



# **COMPANIES TRIBUNAL**

## **ANNUAL PERFORMANCE PLAN 2020/2021 – 2022/2023**

**31 January 2020**

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## **Executive Authority's Statement**

The Public Finance Management Act requires that every public entity prepares a Strategic Plan setting out the overall strategy for the 5-year period covering the state's Medium-term Strategic Framework (MTSF). Every year an Annual Performance Plan (APP) is prepared, which converts the overall strategy to key annual targets. These documents are then provided for approval by the Executive Authority and budgets are aligned to these plans.

The **Companies Tribunal** has prepared its **Annual Performance Plan 2021/2022 – 2014/2025**, which I now submit to Parliament as required by the legislation.

This is the first **Annual Performance Plan** prepared in the 6<sup>th</sup> Administration by the **Tribunal**. I have requested that all entities' Strategic Plans and Annual Performance Plans be aligned to the MTSF, which incorporates the work to develop and implement National Sector Masterplans, as well as trade reforms, investment and transformation work of the Department.

Once the revised MTSF has been signed off, we will review the Strategic Plan and Annual Performance Plan of the entity and align them accordingly. The Strategic Plan and Annual Performance Plan may further be aligned to Government's response to the COVID-19 pandemic, both during the period of national disaster declared by President Ramaphosa, and thereafter as we adapt to the new economic reality. Should adjustments be made, the revised Plan will be submitted to Parliament.

A handwritten signature in black ink, appearing to read 'Ebrahim Patel', written over a horizontal line.

**EBRAHIM PATEL**

**MINISTER RESPONSIBLE FOR TRADE, INDUSTRY AND COMPETITION**



## **Accounting Authority's Statement**

It is a pleasure to present the 2020/21-2022/2023 Annual Performance Plan (APP) for the Companies Tribunal (the Tribunal). The APP sets out a three-year plan for the Tribunal to deliver on its mandate and realize its new vision of being “the preferred adjudicatory and alternative dispute resolution forum” that contributes to the promotion of fair and ethical corporate practices.

The Tribunal's APP is informed by the values and founding provisions of the Constitution, and the Companies Act, No. 71 of 2008 (the Act). It is further informed by the Department of Trade, Industry and Competition's (the dtic's) strategic objective of creating a fair regulatory environment that enables investment, trade and enterprise development in an equitable and socially responsible manner. The APP is further informed by the six priorities of the new Sixth Administration particularly the six focus areas in the trade, industry and competition portfolio, within which the Tribunal resides.

The mandate of the Tribunal remains two-fold: adjudication and resolution of disputes through Alternative Dispute Resolution (ADR). The Tribunal may also perform any other functions assigned to it in terms of the Act or any laws mentioned in Schedule 4 of the Act. In an environment characterised by a difficult economic climate, the use of ADR as a preferred mode of resolving company disputes is expected to rise over the next 5 years. ADR saves costs usually associated with litigation.

The Tribunal's plans are well aligned to the above-stated mandate and ready for execution. Major challenges that may impact negatively on the Tribunal's ability to deliver include limited funding and as a direct consequence of this, the inability to fully market the institution, to grow the caseload and fully capacitate the institution as per the approved structure. Unless a solution is found urgently to this challenge, the Tribunal's ability to execute its mandate will be limited.

During the 2019/2020 and previous financial years, the Tribunal operated on a deficit and used approved surplus to augment the shortfall. The said surplus will no longer be available from the financial year 2020/2021. The Tribunal has engaged all the necessary stakeholders in this matter remains optimistic.

A handwritten signature in black ink, appearing to read 'Ali Chicktay', written over a light blue horizontal line.

**Dr Mohamed Ali Chicktay**  
**Chairperson: Companies Tribunal**



## **Accounting Officer's Statement**

The Companies Tribunal (the Tribunal) was established to increase access by companies, to the justice system, through efficient adjudication and resolution of disputes through appropriate dispute resolution mechanisms (ADR). The targeted beneficiaries of the Tribunal include the start-ups, small to medium companies and companies in financial distress who cannot afford the fees associated with protracted litigation. The Tribunal offers an expeditious and cost-free mechanism of resolving companies' disputes. This impacts positively on the economy of the country as it saves costs associated with lost productivity and legal fees. The decisions of the Tribunal are part of South Africa's jurisprudence. Information on the Tribunal's decisions are easily available on the Tribunal's website. This is a contribution to the fourth industrial revolution and further makes South African an attractive investment destination.

The types of applications that the Tribunal can consider include name and directorship disputes, review of compliance notices issued by CIPC, application to hold annual general meetings (AGMs), an extension of time to hold an AGM as well as applications for exemption from establishing social and ethics committees. The Tribunal's case load is expected to increase over the MTEF because the envisaged amendments to the Companies Act are expected to increase the powers of the Tribunal.

The Tribunal will be embarking on a robust campaign using both electronic and print media to raise awareness about the workings of the Tribunal. Stakeholders such as business chambers, law societies and municipalities will be engaged with a view of forming strategic partnerships to disseminate information about the Tribunal throughout the country. The Tribunal's organisational structure was reviewed to address some of the deficiencies identified in the original structure approved. The structure is only partly filled as the Tribunal is under-funded. The new automated case management system launched on 1<sup>st</sup> August 2019 is expected to improve efficiency in the management of cases.

Providing that the challenges well-articulated by the Chairperson of the Tribunal are addressed, I am confident that the Tribunal will deliver on its mandate and thus contribute to the realisation of a fair and ethical corporate environment.

A handwritten signature in black ink, appearing to read 'Maletlatsa Monica Ledingwane'. The signature is stylized and written in a cursive-like font.

**'Maletlatsa Monica. Ledingwane**  
**Chief Operations Officer: Companies Tribunal**

## Official Sign-Off

It is hereby certified that this Annual Performance Plan:

- Was developed by the management of the Companies Tribunal under the guidance of Dr Mohamed Alli Chicktay
- Considered all the relevant policies, legislation and other mandates for which the Companies Tribunal is responsible
- Accurately reflects the Impact, Outcomes and Outputs which the Companies Tribunal will endeavour to achieve over the period 2020/21 to 2022/23.



**Irene Mathatho**  
**Chief Financial Officer**



**Maletlatsa Monica Ledingwane**  
**Accounting Officer**

**Approved by:**



**Accounting Authority**  
**Dr Alli Chicktay**

## **Part A: Our Mandate**

### **1. Relevant legislative and policy mandates**

The Companies Tribunal is established in terms of the Companies Act, Act No. 71 of 2008, as a juristic person. In terms of the Act, the Tribunal has jurisdiction throughout the Republic. It is independent and subject only to the Constitution and law.

In terms of the Companies Act, the Companies Tribunal's mandate is to:

- a) Adjudicate in relation to any application that may be made to it in terms of the Act and make any order provided for in the Act in respect of any such application.
- b) Assist in the resolution of disputes as contemplated in part C of Chapter 7 of the Act.
- c) Perform any other function assigned to it by or in terms of the Act or any law in Schedule 4.

