Ombud.

The programme covers all nine (09) Provinces of South Africa and targets set for the Directorate in 2015/2016 financial year have been mostly achieved despite a shortage of human resources at the beginning of the financial year.

OUTREACH PROGRAMME

The Office of the Military Ombud continues to reach out to the military community through various stakeholder engagement platforms and by pursuing the implementation of its core programmes and projects as informed and directed by the Military Ombud Act, No 4 of 2012.



The Office of the Military Ombud managed to visit numerous military bases in the various provinces to do presentations on the work and mandate of the Office to the military personnel. Table 9 below reflects the military bases visited during the FY2015/16.

Table 9: Outreach Events per Province during FY2015/16

Gauteng	Limpopo	Mpumalanga	Free State	Eastern Cape	Northern Cape
a.	b.	c.	d.	e.	f.
Army Gymnasium	15 SAI Bn Regional Works	ASB MP TAC HQ MP AMHU MP	Bethlehem Bloemfontein	6 SAI Bn	3 SAI BN
Lenasia Military Base	AMHU LM Task Force Air Force	RWU MP MPA	Kroonstad Fouriesburg	BVR East London	ADA Formation ASB Kimberley
Waterkloof Air Force Base	Makhado SA Infantry Battalion	Regional Works	Fouriesburg OPS Base		Kimberley Regiment
Special Forces HQ	DOD Sub Ammunition AFB Ellisras	Middelburg 4 SAI Bn MP	Lesoba TB		93 Regiment Lohatla
Wallmansthal SA Army College	AFB Hoedspruit	SU MP Signal Unit	Belmont TB		10 AA UNIT RWC
SAMHS Training Formation	Public Protector SA	ADA School Ermelo	Tandem TB		ASB NC
Bank of Lisbon DOD HQ	7 SAI Bn Lephalale	Area Military Health	Maseru Bridge		ADA School
Civic Education Centre of Excellence	Ammunition Depot	Joint Tactical HQ MP	De Bruynsrust, Welgedraai and Nuwejaarspruit		8 SAI Bn

It is imperative for the Office to present its mandate in order to engage its stakeholders and let the public know about the existence of the Office and processes that they need to follow when they want to lodge a complaint. Other methods that have been exploited are:

- ✓ Military Base Visits;

- ✓ Cooperation through Memorandum of Understanding (MoU) with strategic stakeholders;
- ✓ In-house newsletters (Ombud News);
- ✓ Soldier Magazine;
- ✓ Military Ombud Website;
- ✓ Social Media (Twitter, Facebook and Instagram);
- ✓ Media Statements on National Print, Broadcast, Online, Community and National Media;
- ✓ Fact sheets; and
- ✓ Stakeholder engagements (Annual Symposium and Annual Golf Day).



Inroads are being made within the South African National Defence Force (SANDF) and the Office is reaching more members during these outreach activities.

Some of the most pertinent issues raised by SANDF members during these consultations are:

- ✓ Whose interest does the Military Ombud represent as he reports to the Minister?
- ✓ Jurisdiction and mandate of the Military Ombud?
- ✓ Content of the MoU between the Military Ombud, SecDef and C SANDF?
- ✓ The timeframe of resolving the complaints with the Office?
- ✓ How does the Ombud go about issuing summons?
- ✓ Whether members can submit complaints as a collective?



- ✓ Difference between the Defence Force Service Commission and the Ombud Office?
- ✓ Whether the Office has any means of protecting complainants against victimisation?
- ✓ Does the Ombud investigate issues of tax where members feel they are being overtaxed?

The following events have taken place over the reported financial year:

- ✓ The Annual Military Ombud Symposium. The Symposium was held on **14 May 2015** under the theme *“Motivation and Productivity in the Current Economic Climate”*. Lt Gen (Ret) T.T. Matanzima welcomed all guests in attendance and gave an overview of the objectives of the event in detail.

Professor D.D Ndimba from the University of South Africa conveyed a keynote address, he echoed the significance of motivated teams and the impact they have on the operations in ensuring organisational high performance and excellence under difficult financial challenges.

Just over hundred guests honoured and attended the event including internal staff of the Office of the Military Ombud.

- ✓ Africa Day. The celebration of Africa Day took place on the **25 May 2015** in the Military Ombud office under the theme *“We are Africa – opening the doors of learning and culture from Cape to Cairo”*.

The late Professor Herbert Vilakazi from the University of South Africa delivered a keynote speech to the Military Ombud officials.

The day was declared by the precursor of the African Union, the Organisation of African Unity in 1963 to acknowledge progress we have made as Africans, while reflecting upon common challenges we face in a global environment.

- ✓ Nelson Mandela International Day. The Office of the Military Ombud visited the Re-Bafenyi Victim Empowerment Centre on the **18 July 2015** in Atteridgeville whereby staff contributed 67 minutes of their time contributing to social development of the centre.