In delivering on this mandate the Companies Tribunal is expected to exercise and perform its functions in line with the spirit, purpose and objects of the Constitution, International Law and Companies Act, and in a manner which is simple, ethical, efficient, equitable, transparent, accountable, impartial and without fear, favour or prejudice.

### **2. Institutional Policies and Strategies**

To ensure proper Governance, the Tribunal has a recorded number of 46 policies in various units (functional areas). The 46 policies referred to above are listed on a Policy Schedule that the Tribunal maintains for control and review purposes. In addition to the 46 policies mentioned above, the Tribunal has various other plans and registers.

### **3. Relevant Court Rulings**

The Tribunal will on a regular basis analyse recent key decisions of the High Court and Constitutional Court and evaluate the potential impact on its mandate and functions.

## Part B: Our Strategic Focus

### 4. Situational Analysis

#### 4.1.1 External Environment Analysis

##### Political Economic Social Technology Legal Environment (PESTLE)

<b>POLITICAL</b>	<b>ECONOMIC</b>
<ul style="list-style-type: none"> <li>• Perception of political alignment on decision-making or being non-partisan</li> <li>• Change of administration</li> </ul>	<ul style="list-style-type: none"> <li>• Business fronting</li> </ul>
<b>SOCIAL</b>	<b>TECHNOLOGICAL</b>
<ul style="list-style-type: none"> <li>• Limited access to the Tribunal (by the public)</li> <li>• Low literacy rate</li> <li>• Language diversity</li> <li>• Limited public awareness of the Tribunal</li> <li>• Misconception about Tribunal jurisdiction</li> </ul>	<ul style="list-style-type: none"> <li>• Limited access to technology by the public</li> </ul>
<b>LEGAL</b>	<b>ENVIRONMENTAL</b>
<ul style="list-style-type: none"> <li>• Limited jurisdiction to meet public expectations</li> <li>• Inconsistencies in Tribunal members' decisions</li> <li>• Unenforceability of some decisions</li> </ul>	<ul style="list-style-type: none"> <li>• Geographical location</li> </ul>

#### 4.1.2 Internal Environment Analysis

##### Strengths Weaknesses, Opportunities and Threats (SWOT)

<b>STRENGTHS</b>	<b>WEAKNESSES</b>
<ul style="list-style-type: none"> <li>• Strong institutional values and ethics</li> <li>• Founding legislation (mandate)</li> <li>• Skills, knowledge and expertise of staff and Tribunal Members</li> <li>• Systems, procedures and policies in place</li> <li>• Independence and impartiality</li> <li>• Good corporate governance</li> <li>• Good financial management</li> <li>• IT infrastructure in place</li> </ul>	<ul style="list-style-type: none"> <li>• No professional, equipped hearing rooms</li> <li>• Limited parking space</li> <li>• External dependencies (e.g. Internal Audit function and IT infrastructure outsourced)</li> <li>• Limited budget to carry out mandate, marketing and fill vacancies</li> <li>• Limited jurisdiction of Companies Tribunal</li> <li>• Limited foot-print (No provincial offices)</li> <li>• Inconsistencies in the Tribunal members' decisions</li> <li>• Unenforceability of some decisions</li> </ul>
<b>OPPORTUNITIES</b>	<b>THREATS</b>



<ul style="list-style-type: none"> <li>Increasing access through technology usage case management system online, video conferencing for hearings)</li> <li>Benchmarking on best practice models from similar entities</li> <li>Contribution to research, jurisprudence and the development of company law</li> <li>Technology – systems and processes to improve efficiency</li> <li>Increasing referrals from the CIPC, TRP, B-BBEE Commission and other Tribunals and the judiciary</li> </ul>	<ul style="list-style-type: none"> <li>Staff turnover</li> <li>Case backlog (potential)</li> <li>Competition from other alternative dispute resolution bodies</li> <li>The voluntary nature of ADR</li> </ul>
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#### 4.1.3 External Environment Analysis

##### Political Economic Social Technology Legal Environment (PESTLE) – interventions

POLITICAL	POSSIBLE SOLUTIONS
Perception of political alignment and non-partisan on decision-making	Training and open discussions Compliance to institutional values
Change of administration	Change Management
ECONOMIC	
Business fronting	Training and upfront discussions
SOCIAL	
Limited access to the Tribunal (by the public)	Holding hearings in areas convenient to parties
Low literacy rate	Help line and help desk
Language diversity	Publish CT documents in various languages Diversify employment and staff linguistic ability
Limited public awareness of the Tribunal	Education and stakeholder management
Misconception about Tribunal jurisdiction	Education and stakeholder management
TECHNOLOGY	
Limited access to technology by the public	Use of free Wi-Fi-hot spot to access Tribunals' services
LEGAL	
Limited jurisdiction to meet public expectations	Legislative amendment of Companies Act Increase mandates through other legislation
Inconsistencies in the Tribunal members' decisions	Training /internal discussion/decisiveness Judicial precedent (reasons for conflicting members decisions)
Unenforceability of some decisions	<ul style="list-style-type: none"> <li>Training</li> <li>Workshops</li> </ul>
ENVIRONMENTAL	
Geographical location	Temporary CT centres for outreach

#### 4.1.4 Internal Environment Analysis Strengths, Weaknesses, Opportunities and Threats (SWOT) - interventions

WEAKNESSES	POSSIBLE SOLUTIONS
No professional, equipped hearing rooms	Re-partition existing space
Limited parking space	Continue current arrangement for staff
External dependencies (e.g. Internal Audit function and IT infrastructure outsourced)	Better management of the MOUs
Limited budget to carry out mandate, marketing and fill vacancies	Continued engagements with <b>the dtic</b> /Treasury
Limited foot-print (no provincial offices)	Make use of partnerships
Limited jurisdiction of Companies Tribunal	Proposed amendments Take the services outside Tribunal services
The voluntary nature of ADR	Amendment of the Act
Inconsistencies in the Tribunal members' decisions	Training/discussion/decisiveness
Unenforceability of some decisions	<ul style="list-style-type: none"> <li>• Training</li> <li>• Workshops</li> </ul>
THREATS	
Staff turnover	Staff engagements and use of the existing incentives
Potential backlog	Use of temporary/contract staff for relief
Competition from other dispute resolution bodies	Sharing of best practice

## **Part C: Measuring Our Performance**

### **5. Institutional Programme Performance Information**

#### **5.1 Programme: Adjudication**

##### **5.1.1 Purpose of the programme**

The purpose of the programme is to adjudicate and make orders in relation to applications made in terms of the Companies Act, 2008 as well as to facilitate the resolution of company disputes in terms of Alternative Dispute Resolution.

Members of the Tribunal are appointed by the Minister of Trade and Industry to adjudicate applications based on the papers filled by the Tribunal. Where necessary, hearings are held, depending on the nature of the case.