This Community Service was performed in line with the Nelson Mandela International Day 67 minutes campaign. The Office handed over grocery hampers and other related in-kind gifts. Paint work was also done to an identified building wall.

- ✓ Heritage Day. Celebrations took place on the **24 September 2015** at the Military Ombud's offices. The guest speaker of the day was Colonel Dineo Phokontshi from the South African Military Health Services (SAMHS).



She emphasised the importance of protecting and preserving our heritage as a country and ensuring that we celebrate the month. She also touched on the role different cultures play in South Africa to promote Heritage Month.

The theme for 2015 was “*Our indigenous knowledge, our heritage*”.

- ✓ Golf Day. This inaugural Military Ombud Golf Day on the **12 October 2015** at Thaba Tshwane Golf Club. This event will become an annual Golf Day for the Military Ombud and all strategic stakeholders in the military community to network and share best practices of their operations. The event was attended by all senior managers of the Office and about 30 stakeholders including the Chief of the SA National Defence Force.
- ✓ International Conference of Armed Forces (ICOAF) 2015. The 2015 ICOAF took place in Prague, Czech Republic over the period 25 to 27 October 2015 with the following themes under discussion. Military Ombud presented on two themes of the six tabled namely:
 - “Conducting effective investigations” and
 - “The relationship between Ombud’s institutions and civil society in the democratic societies”.

The papers and presentations were very well received and published on the DCAF website as source and reference material.

The Military Ombud was also invited to form part of the DCAF Council and with the approval of the Minister of Defence and Military Veterans accepted the position where-after he attended the council meeting during November 2016 in Geneva, Switzerland.



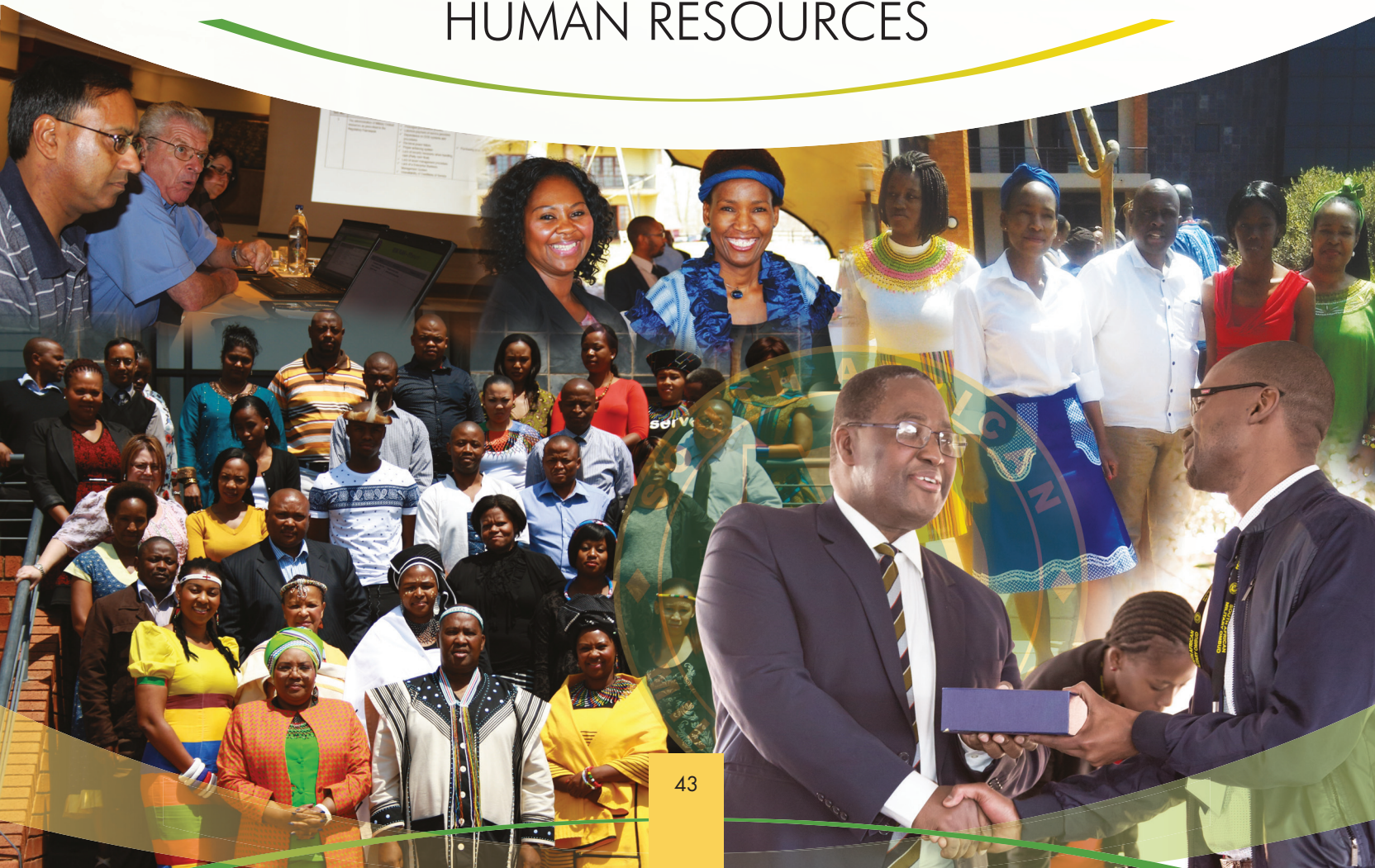
- ✓ Stakeholder Interactions. Our objective is to foster effective interactions with stakeholders to further promote the Office of the Military Ombud. The Military Ombud attended the following stakeholder initiated events.