### 5.1.1.1 Outcomes, Outputs, Performance Indicators and Targets

Outcome	Outputs	Output indicators	Annual Targets						
			Audited actual/ performance			Estimated performance	MTEF Period		
			2016/17	2017/18	2018/19	2019/ 20	2020/21	2021/22	2022/23
1.  Improved access <sup>1</sup> to the justice system	1.1 Increased number of new applications	A percentage of the <b>increase</b> in the number of new applications received	N/A (New)	N/A (New)	N/A (New)	N/A (New)	90% (270)	93% (292)	95% (328)
	1.2 Adjudicated applications	Percentage of decisions and orders issued <sup>2</sup> within <b>40</b> working days after the final date of the hearing <sup>3</sup> or final submission by parties, whichever is applicable	80%	100%	100%	90%	93%	93%	95%
		Percentage of decisions and orders issued within <b>30</b> days after the date of allocation <sup>4</sup> or final submission by parties whichever is applicable	98%	96%	93%	90%	93%	93%	95%
	1.3 Resolved disputes	Percentage of cases finalised <sup>5</sup> in terms of Alternative Dispute Resolution (ADR) within <b>25</b> working days after the date of final hearing or final submission by parties whichever is applicable	79%	100%	100%	90%	90%	95%	95%

<sup>1</sup> **Improved access** means simple, speedy and cost- effective decisions delivered within the stipulated turnaround time

<sup>2</sup> **Decisions and orders** issued are as prescribed by the Companies Act, 2008. Issued means formal communication of the decision and order to the client

<sup>3</sup> **Final date of hearing** refers to the last day of a hearing of a matter of a Tribunal sitting

<sup>4</sup> **Date of allocation** refers to the date of sending an e-mail allocating a case to a Tribunal Member

<sup>5</sup> **Finalized** refers to decision making and issuing of failed certificates, withdrawals and cancellations

### 5.1.1.2 Indicators, Annual and Quarterly Targets

Output Indicator	2020/21 Annual Target	Quarterly Milestones			
		1 <sup>st</sup> Quarter	2 <sup>nd</sup> Quarter	3 <sup>rd</sup> Quarter	4 <sup>th</sup> Quarter
A percentage of the <b>increase</b> in the number of new applications received	90%	90%	90%	90%	90%
Percentage of decisions and orders issued within <b>40</b> working days after the final date of the hearing or final submission by parties, whichever is applicable	93%	93%	93%	93%	93%
Percentage of decisions and orders issued within <b>30</b> working days after the date of allocation or final submission by parties whichever is applicable	93%	93%	93%	93%	93%
Percentage of cases finalized in terms of Alternative Dispute Resolution (ADR) within <b>25</b> working days after the date of final hearing or final submission by parties whichever is applicable	90%	90%	90%	90%	90%

## **5.2 Programme 2: Administration**

### **5.2.1 Purpose of the programme**

The purpose of the programme is to ensure operational efficiency and effectiveness as well as effective stakeholder engagement. The Programme further aims to efficiently support and manage the operations by ensuring that there is proper Financial Management, Human Resource Management, Information Technology, Knowledge Management, Stakeholder Management and Legal Services.

### 5.2.1.2 Outcome, Outputs, Performance Indicators and targets

Outcome	Outputs	Output Indicators	Audited Actual Performance			Estimated Performance	Medium Term Targets		
			2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23
<b>2. Operational Efficiency</b>	<b>2.1</b> Increased user uptake of the Case Management System (CMS)	Increase in the number of applicants applying online	N/A	N/A	N/A	N/A	50%	60%	70%
	<b>2.2</b> Research reports or rules or guidelines	Number of research reports or rules or guidelines produced or reviewed and approved	One (1) research report on the impact and effectiveness of the CT in delivering on its mandate produced	Code of Conduct and Ethics for mediators was produced earlier than targeted period	Arbitration Rules and Adjudication rules for CT were produced earlier than targeted period	One research report on assessing the value of Social and Ethics Committees as stipulated in Section 72 (5)	One research report on legislative gaps in implementing the Tribunal's mandate: A case for further amendments	One research report on functions that can be assigned to CT under Schedule 4 of the Act	One research report on the impact of the amendments to the Act on the work of CT
	<b>2.3</b> Staff retention	Percentage of staff retained	93%	93%	92%	85%	85%	85%	85%
	<b>2.4</b> Stakeholder engagements	Number of seminars held	Hosted three seminars on:  (1) Corporate Governance, Business Ethics and Social and	Hosted a seminar on name disputes	Hosted a seminar on Alternative Dispute Resolution (ADR)	Host a seminar on the impact of the Tribunal's mandate	Host a seminar on legislative gaps in implementing the Tribunal's mandate: A case for	Host a seminar on functions that can be assigned to CT under Schedule 4 of the Act	Host a seminar on the impact of the amendments to the Act on the work of CT

			Ethics Committee (2) Company Law (3) the role of CT				further amendments		
		Number of media engagements (media statements)	Released two (2) media statements	Released two (2) media statements	Released three (3) media statements	Release two (2) media statements	Release two (2) media statements	Release two (2) media statements	Release two (2) media statements
		Number of media engagements (radio activities)	Held eleven (11) interviews comprising: 2 x radio interviews (Emalahleni and Nanda stations) and 9 x live reads aired on SA FM, Ukhozi FM, Lesedi FM, Groot FM, Jozi FM, Soshanguve community radio, Mosupatsela FM, Bay FM, Radio Teemaneng	Participated in two (2) radio interviews (radio advert)	Live reads were aired on the following stations: Munghana Lonene FM, Ikwewezi FM, East Coast Radio and Radio 702	Participate in two (2) radio activities (radio advert)	Participate in two (2) radio activities (radio advert)	Participate in two (2) radio activities (radio advert)	Participate in two (2) radio activities (radio advert)



		Number of participations <sup>6</sup> in outreaches or exhibitions	Participated in 12 outreaches or exhibitions targeting business people, aspiring business people and the youth in the following areas:  1. Kimberley 2. Bloemfontein 3. Port Elizabeth 4. Potchefstroom 5. Mogale City 6. Emalaheni 7. Richards Bay 8. Mahikeng 9. Klerksdorp 10. Rustenburg 11. Thembesihle Hani 12. Hope Town	Participated in 8 outreaches or exhibitions targeting businesses, associations, the public, legal fraternity and academia in the following districts:  1. Jhb Stock Exchange 2. Institute of Directors SA 3. Independent Regulatory Board for Auditors 4. SA Institute of Chartered Accountants 5. SA Judicial Education Institute 6. Law Society SA 7. Law Society	Participated in 11 outreaches or exhibitions targeting businesses, associations, the public, legal fraternity and academia in following districts:  1. Capricorn District, LP 2. Bojala Platinum District, NW 3. Eden District, WC 4. Ehlanzeni District in Nkomazi Municipality, MP 5. O.R. Tambo District, EC 6. uMgungundlovu District, KZN 7. uGu District, KZN	Participate in 8 outreaches or exhibitions targeting businesses, associations, the public, legal fraternity and academia in following districts:  1. Johannesburg, GP 2. Waterberg, LFS 3. Mangaung, Zululand, KZN 4. Thabo Mofutsanyane, FS 5. Buffalo City, EC 6. Amathole, EC 7. King Cetshwayo, KZN	Participate in 8 outreaches or exhibitions targeting businesses, associations, the public, legal fraternity and academia in following districts:  1. Tshwane, GP 2. Mopani, LP 3. Amajuba, KZN 4. Gert Sibande, MP 5. Namakwa, NC 6. Ngaka Modiri Molema, NW 7. Cape Winelands, WC 8. Chris Hani, EC	Participate in 8 outreaches or exhibitions targeting businesses, associations, the public, legal fraternity & academia in following districts:  1. Nkangala, MP 2. Sekhukhune LP 3. Bojanala Platinum, NW 4. Ekurhuleni, GP 5. N. Mandela Bay, EC 6. Lejweleputs waFS	Participate in 8 outreaches or exhibitions targeting business associations, the public, legal fraternity and academia in the following districts:  1. Ehlanzeni, MP 2. Vhembe, LP 3. Tshwane, GP 4. Ethekwini, KZN 5. Cape Town, WC 6. Mangaung, FS 7. Capricorn, LP 8. Francis Baard, NC
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<sup>6</sup> Participation means either sponsoring or presenting at an outreach or exhibition event of a stakeholder

				<p>Northern Provinces        8. National Small Business Chamber (NSBC)</p>	<p>8. Pixley Ka Seme District, NC        9. Central Karoo, NC        10. ZF Mgcawu District in Kakamas and Augrabies        11. Fort Hare (Guest Lectures)</p>			<p>7. King Cetshwayo, KZN        8. Cape Town, WC</p>	
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### 5.2.1.3 Indicators, Annual and Quarterly Targets

Performance Indicator/ Measure	2020/2021 Annual Target	Quarterly Milestones			
		1 <sup>st</sup> Quarter	2 <sup>nd</sup> Quarter	3 <sup>rd</sup> Quarter	4 <sup>th</sup> Quarter
Case Management System (CMS) user uptake	Percentage of user uptake	50%	50%	50%	50%
Number of research reports or rules, or guidelines produced/reviewed and approved	One research report on legislative gaps in implementing the Tribunals mandate: A case for further amendments.	Draft research Report	Consultation on the research report	Consolidation on the research report	Approval on the research report
Percentage of staff retained	85%	85%	85%	85%	85%
Number of seminars hosted	Host a seminar on legislative gaps in implementing the Tribunals mandate: A case for further amendments.	Draft a detailed proposal and consult	Incorporate inputs and obtain approval for the proposal	Confirm logistical arrangements and invite stakeholders	Host the seminar
Number of media activities (statements and radio activities)	Release two media statements  Participate in two radio activities	Release one media statement	Participate in one radio activity	Release one media statement	Participate in one radio activity

Performance Indicator/ Measure	2020/2021 Annual Target	Quarterly Milestones			
		1 <sup>st</sup> Quarter	2 <sup>nd</sup> Quarter	3 <sup>rd</sup> Quarter	4 <sup>th</sup> Quarter
Number of participations in outreach and/or exhibitions	Participate in 8 outreach and/or exhibitions targeting the following: businesses, associations, the public, legal fraternity and academia in the following districts:  1. Tshwane, GP 2. Mopani, LP 3. Amajuba, KZN 4. Gert Sibande, MP 5. Namakwa, NC 6. Ngaka Modiri Molema, NW 7. Cape Winelands, WC 8. Chris Hani, EC	Two	Two	Two	Two

## **6. Explanation of planned performance over the medium-term period**

### **6.1 Contribution of outputs towards achieving the outcomes and impact in the Strategic Plan aligned to the Mandate:**

#### **6.1.1 Outcome 1: Access to simple, speedy and cost-effective justice system**

##### **a) Increased number of new applications received**

The goal of the Tribunal is to ensure that many companies, particularly women-owned, small to medium and companies in financial distress make use of the services of the Tribunal. An increase in the number of new applications, especially those from these stated groups will contribute to the achievement of the Tribunal's mandate and further advance economic transformation and inclusiveness.

##### **b) The number of applications adjudicated within the turn round times**

The Tribunal adjudicates on applications at no charge to the parties. The targeted beneficiaries of this output include the start-ups, small to medium companies and companies in financial distress who cannot afford the fees associated with protracted litigation. This means that even the applicants that would normally be excluded from litigation by the high prohibitive costs of a normal court litigation are able to lodge cases at the Tribunal. Small companies can take on big companies in litigation. The affordability of the Tribunal's services has an impact on economic inclusion and transformation. Furthermore, the Tribunal's targeted maximum turnaround time is 40 days. Very few applications exceed this period. In the ordinary courts, cases may take months on the roll and years before coming before the court. Hence the Tribunal services offer an affordable and quicker option from normal litigation that may cripple a business both financially and operationally. With the Tribunal, Companies can initiate litigation and remain sustainable and competitive. This ensures achievement of the impacts stated in the Strategic Plan of economic inclusion, transformation and making South Africa an attractive investment destination.

##### **b) The number of disputes-applications resolved within the turn round times**

The same benefits of cost and time efficiency offered by the output of adjudicated applications are applicable to the output of resolved disputes. In addition, the turn-around time for resolution of disputes is 25 days which makes it even shorter than that of adjudicated applications. Further benefits of dispute resolution through appropriate dispute resolution (ADR) are that it is informal and confidential, more flexible and responsive to the individual needs of the parties involved. Parties have a chance to tell their story as they see it, and the parties' involvement in the process creates greater commitment to the result so that compliance is more likely. Through ADR, it is more likely to preserve goodwill or at least not escalate the conflict. This is especially important in situations where there is a continuing relationship as with companies in business. Clearly ADR contributes to economic inclusivity and to making South Africa an attractive environment for both local and international investment. In offering an expeditious and cost-free mechanism of resolving company disputes, the Tribunal saves costs associated with lost productivity and legal fees and as such increases access to justice and impacts positively on South African economy.

## **6.1.2. Outcome 2: Operational Efficiency**

### **(a) Increased user uptake of Case Management System**

To achieve operational efficiency, the Tribunal implemented the electronic case management system (CMS) as of 1<sup>st</sup> August 2019. Post implementation, the targeted output of the Tribunal is to increase user uptake. The benefits of CMS include an effective performance management (improved turnaround time for completion of cases), interfacing of administration of cases with finance office in order to minimize risk of overpayment on cases, effective records management, production of monthly, quarterly and annual reports and statistics and improved accessibility. As a tool, CMS enhances operational efficiency. It makes the Tribunal a serious player and contributor to the forth industrial revolution and certainly makes South Africa an attractive investment destination. The system further contributes to inclusivity. Irrespective of location, it is now easy for an applicant who has access to internet, computer or a smart device to lodge an application with the Tribunal without incurring travel and other operational costs.