Table 10: Stakeholder Interactions

Date	Event	Purpose	Venue
a.	b.	c.	d.
22 April 2015	CGE meeting	Signing MOU	Johannesburg
18 May 2015	National Police Commissioner Presentation	Outreach	Pretoria
19 May 2015	Budget Vote 19 in Parliament	Delegate	Cape Town
7 August 2015	Annual Defence Legal Services Division Awards	Delegate	Hoedspruit as Guest (HOC Represented MO)
04 September 2015	Council on Defence Presentation	Outreach	Pretoria
16 October 2015	C Navy Prestige Ball	Delegate	Pretoria
04 November 2015	DoD Audit Orientation and debriefing	Orientation and debriefing	Pretoria
20 November 2015	C SANDF medal Parade	Delegate	Hoedspruit
9-11 December 2015	Military Academy Parade graduation	Delegate	Saldanha Bay
28 January 2016	C J Ops Change of Command Parade	Delegate	Pretoria
28 January 2016	C SAAF Prestige Awards Evening	Delegate	Waterkloof
02 February 2016	GOC Trg Command change of Command Parade	Delegate	Thaba Tshwane
21 February 2016	Armed Forces Day Parade	Delegate	Port Elizabeth
26 February 2016	5 th session of the House of Traditional Leaders	Delegate	Eastern Cape
03 March 2016	Launch of the NDIC	Delegate	Kempton Park
04 March 2016	NDIC Launch Networking Golf day	Delegate	Centurion

MILITARY OMBUD

PART 4 ORGANISATIONAL STRUCTURE AND HUMAN RESOURCES



ORGANISATIONAL STRUCTURE

PERFORMANCE INFORMATION

The performance information for organisation structure design as captured in the 2015/16 APP is:

Table 11: Performance Indicator and Targets as per the 2015/16 Annual Performance Plan – Organisation Structure Design

Output	Performance Indicator	5 Year Strat Plan Target	Audited/Actual Performance (Targets)				Estimated Performance (Targets) 15/16	Medium-term Targets		
			11/12	12/13	13/14	14/15		16/17	17/18	18/19
a.	b.	c.	d.	e.	f.	g.	h.	i.	j.	k.
To ensure strategic direction to the office of the Military Ombud in-line with Governments intent and expectations										
To ensure an optimal and cost effective organisational structure	Percentage compliance to organisational requirements	95%	-	-	-	-	50%	60%	70%	80%

STRUCTURE OVERVIEW

Based on international best practices the current organisational structure of the Office was developed and submitted to the Minister of Defence and Military Veterans (MOD&MV) during June 2012.

The approved structure of the Military Ombud consists of two (2) primary functional lines, namely Operations Management and Corporate Support. The total number of posts approved and captured on the Structure Management Control System (SMCS) is 89 of which 66% will be focusing on delivering the core business, namely Operations Management.

The functions performed by the two functional lines are as follows:

- ✓ Corporate Operations. This environment is charged with all functions influencing the complaints handling process such as:

- Registering of all complaints.
- Analysis of complaints for early resolution.
- Investigation of complaints.
- Provisioning of legal services for the Office.
- Provisioning of a communication service to the Office including image building, management of outreach events, website development, management and a public relations function.
- The conducting of research with regards to the latest trends.