### **(b) Research Report or Developed Rules or Guidelines**

To achieve operational efficiency, the Research Unit of the Tribunal contributes the body of knowledge, it closes knowledge gaps, and creates new knowledge. Research contributes to jurisprudence and precedent. The contribution to South African's jurisprudence also makes South Africa an attractive investment destination. Reports provide quick reference for decision making purposes which in turn leads to consistency and efficiency in decision making. To further improve efficiencies, rules or guidelines are developed and or reviewed. Rules or guidelines help to make the application process easier and quicker for the applicants especially those not assisted by legal practitioners. This output is therefore another contributor to the Tribunal's operational efficiency. It contributes to the fourth industrial revolution, a better South Africa, a better Africa and a better world.

### **(c) Staff retention**

Over the 2019-2020 financial year, the Tribunal has recruited all but one of the funded and vacant positions. To achieve operational efficiency, in the 2020-2021 financial year, the Tribunal intends to focus on staff retention as one of the outputs. The value of an employee increases the longer they stay with an organization. With time, employees' knowledge and experience continue to grow making them important for networking inside and outside the sector. Employees build relationships with other employees and clients. These relationships are vital to the success of an organization. Their skills and organizational memory make it easy to run effective operations. For these reasons, staff retention contributes to the operational efficiency. Operationally efficient organizations are attractive to the investors.

#### **(d) Stakeholder Engagements**

The mandate of the Tribunal is to offer adjudication and alternative dispute resolution to companies. It follows that unless companies are aware of the Tribunal's services, are interested and actually use the services, the Tribunal will not achieve its mandate. Creation of public knowledge and interest around the mandate of the institution is therefore critical. From the financial year 2016-2017 to date, the number of applications received by the Tribunal has been on a steady decline. It is believed that the low stakeholder knowledge is a contributor. For this reason, the Tribunal intends to mount a public awareness campaign as part of sustained efforts to educate the public and boost awareness about the Tribunal's mandate. The campaign will be a comprehensive effort that will within the limited budget include multiple components such as seminar discussions, television and radio messaging, social media, grassroots outreach, media relations, government affairs. This output is therefore aimed at enhancing the Tribunals operational efficiency in achieving its mandate.

### **6.2 Explanation of the planned performance in relation to outputs**

#### **a) Adjudicated Applications:**

The Tribunal's performance on this output will be measured by the percentage of decisions and orders issued within 30 or 40 days depending on whether a case is decided on paper only or parties give evidence before the Tribunal. The longest targeted turn-around time for adjudication is 40 days. The planned annual performance in 2020-2021 is 90%. This is intended to increase to 95% in the last year of the MTEF period.

#### **b) Resolved disputes:**

The Tribunal's performance on this output will be measured by the percentage of cases finalized within 25 days in terms of appropriate Dispute resolution (ADR). Thus, the Tribunal planned turn-around time for resolution of disputes is a shorter period than even that of adjudicated applications. The planned annual performance in 2020-2021 is 90%. This is intended to increase over the MTEF Period.

**c) Increased user uptake of Case Management System**

The Tribunal implemented the electronic case management system (Case Management System) in August 2019. Following the implementation of CMS, the targeted output of the Tribunal is to increase user uptake. The Tribunal's performance will be measured by the percentage of the user uptake as an output indicator. The planned performance for 2020-2021 is 50%. The percentage increased to 95% at the end of the MTEF period. The low base at the beginning of the MTEF is due to the fact that the users are external thus the tribunal will have little control over the output result except through marketing and or stakeholder engagement efforts.

**d) Research Report or developed rules or guidelines.**

Production or research reports or rule or guidelines is amongst the Tribunal's planned outputs. The Tribunal's performance will be measured by the number of research reports/rules/guidelines produced /reviewed and approved. The number of reports or rules or guidelines produced or reviewed targeted is planned to stay constant over the three years. This is because the unit Research is currently unfunded and unfilled. It is foreseeable that with more funding and better staffing, the output number may change over the three years.

**e) Staff retention**

During the 2019-2020 financial year, the Tribunal has recruited all but one of the funded and vacant positions. Most of the new recruits are women who also fall within the youth bracket. In 2020-2021 financial year, the Tribunal intends to focus on staff retention. Thus, staff retention is one of the Tribunal's outputs over the three years. Retention strategies will include training of staff from which these young women will benefit.

The Tribunal's performance on this output will be measured by the percentage of the staff retained. The starting base in 2020-2021 financial year is 85%. This target stays the same over the three years due the Tribunal's under-funding. The under-funding limits the number of retention incentives the Tribunal may offer. The limitations on staff incentives and the anxiety created by the knowledge of limited funding, are likely contributors to the Tribunal's high staff turn-over.

**f) Stakeholder engagement**

The Tribunal's indicators on this output include hosting one (1) seminar, two (2) media statements, two (2) radio activities, eight (8) participations in outreaches and or exhibitions. This output carries the most amount of activities (indicators) because, as stated above, the since 2016/2017 the number of cases received by the Tribunal has been in decline. Unless the public is aware of the Tribunals services, the Tribunal will not achieve its mandate. Creation of public knowledge and interest around the mandate of the institution is therefore critical.



## 7. Programme Resource Considerations

### 7.1 Financial Plan

The grant allocation for the year 2019/20 reflect the estimated amounts allocated on ENE. From the year 2020/21 to 2022/33, the Tribunal based the budget estimate on the allocation letter received from **the dtic**. The funds allocated over the MTEF period are insufficient for the Tribunal to continue as a going concern. There is a need to increase the Tribunal's baseline for it to be able to pay for its operating and administrative expenditure. The spending focus over the MTEF period will be on providing the services as stipulated in the Companies Act, ongoing maintenance of the electronic case management system and ensuring that there are advocacy services to make the services of the Tribunal known to the public.

Over the MTEF period, the Tribunal 's grant allocation is projected to increase from R17,3 million in (2019/20) to R19,9 million in (2022/23). The allocated funds for each financial year are insufficient to meet the operational requirements of the Tribunal and to fill all unfunded posts on the approved organisational structure. The unavailability of funds affects the going concern of the Tribunal.

The Tribunal is exploring options of generating its own revenue through charging filing fees, but this process might take some time to materialise due to extensive consultations and planning required. However, the fees expected to be generated from filing fees would not be enough to fund day to day operational and administrative expenditure of the Tribunal. This process also involves the amendment of the Companies Act.

The Tribunal's major expenditure is on compensation of employees and Tribunal member's fees, with no surplus to fill additional post as approved on the organisational structure. Recruitment of internship to assist with workload and as part of skills development is being utilised. Due to inadequate funding, the amount estimated for member's fees is inadequate as cases are expected to increase hence the funding for fees needs to be increased proportionally.