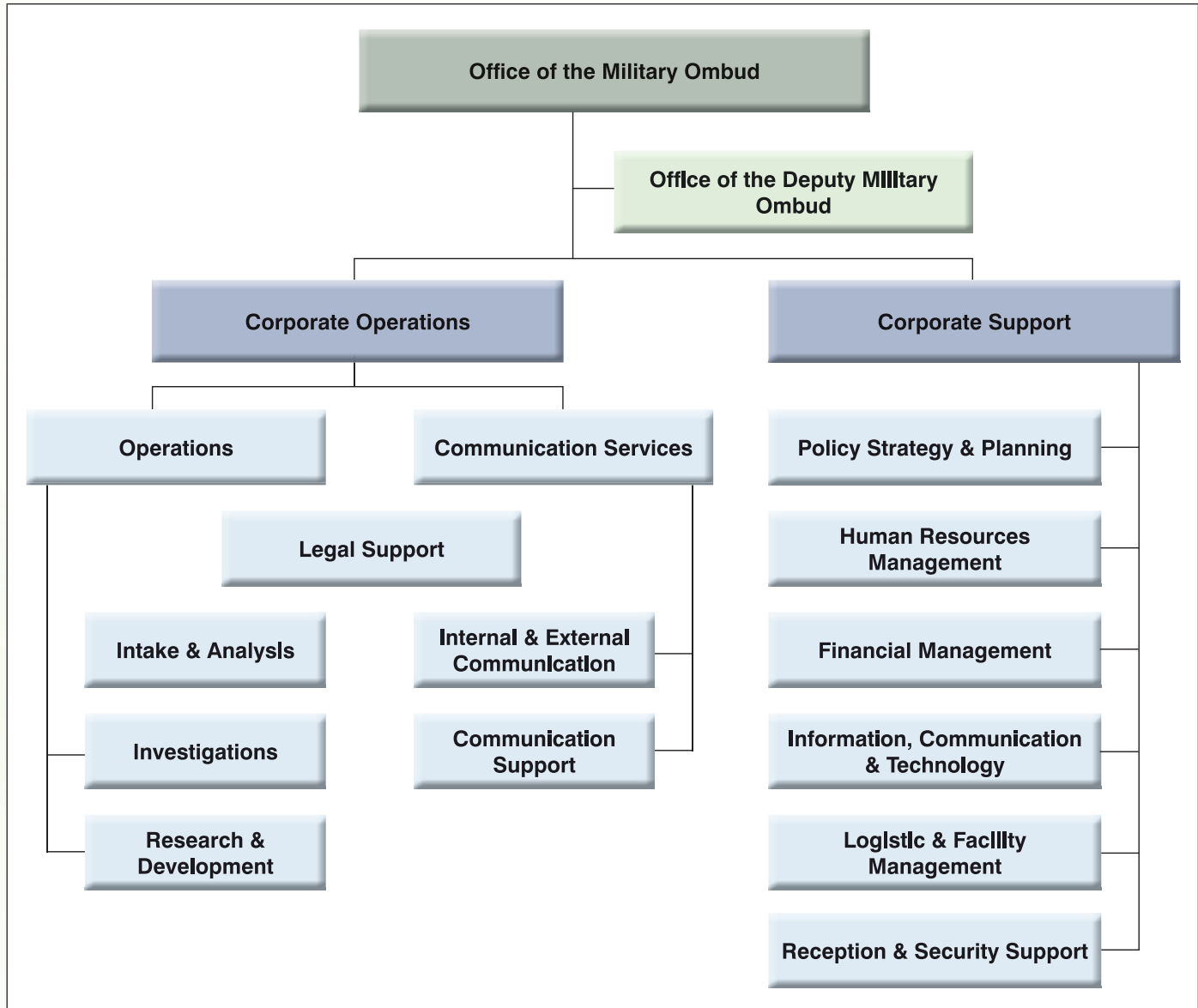


- ✓ Corporate Support. The corporate support environment is responsible for rendering all administrative support such as:
- Co-ordinate and integrate Military Ombud policies, strategies and plans.
 - Provisioning of a Human Resource function.
 - Provisioning of Financial Management service and system.
 - End-to-end information communication technology service.
 - Effective, efficient and economic viable supply chain management.
 - Provisioning of facility-, organisation security and reception service.

The Organisational Structural review of the Office is currently underway to determine the way forward.



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



HUMAN RESOURCES

PERFORMANCE INFORMATION

The performance information for human resource management as captured in the 2015/16 APP is:

Table 12: Performance Indicator and Targets as per the 2015/16 Annual Performance Plan – Human Resource Management

Output	Performance Indicator	5 Year Strat Plan Target	Audited/Actual Performance (Targets)				Estimated Performance (Targets) 15/16	Medium-term Targets		
			11/12	12/13	13/14	14/15		16/17	17/18	18/19
a.	b.	c.	d.	e.	f.	g.	h.	i.	j.	k.
To administrate Military Ombud resources, as prescribed in the regulatory framework										
To provide an effective, efficient and economical HR management service	Percentage compliance with HR plan	99%		-	-	-	80%	90%	95%	99%

HUMAN RESOURCE MANAGEMENT

The HR plan for FY15/16 objective is to support this mandate by aligning its objectives with those of the Military Ombud Strategy and regularly reporting performance against the plan to ensure that the Military Ombud meets its mandate.

The Military Ombud specific guidelines to the HR Planner were as follows:

- ✓ Placing the right people in the right posts in order to support the strategic direction of the Office.
- ✓ Provide a cost effective, professional and efficient HR service.
- ✓ Provide continuous training and development to employees of the Office.

It is the strategic intent of the Office to achieve, maintain, manage and account for a human resource complement that enhances optimal execution of the Office's mandate and mission. This must occur within the perspectives of having the appropriate quality, quantity and composition of human resources; practicing excellence and accountability in human resource management and administration; and in pursuing Governments national human resources policy and strategy.

The HR strategy supports the execution of the Military Ombud Strategy and is structured around three themes. Namely:

- ✓ Human Resources of the appropriate quality, quantity, composition and cost.
- ✓ Accountable HR management and administration.
- ✓ Commitments met in pursuance of the Government Human Resource Policy and Strategy.

The Office of the Military Ombud comprises of eighty-nine (89) approved posts of which sixty-one (61) were funded for the period under review and the remaining twenty-eight (28) posts will be phased in two (2) MTEF periods.



The planned average strength budgeted for the FY2015/16 was sixty-one (61) however at the end of the financial year only forty-six (46) were staffed. The non-realisation of planned targets can be attributed to the following reasons:

- ✓ Being the first Military Ombud Institution in South Africa means that the labour market does not have the 'perfect fit' employee available.
- ✓ Long turn-around times to finalise the recruitment process, as some of the appointment procedures still reside within the DOD.
- ✓ High attrition rate (number of employees resigning for better opportunities).

The Office utilised one Reserve Force Member who is seconded from the Army and two Regular Force members to supplement capacity challenges experienced within the Office. These members contributed immensely to the effective functioning of the Office given the fact that the Office is still evolving.

Table 13: Planned versus Actual Strength as at 31 March 2016

Ser No	Environment	Planned	Actual
	a.	b.	c.
1.	Executive Office	9	3
2.	Corporate Operations	35	32
3.	Corporate Support	21	18
4.	Total	65	53

Table 14: Employment and Vacancies per Environment as at 31 March 2016

Ser No	Environment	Approved / Captured Posts	Staffed	Vacant
	a.	b.	c.	d.
1.	Executive Office	9	3	7
2.	Corporate Operations	59	32	27
3.	Corporate Support	21	18	3
4.	Total	89	53	37

Being the first Military Ombud Institution in South Africa means that the labour market does not provide a skills match for the Office. This necessitated an aggressive training plan for employees in order to align skills and ensure continuous performance improvement.

Table 15: Number of Skills Development Opportunities per Environment as at 31 March 2016

Ser No	Environment	Skills Development Opportunities
	a.	b.
1.	Executive Office	0
2.	Corporate Operations	27
3.	Corporate Support	7
4.	Total	34