(i) Projections of revenue and expenditure

STATEMENT OF FINANCIAL PERFORMANCE	Audited outcome			Revised estimate	Medium-term estimate		
	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23
R thousand							
<b>Revenue</b>							
Non-tax revenue	1,383	1,259	819	846	110	11	8
Transfers received	15,069	15,822	16,740	17,352	18 227	19 233	19 952
Donations received/Revenue in-kind	1,266	1,393	1,532	1,685			
Income from surplus funds	-	-	-	4,267	-	-	-
<b>Total revenue</b>	<b>17,718</b>	<b>18,474</b>	<b>19,091</b>	<b>24,150</b>	<b>18 337</b>	<b>19 244</b>	<b>19 960</b>
<b>Expenses</b>							
<b>Current expenses</b>							
Compensation of employees	11,725	12,333	11,692	13,706	14,978	15,924	17,037
Goods and services	8,677	9,102	8,430	10,242	3,359	3,320	2, 923
Depreciation	223	302	259	202			
<b>Total expenses</b>	<b>20,625</b>	<b>21,737</b>	<b>20,381</b>	<b>24,150</b>	<b>18,337</b>	<b>19,244</b>	<b>19,960</b>
<b>Surplus/ (Deficit)</b>	<b>(2,907)</b>	<b>(3,263)</b>	<b>(1, 290)</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>

(ii) Budget Allocation per Programme

Programme Name: Adjudication							
Economic classification	Audited outcome			Revised Estimates	Medium-Term Expenditure Estimate		
	2016/17 R '000	2017/18 R '000	2018/19 R '000	2019/20 R '000	2020/21 R '000	2021/22 R '000	2022/23 R '000
<b>Current payment</b>							
Member's fees	3,513	3,117	2,826	3,032	2,675	2,567	2,095
Goods and services	713	849	180	387			
<b>Payments of capital assets</b> Building and other fixed structure Machinery & equipment	-	-	-	-	-	-	

Programme Name: Administration							
Economic classification	Audited outcome			Revised Estimates	Medium-Term Expenditure Estimate		
	2016/17 R '000	2017/18 R '000	2018/19 R '000	2019/20 R '000	2020/21 R '000	2021/22 R '000	2022/23 R '000
<b>Current payment</b>							
Compensation of employees	11,725	12,333	11,692	13,706	14,978	15,924	17,037
Goods & services, etc.	4,674	5,438	5,683	7,025	684	753	828
<b>Payments of capital assets</b>							
Building and other fixed structure	-	-	-	161	-	-	-
Machinery & equipment	458	1,200	521	758			

## 8. Key Risks

Outcome	Output Indicator	The Risk	Root causes	Risk Mitigation
1. Improved access to the justice system	1.1. An <b>increase</b> in the number of new applications received	<b>Decline in applications</b>	<ul style="list-style-type: none"> <li>Limited mandate</li> </ul>	<ul style="list-style-type: none"> <li>Investigative study on the root causes</li> </ul>
	1.2. The number of applications <b>adjudicated</b> or finalized within the stipulated turn-around times.		<ul style="list-style-type: none"> <li>Inconsistency in members decisions</li> </ul>	<ul style="list-style-type: none"> <li>Amendments proposed to the Act</li> <li>Expansion of mandate through other legislation</li> </ul>
			<ul style="list-style-type: none"> <li>Unenforceability of some decisions</li> </ul>	<ul style="list-style-type: none"> <li>Training</li> <li>Workshops</li> </ul>
			<ul style="list-style-type: none"> <li>Perceptions of bias in decision making</li> </ul>	<ul style="list-style-type: none"> <li>Public engagements</li> </ul>
			<ul style="list-style-type: none"> <li>Delays in decision making /resolutions</li> </ul>	<ul style="list-style-type: none"> <li>Guidelines and consistent consequence management</li> </ul>
			<ul style="list-style-type: none"> <li>Limited marketing</li> </ul>	<ul style="list-style-type: none"> <li>Creative use of affordable marketing tools</li> <li>Partnering with other relevant stakeholders</li> </ul>
1.3. The number of applications <b>resolved</b> or finalised through Alternative Dispute Resolution (ADR)	<b>Voluntary</b> nature of ADR	<ul style="list-style-type: none"> <li>The Act states that ADR is not compulsory</li> </ul>	<ul style="list-style-type: none"> <li>Amendments proposed to the Act (make ADR compulsory)</li> <li>Public education of benefits of ADR</li> </ul>	
2. Operational Effectiveness	2.1 Percentage of uptake (use) of the Case Management System	Low <b>uptake</b> on new case management system (CMS)	Resistance to change Limited access to technology	Increased stakeholder education/marketing Use of wi-fi availability
	2.2 Number of research reports or rules produced and approved	Limited <b>funds</b> to fill the position	Limited funding	Increased engagements with <b>the dtic</b> Desk top research
	2.3 Number of stakeholder engagements held	Limited <b>funds</b> to do engagements		Increased engagements with <b>the dtic</b>
	2.4 The percentage of staff retained	Loss of institutional memory		Increased engagements with <b>the dtic</b> Increase non-monetary rewards

## **9. Materiality and Significance of Framework**

### **9.1 Statutory requirements**

In terms of the Treasury Regulation 28.3.1, Accounting Authorities must “for purposes of material [section 55(2) of the Act] and significant [section 54(2) of the Act], develop and agree a framework of acceptable levels of materiality and significance with the relevant executive authority.” The Tribunal is required by law to operate within the PFMA and its accompanying Treasury Regulations as a Schedule 3A public entity, the two above-mentioned sections of the Act are therefore very significant for operational and reporting purposes. Materiality and significance levels will be influenced by considerations such as legal and regulatory requirements.

### **9.2 Assessment and determination of materiality for the Tribunal**

The Companies Tribunal has strengthened its control environment. This is evidenced by the fact that the Tribunal has been obtaining the clean audit opinion for the past four financial years. However, there are inherent risks associated with implementation of new unproven process, change in leadership as a result of appointment and resignation and/or retirement of staff and may result in lack of teamwork. The risks must be however discounted by the unqualified audit report obtained by the Tribunal over the past six years and the significance of the related audit findings. This therefore requires the entity to set the threshold at a reasonably conservative level of the Treasury guideline matrix. The following guideline will be applied to the basis selected:

The best indicator with regard to the Tribunal’s non-capital-intensive business activity is the higher of revenue or expenditure. For this reason, 0.60% of budgeted expenditure is chosen with regard to this framework, and this basis is consistent with prior years.

### **9.3 Annual review of materiality**

The materiality framework and significance levels will be reviewed each financial year in line with the preparation of the annual performance plan by management based on the levels of risks and the adequacy of the internal controls and accounting systems.