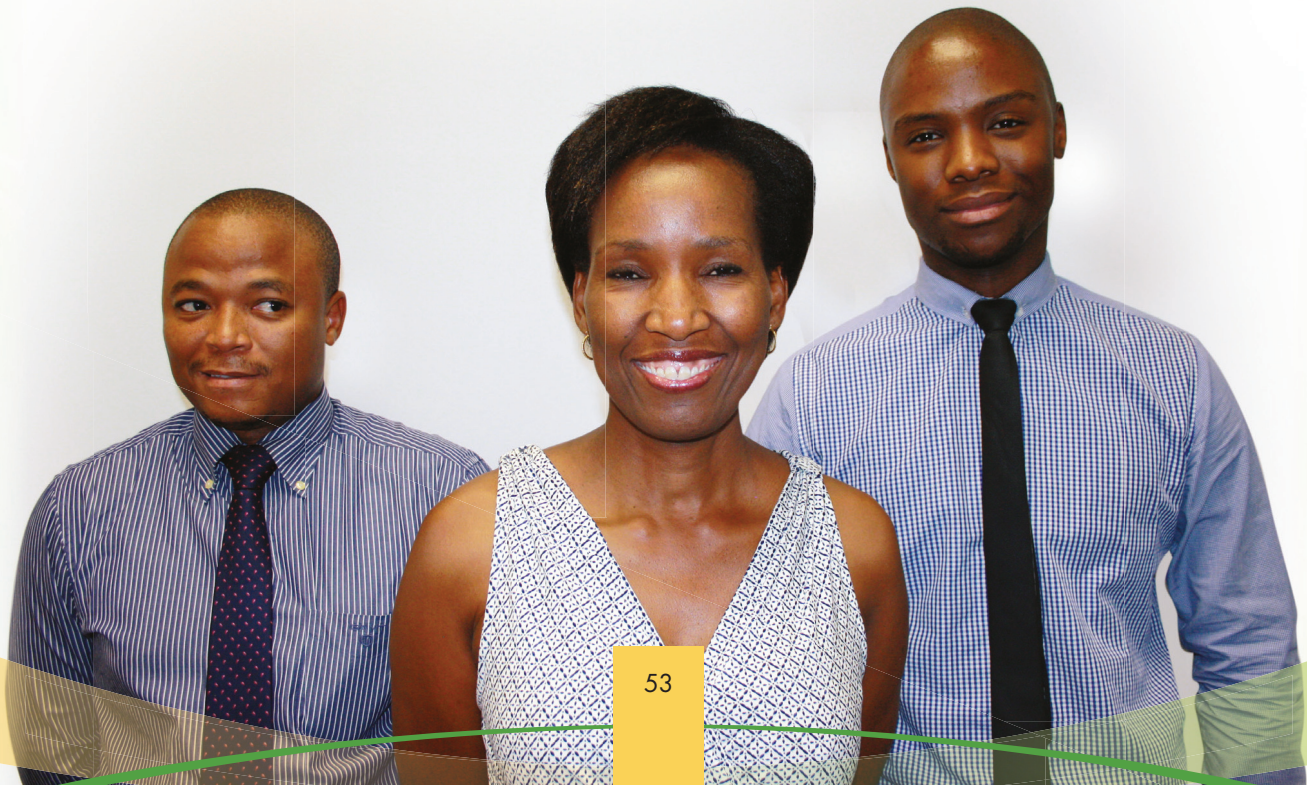




In line with the Employment Equity Act, the Office strives to maintain a staff compliment that is representative of the equity requirements of the country.

Table 16: Employment Equity Figures per Environment as at 31 March 2016

Ser No	Environment	Male				Female			
		African	Asian	Coloured	White	African	Asian	Coloured	White
	a.	b.	c.	d.	e.	f.	g.	h.	i.
1.	Executive Office	1	0	0	0	2	0	0	0
2.	Corporate Operations	14	0	0	1	14	1	2	0
3.	Corporate Support	8	1	0	1	6	0	1	1
4.	Total	23	1	0	2	22	1	3	1



The Office experienced a high turnover rate. As at 31 March 2015 a total number of 5 employees exited the organisation. The reason for the high attrition rate can be attributed to the status of the Office being a newly established Office. Furthermore Ombuds Institutions within the Public Sector are very limited and thus employees within these entities are able to “job hop” as entities are competing for employees that fit the skills requirements.

Table 17: Attrition per Environment as at 31 March 2016

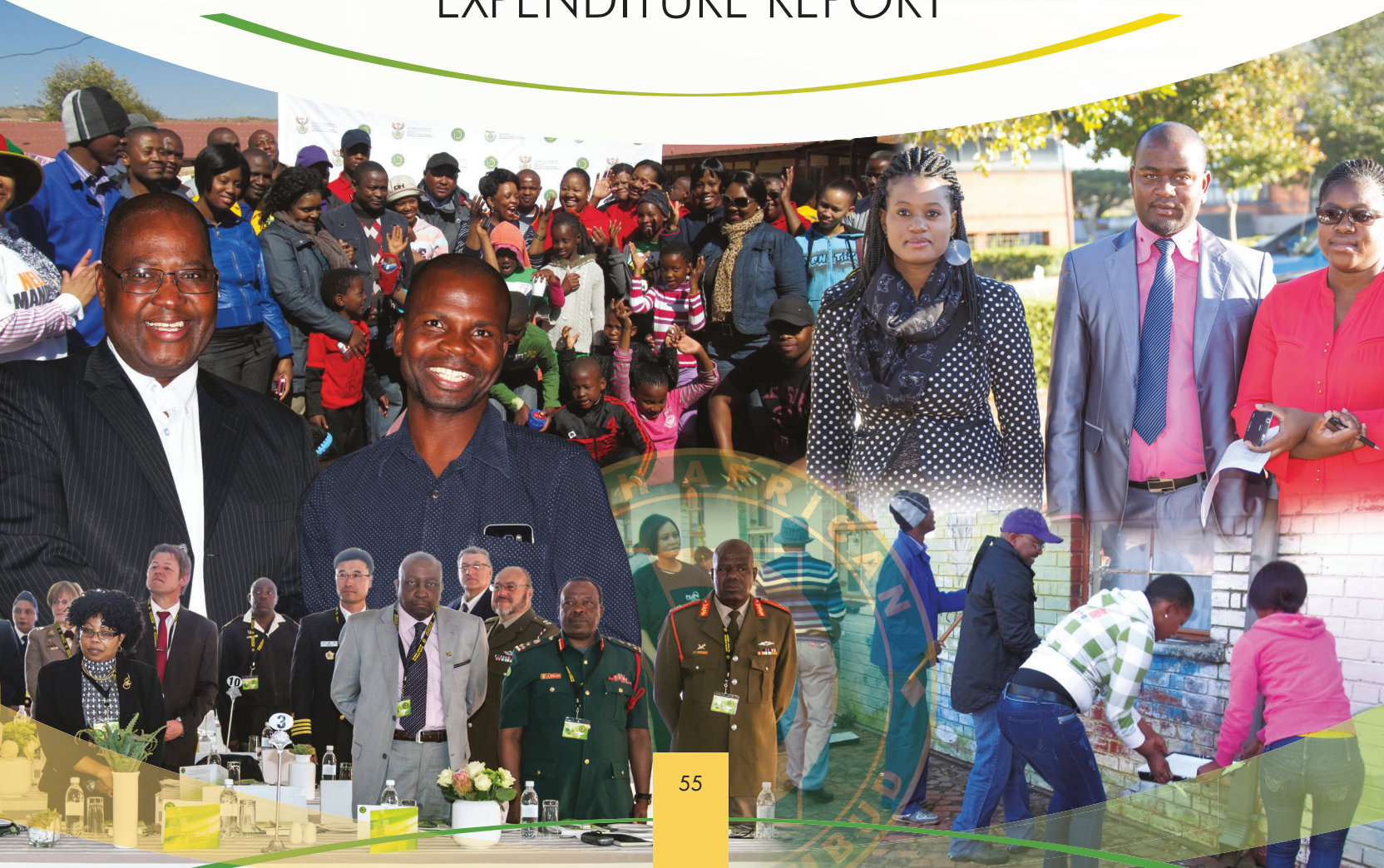
Ser No	Environment	Attrition Number
	a.	b.
1.	Executive Office	1
2.	Corporate Operations	1
3.	Corporate Support	1
4.	Total	3