## Part D: Technical Indicator Descriptions (TID)

<b>Output 1: Increased number of new applications</b>	
<b>1. Indicator title</b>	<b>Increase in the number of new applications received</b>
<b>2. Short definition</b>	The number of new applications received.
<b>3. Purpose/importance</b>	Indicate the growth (increase) in the work load of the Institution and the institutions acceptance and or popularity in adjudication and dispute resolution
<b>4. Source/collection of data</b>	The Case Management System reports or excel spread sheet reports which reflect date of received and distinguishes new applications from the old applications
<b>5. Method of calculation</b>	The number of new cases received compared to the number of existing cases OR filtering the data in the CMS by desired dates/period.
<b>6. Data limitations</b>	Incorrect capturing of data
<b>7. Type of indicator</b>	Quantity /numeric number
<b>8. Calculation type</b>	Cumulative – it is calculated on a quarterly basis to obtain the annual target
<b>9. Reporting cycle</b>	Monthly
<b>10. New indicator</b>	Yes
<b>11. Desired Performance</b>	Target - performance 90% - 95%
<b>12. Indicator responsibility</b>	Manager: Registry

<b>Output 2: Applications Adjudicated within the turn-around time</b>	
<b>13.Indicator title</b>	Percentage of decisions and orders issued within <b>40</b> working days after the final date of the hearing.
<b>14.Short definition</b>	Percentage of cases resolved within 40 days after the final hearing date or final submission by parties, whichever is applicable.  <i><b>Final hearing date</b> refers to the last date of hearing of a matter of a Tribunal sitting or the last date of submission of documentation requested by the Tribunal Member at the final hearing.</i>  <i><b>Days</b> refer to working days excluding weekends, public holidays and days on which CT is officially closed.</i>
<b>15.Purpose/importance</b>	The entity shows its efficiency and effectiveness in managing cases and the turnaround times to revert to the applicants after the date of hearing.
<b>16.Source/collection of data</b>	Electronic case management system report or Excel spread sheet and reports which reflect date received, date of final hearing, date finalized and date of issuing order/decision
<b>17.Method of calculation</b>	The number of decisions and orders issued within 40 working days after the last hearing date divided by the total number of hearings concluded and multiply by hundred. The number of hearings concluded where the 40 working days of issuing a decision or order fall outside the reporting period will not be calculated. The number of decisions or orders issued after the 40 working days after the last day of the hearing will not be counted as percentage achieved but will be counted as total number of hearings concluded.
<b>18.Data limitations</b>	Incorrect capturing of data
<b>19.Type of indicator</b>	Quantity – output
<b>20.Calculation type</b>	Cumulative – it is calculated on a quarterly basis to obtain the annual target
<b>21.Reporting cycle</b>	Monthly
<b>22.New indicator</b>	No – continuous from the previous financial year
<b>23.Desired performance</b>	Target - performance 90% - 95%
<b>24.Indicator responsibility</b>	Manager: Registry



<b>Output 3: Applications Adjudicated within the turn-around time</b>	
<b>1. Indicator title</b>	Percentage of decisions and orders issued within <b>30</b> days after the date of allocation
<b>2. Short definition</b>	Percentage of cases resolved within 30 days after the allocation date.  <i><b>Date of allocation</b> refers to the date of sending an e-mail allocating a case to a Tribunal member or the last date of submission of documentation requested by the Tribunal Member within 5 business days of allocation.</i>  <i><b>Days</b> refer to working days and exclude weekends, public holidays and days on which CT is officially closed.</i>
<b>3. Purpose/importance</b>	The entity shows its efficiency and effectiveness in managing cases and the turnaround times to revert to the applicants after the date the case was allocated.
<b>4. Source/collection of data</b>	Electronic case management system report or Excel spread sheet and reports which reflect date received, date allocated, date finalised and date of issuing decision/ order
<b>5. Method of calculation</b>	The number of decisions and orders issued within 30 working days after the date of allocation divided by the total number of allocated cases and multiply by hundred. The number of allocated cases, where the 30 working days of issuing a decision or order fall outside the reporting period will not be calculated. The number of decisions or orders issued after the 30 working days after the last day of the allocation will not be counted as percentage achieved but will be counted as total number of cases allocated.
<b>6. Data limitations</b>	Incorrect capturing of data
<b>7. Type of indicator</b>	Quantity – Output
<b>8. Calculation type</b>	Cumulative – it is calculated on a quarterly basis to obtain the annual target
<b>9. Reporting cycle</b>	Monthly
<b>10. New indicator</b>	No – continuous from the previous financial year
<b>11. Desired performance</b>	Target 98% - 100%
<b>12. Indicator responsibility</b>	Manager: Registry

<b>Output 4: Disputes Applications resolved (Alternative Dispute Resolution) within the turn-around time</b>	
<b>1. Indicator title</b>	Percentage of cases finalised <sup>7</sup> in terms of Alternative Dispute Resolution (ADR) within <b>25</b> working days after the date of final hearing or final submission by parties, whichever is applicable
<b>2. Short definition</b>	Percentage of cases finalized in terms of ADR within 25 working days after the date of final hearing or final submission by parties whichever is applicable <i><b>Hearing</b> refers to a sitting of mediation, conciliation or arbitration as agreed by the parties.</i> <i><b>Finalized</b> refers to instances where a certificate of failed ADR has been issued, arbitration award issued, order issued or withdrawal of the matter by the applicant, settlement agreement reached by parties or mediation report issued by the facilitator(s)<sup>8</sup> within 25 working days after the date of final hearing.</i> <i><b>Date of final hearing</b> refers to the last day set for mediation, conciliation or arbitration of a matter or the last date of submission of documentation requested by the facilitator at the final hearing from the party/ies</i> <i><b>Days</b> refer to working days excluding the holidays, weekends and days on which the CT is officially closed.</i>
<b>3. Purpose/ importance</b>	The entity shows its effectiveness in terms of handling the ADR cases and the finalization of cases to revert to the applicants after the hearing of the case.
<b>4. Source/collection of data</b>	Electronic case management system report or excel spreadsheet and report will reflect the date received, the date of hearing and the date of finalizing of the case.
<b>5. Method of calculation</b>	The number of cases finalized in terms of ADR within 25 working days after the date of final hearing divided by the total number of cases set down for hearing multiplied by hundred. The total number of cases set down for hearing outside of the reporting period will not be counted including cases that were set down for hearing during the reporting period but were postponed allowing the parties to deal with the matter outside of the Tribunal mediation, conciliation and arbitration processes. The number of cases set down for hearing where the 25 working days for finalizing the case fall outside the reporting period will not be calculated. The number of cases finalized after the 25 working days after the date of final hearing will not be counted as percentage achieved but will be counted as total number of hearings set down for hearing.
<b>6. Data limitations</b>	Incorrect capturing of data
<b>7. Type of indicator</b>	Quantity – Output
<b>8. Calculation type</b>	Cumulative- it is calculated on quarterly bases to obtain an annual target.
<b>9. Reporting cycle</b>	Quarterly
<b>10. New indicator</b>	No
<b>11. Desired performance</b>	To retain the 100% baseline
<b>12. Indicator responsibility</b>	Manager: Registry

<sup>7</sup> Finalised refers to instances where certificate of failed ADR has been issued, consent order issued or withdrawal of the matter by either party, settlement agreement reached by both parties or mediation report issued by the Tribunal Member(s)

<sup>8</sup> Facilitator and Tribunal Member means the same thing or person

<b>Output 5: Case Management System (CMS) user uptake</b>	
<b>1. Indicator title</b>	Percentage of applications received online
<b>2. Short definition</b>	Online application means application submitted by an applicant using the system. Total number of cases means number of application captured online.
<b>3. Purpose/ importance</b>	The CMS is intended to enhance CT's efficiency, effectiveness and to modernize the application system for the benefit of both CT and the public entity shows its effectiveness in.
<b>4. Source/collection of data</b>	Electronic case management system report
<b>5. Method of calculation</b>	Number of applications received online divided by the number of cases multiplied by hundred
<b>6. Data limitations</b>	Incorrect capturing of information
<b>7. Type of indicator</b>	Quantity – Output
<b>8. Calculation type</b>	Cumulative- it is calculated on quarterly bases to obtain an annual target.
<b>9. Reporting cycle</b>	Quarterly
<b>10. New indicator</b>	Yes
<b>11. Desired performance</b>	To start form a baseline of 50%
<b>12. Indicator responsibility</b>	Manager: Registry

<b>Output 6: Research Report (Build a body of knowledge around company law and alternative dispute resolution)</b>	
<b>1. Indicator title</b>	Number of research reports or rules produced and approved
<b>2. Short definition</b>	CT should conduct research with other similar entities to develop rules for adjudication and arbitration  <i>Rules means a set of regulation or principles governing conduct or procedure relating to arbitration or adjudication</i> <i>Produced means approved by the Chairperson for internal use and circulated internally on the shared folder</i>
<b>3. Purpose/importance</b>	To enhance CT approach on delivering on its mandate as a preferred adjudicator
<b>4. Source/collection of data</b>	Filed research reports on shared drive
<b>5. Method of calculation</b>	Manual counting
<b>6. Data limitations</b>	Human error
<b>7. Type of indicator</b>	Quantity – Output
<b>8. Calculation type</b>	Cumulative
<b>9. Reporting cycle</b>	Quarterly
<b>10. New indicator</b>	Yes
<b>11. Desired performance</b>	To enhance CT's capacity to deliver on its mandate in terms of section 195 of the Companies Act, 2008
<b>12. Indicator responsibility</b>	Researcher or manager assigned the functions

Output 7: Retained staff	
1. Indicator title	Percentage of staff retained
2. Short definition	The percentage of staff that is retained <i>Retained/ Retention means that the Tribunal has not lost staff as a result of resignations</i>
3. Purpose/importance	To ensure that employees do not resign so that there is limited interruption in service delivery and institutional knowledge and investment in employee development is realized
4. Source/collection of data	Resignation letters, salary reports and budget
5. Method of calculation	Total number of funded filled positions at the beginning of the year minus total number of staff resigned during the year, divided by total number of funded filled positions at the beginning of the financial year, multiplied by hundred
6. Data limitations	Human error
7. Type of indicator	Quantitative – Output
8. Calculation type	Cumulative
9. Reporting cycle	Quarterly
10. New indicator	No
11. Desired performance	Continuous employment with the Companies Tribunal ensuring a low staff turnover rate
12. Indicator responsibility	Human Resources

Output 8: Stakeholder Engagements	
1. Indicator title	Number of <b>seminars</b> held hosted
2. Short definition	Host a seminar on a research topic <i>Host means organize and present/ collaborate/ partner</i>
3. Purpose/importance	To create awareness and educate the public about services of CT and promote a positive corporate image
4. Source/collection of data	Transcript of the seminar and/or attendance register
5. Method of calculation	Seminar report and/or attendance register
6. Data limitations	Lack of resources (Human and Capital)
7. Type of indicator	Quantitative – Output
8. Calculation type	Cumulative
9. Reporting cycle	Quarterly
10. New indicator	No
11. Desired performance	Public awareness, accessibility and stakeholder management
12. Indicator responsibility	Manager: Communication and Marketing

<b>Output 9: Stakeholder Engagements</b>	
<b>1. Indicator title</b>	Number of <b>media engagements</b> (media statements and radio activities)
<b>2. Short definition</b>	Release 2 media statements in newspapers to create awareness of the services provided by the CT to the public and stakeholders by end of the year Participate in two radio activities to create awareness and educate the public about services of the Companies Tribunal <i><b>Release</b> means to publish in newspaper(s) or online media</i> <i>Activities means interviews/advertisement or live reads</i>
<b>3. Purpose/importance</b>	To create awareness and educate the public about services of CT and promote a positive corporate image
<b>4. Source/collection of data</b>	Media statements or advertorial Shared drive Radio clip or advertorial or letter from radio station confirming that the interview or advert took place.
<b>5. Method of calculation</b>	Manual counting of media statements or advertorials and radio clip or letters from radio stations.
<b>6. Data limitations</b>	Lack of resources (Human and Capital)
<b>7. Type of indicator</b>	Quantitative – Output
<b>8. Calculation type</b>	Cumulative
<b>9. Reporting cycle</b>	Quarterly
<b>10. New indicator</b>	No, continuous from previous year
<b>11. Desired performance</b>	Public awareness, accessibility and stakeholder management
<b>12. Indicator responsibility</b>	Manager Communication and Marketing

<b>Output 10: Stakeholder Engagements</b>	
<b>1. Indicator title</b>	Number of participations in <b>outreaches and/or exhibitions.</b>
<b>2. Short definition</b>	<p>Participation in eight (8) outreaches or exhibitions targeting stakeholders. The participation is to create awareness to the public and stakeholders of the services provided by the Companies Tribunal.</p> <p><i><b>Participation</b> means either sponsoring or presenting at an outreach exhibition or event of or /to a stakeholder</i></p> <p><i><b>Stakeholder</b> means any institution or organization which shares a common interest with the Companies Tribunal such as business people, judiciary, legal fraternity, youth and the academia</i></p>
<b>3. Purpose/importance</b>	To create awareness and educate the public about services of CT and promote a positive corporate image
<b>4. Source/collection of data</b>	Outreach or exhibition reports
<b>5. Method of calculation</b>	Manual counting of the outreach or exhibition reports
<b>6. Data limitations</b>	Lack of resources (Human and Capital)
<b>7. Type of indicator</b>	Quantitative – Output
<b>8. Calculation type</b>	Cumulative
<b>9. Reporting cycle</b>	Quarterly
<b>10. New indicator</b>	No, continuous from previous year
<b>11. Desired performance</b>	Public awareness, accessibility and stakeholder management
<b>12. Indicator responsibility</b>	Manager: Communication and Marketing