Table 18: Disciplinary Action for the Period 1 April 2015 – 31 March 2016

Ser No	Disciplinary Action	Male				Female			
		African	Asian	Coloured	White	African	Asian	Coloured	White
	a.	b.	c.	d.	e.	f.	g.	h.	i.
1.	Correctional Counselling	1	0	0	0	0	0	0	0
2.	Verbal Warning	0	0	0	0	0	0	0	0
3.	Written Warning	0	0	0	0	0	0	0	0
4.	Final Written Warning	0	0	0	0	0	0	0	0
5.	Suspension without Pay	1	0	0	0	0	0	0	0
6.	Suspension with Pay	1				1			
7.	Dismissal	1	0	0	0	0	0	0	0
8.	Not Guilty	0	0	0	0	0	0	0	0
9.	Total	5	0	0	0	1	0	0	0

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FINANCIAL MANAGEMENT

PERFORMANCE INFORMATION

The performance information for financial management as captured in the 2015/16 APP is:

Table 19: Performance Indicator and Targets as per the 2015/16 Annual Performance Plan – Financial Management

Output	Performance Indicator	5 Year Strat Plan Target	Audited/Actual Performance (Targets)				Estimated Performance (Targets) 15/16	Medium-term Targets		
			11/12	12/13	13/14	14/15		16/17	17/18	18/19
a.	b.	c.	d.	e.	f.	g.	h.	i.	j.	k.
To administrate Military Ombud resources, as prescribed in the regulatory framework										
To provide a cost effective financial management service for the Military Ombud within the evolving regulatory framework	Percentage compliance with allocated budget	95%	-	-	-	-	95%	95%	95%	95%

FINANCIAL MANAGEMENT OVERVIEW

The Office of the Military Ombud received an allocation of R44 041 390 through the vote of the Department of Defence.

The allocation comprised of R33 027 636 for personnel expenditure and R11 013 754 for Operating expenditure.

The total expenditure against the allocation for the FY 2015/16 was R 37 660 633 which comprises of R27 171 786 for personnel expenditure and R10 493 032 for operating expenditure.

An amount of R206 475 was reimbursed via a fund shuffle to the Office of the Minister for subsistence and travel invoices for the period 1 April 2015 to 30 June 2015 as the Office of the Military Ombud had utilised the services of a

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service provider contracted to the Office of the Minister during that period. The net current amount after reimbursements was R43 834 915.

The net deviation from the total expenditure against the current amount of R43 834 915 was R6 174 282 of which R5 855 850 was against personnel expenditure and R318 432 against operating expenditure.

The main reason for under expenditure against the personnel allocation has been the non-staffing of the Deputy Military Ombud post together with his/her planned staff. Further the Office of the Military Ombud had an attrition rate of 3 officials who left the organisation during the FY 2015/16 which contributed to the non-payment of salaries for these officials.

Table 20: The Expenditure Report of the Office of the Military Ombud as reflected on the Financial Management System, 31 March 2016

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	R29,559,082	R24,201,915	R24,201,915	Deviation as a result of the non-staffing of the Deputy Military Ombud and his/her internal staff posts
	Social Contributions	R3,468,554	R2,969,871	R2,969,871	
	<i>Sub-Total</i>	<i>R33,027,636</i>	<i>R27,171,786</i>	<i>R27,171,786</i>	
Goods and Services	Inventory: Food & Food Supplies	R51,622	R22,928	R22,928	
	Inventory: Fuel, Oil and Gas	R153,562	R4,122	R4,122	
	Inventory: Materials and Supplies	R0	R10,792	R10,792	
	Consumable Supplies	R285,518	R148,735	R148,735	
	Cons: Stationery & Printing & Office Supplies	R71,441	R103,677	R103,677	
	Operating Leases	R4,484,434	0	0	
	Property Payments	R170,249	R160,569	R160,569	
	Travel and Subsistence	R2,986,843	R1,111,930	R1,111,930	

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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	Training and Development	R513,954	R753,643	R753,643	
	Operating Payments	R231,827	R142,446	R142,446	
	Venues and Facilities	R139,357	R370,501	R370,501	
	Advertising	R95,642	R735,535	R735,535	
	Minor Assets	R559,945	R69,547	R69,547	
	Catering: Departmental Activities	R344,463	R74,914	R74,914	
	Communication	R244,801	R791,731	R791,731	
	Computer Services	R36,493	R2,040,148	R2,040,148	
	Consultants: Business and Advisory Services	R0	R46,350	R46,350	
	Contractors	R352,942	R28,321	R28,321	
	Agency and Support/Outsourced Services	R84,846	R64,638	R64,638	
	Entertainment	R27,562	R26,614	R26,614	
	Fleet Services	R0	R0	R0	
	<i>Sub-Total</i>	<i>R10,835,501</i>	<i>R6,707,141</i>	<i>R6,707,141</i>	
Machinery and Equipment	Transport Equipment	R0	R2,293,147	R2,293,147	
	Other Machinery and Equipment	R140,398	R767,526	R767,526	
	<i>Sub-Total</i>	<i>R140,398</i>	<i>R3,060,673</i>	<i>R3,060,673</i>	
Software & Intangible Assets	Software and Other Intangible Assets	R0	R195,664	R195,664	
Departmental Agencies and Accounts	Transfers and Subsidy: Departmental Agencies	R1,100	R0	R0	
Households (HH)	H/H: Employee Social Benefits	R34,170	R526,686	R526,686	
Provincial and Local Governments	Transfers and Subsidy: Municipalities	R2,585	R2,868	R2,868	
TOTAL		R44,041,390	R37,664,818	R37,664,818	

GLOSSARY OF ABBREVIATIONS

Abbreviation	Word
AA Unit	Anti-Aircraft Unit
ADR	Alternative Dispute Resolution
ADA	Air Defence Artillery
AFB	Air Force Base
AG	Auditor General
AMHU	Area Military Health Unit
APLA	Azanian People's Liberation Army
ASB	Army Support Base
AWOL	Absence Without Leave
Bn	Battalion
BVR	Buffalo Volunteer Rifles
CMIS	Command Management Information Systems
CPO	Chief Petty Officer
CSANDF	Chief of the South African National Defence Force
CSS	Core Service System
DOD	Department of Defence
DODI	Department of Defence Instruction
DPSA	Department of Public Service and Administration
GEPF	Government Employee Pension Fund
HQ	Head Quarters
IEC	Independent Electoral Commission

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GLOSSARY OF ABBREVIATIONS

Abbreviation	Word
IPID	Independent Police Investigative Directorate
Lt Gen	Lieutenant General
MK	Mkhonto Wesizwe
MOD&MV	Minister of Defence and Military Veterans
MTSF	Medium-Term Strategic Framework
PAC	Personnel Advisory Committee
PDSC	Plenary Defence Staff Council
PMO	Personnel Maintenance Officer
PP	Public Protector
PSO	Personal Staff Officer
Ret	Retired
RWU	Regional Works Units
SAAF	South African Air Force
SADF	South African Defence Force
SAI	South African Infantry
SAMHS	South African Military Health Service
SANDF	South African National Defence Force
SANDU	South African National Defence Union
SAPS	South African Police Services
SITA	State Information Technology Agency
TAC HQ	Tactical Headquarters
TB	Temporary Base
WO	Warrant Officer

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ANNUAL ACTIVITY REPORT FOR 2015 TO 2016

Enquiries about this document can be forwarded to:
Ms Annelize Welgemoed or Ms Nosipho Ndlazulwana

Telephone: (012) 676 3848/3847

Facsimile: 086 523 2377

E-mail: welgemoeda@milombud.org
ndlazulwanan@milombud.org

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