



national consumer tribunal

Annual Performance Plan

(2021/22 - 2023/24)

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PHYSICAL ADDRESS:

Building B, Lakefield Office Park
272 West Avenue
Centurion

POSTAL ADDRESS:

Private Bag X110
Centurion
0046

TELEPHONE NUMBER: [010 006 0484](tel:0100060484)

FAX NUMBER: (012) 663 5693

E-MAIL: registry@thenct.org.za

WEBSITE: www.thenct.org.za

OFFICIAL SIGN-OFF

MINISTER'S FOREWORD

This Annual Performance Plan (APP) of the National Consumer Tribunal has been prepared by the management for consideration by the Executive Authority and tabling in Parliament. The Annual Performance Plans (APP) of public entities identify the outputs, output indicators and targets that an entity aims to achieve in the new financial year. The Executive Authority is responsible to ensure the APP is aligned with the Strategic Plan, the institution's mandate and government's priorities and to provide direction on the development and implementation of strategic priorities and policies.

The Covid-19 pandemic changed the landscape within which DTIC-entities operate and they are therefore expected to adjust their operations to address the new environment and new priorities. There is an urgent need to boost levels of economic growth and economic recovery, support transformation and build a capable state.

In particular, the APP for the 2021/22 financial year will need to reflect the policy priorities set out in Budget Vote statements tabled in Parliament during this Administration and those that arise from:

- The Economic Recovery and Reconstruction Plan tabled in Parliament in October 2020 by President Ramaphosa.
- The priorities set out in the 2021 State of the Nation Address
- The new performance compacts between members of the Executive and the Presidency signed in November 2020; and the
- New District Development Model as an integration of development efforts at local level.

This APP is tabled and updates to the Plan – when these are effected – will be tabled in Parliament in due course, taking account of the above.

As the practical means to ensure alignment between APPs and policy priorities, the Annual Performance Plan for the DTIC itself has sets out the requirement to ensure

integration between the work of the department and all public entities that report to it. Seven new Joint-Indicators (J-KPIs) have been developed for the DTIC that contain the major policy priorities and these are expected to be included in the work of the Tribunal, with progress against these to be reported to the Ministry on a quarterly basis.

The entities will be expected to show how, within their legal mandate, they have contributed to the achievement of the outcomes for the following seven Joint Indicators (details of which are contained in more detail in the APP of the department itself):

- Joint Indicator 1: Integrated Support to Drive Industrialisation
- Joint Indicator 2: Contribution to the development of an AfCFTA Export Plan
- Joint Indicator 3: Investment Facilitation and Growth
- Joint Indicator 4: Development Model and Spatial Equity
- Joint Indicator 5: Actions to Promote Transformation
- Joint Indicator 6: The Green Economy and Greening the Economy
- Joint Indicator 7: Strengthening and Building a Capable State

In this way, the combined efforts of all public entities will begin to be aligned to the national priorities in a more explicit manner. The Joint-Indicators cover, among others, the work of sector masterplans, initiatives to boost levels of investment and localisation in the economy, expanding trade within the continent, enabling better local economic development, supporting the growth of new industries (in the green economy and through beneficiation) and building a capable state. In respect of Joint-Indicator 7 for example, all public entities will be required to review their procedures, timeframes for delivery, forms to be filled in and public communication of services to simplify these, make processes expeditious where possible, remove unnecessary red-tape where these exist and make it easier for users to access services. We recognise however that the precise manner in which the National Consumer Tribunal can contribute to the Joint-Indicators will be defined by its role as a regulator with adjudication functions.

This APP is therefore not about many new objectives but rather on a new way of implementation, with the focus on integration, to enhance the development impact of the work. I therefore endorse the work to align the APP of the Tribunal with the national priorities and accordingly table the APP for the Tribunal in accordance with the request by the Speaker.



EBRAHIM PATEL
MINISTER OF TRADE, INDUSTRY AND COMPETITION

Date: 31 March 2021

Accounting Authority Statement

It gives me great pleasure to present the **Revised Annual Performance Plan (“APP”)** for the National Consumer Tribunal (“Tribunal” or “the NCT”) for the period 2021/22 to 2023/24. This Annual Performance Plan is aligned to the Department of Trade, Industry and Competition’s (“**the dtic**”) strategic goals. It contributes towards delivery on the objectives of the National Development Plan (“NDP”) and the Medium-Term Strategic Framework (“MTSF”). It also contributes to **dtic** responsibilities linked thereto. It further establishes the **key areas of focus** that will enable the NCT to deliver on its legal mandate.

In preparation of this Annual Performance Plan, consideration was taken of key provisions of the Constitution of the Republic of South Africa, primary constitutive legislation such as the National Credit Act (“NCA”), the Consumer Protection Act (“CPA”), the National Credit Amendment Act, No 7 of 2019 (“NCAA”), the Rules of the Tribunal and other applicable (incidental) laws such as the Public Finance Management Act (“PFMA”), Promotion of Administrative Justice (“PAJA”), Promotion of Access to Information Act (“PAIA”) and Protection of Personal Information Act (“POPIA”) and regulations. Employment laws, tax laws and National Treasury precepts are embedded, even when not specifically listed in this plan.

The COVID-19 pandemic has had a devastating effect on our society and economy. It is believed that the economy will shrink by about 8% over the 2020 / 2021 year, with a consequential knock-on effect on both jobs and on the livelihoods of South Africans. Whilst we do not currently have data regarding the impact of this health and economic contagion on South African consumers’ ability to repay debt, we share the consensus view that the impact will be profoundly felt.

We echo the words of our President, Mr Cyril Matamela Ramaphosa, that *‘Difficult days indeed lie ahead. However, we have proven our resilience as a nation over the past five months. The task before us now is to apply the same energies with which we have battled this pandemic to the economic recovery effort. We have weathered a long and difficult storm. We have endured great hardship and suffered unbearable losses. But we have stood firm against this onslaught. We have taken action to protect ourselves, our communities and our country. A ray of light is visible on the horizon.’*

In so doing, we recognise the extraordinary resilience of the people of this country, as exemplified by the Tribunal Members, management, and employees of the National Consumer Tribunal. Throughout this very difficult time, we have seen our people adapt to a new normal of remote working, adopt new work practices inclusive of the use of Personal Protective Equipment (PPE). They have also rapidly taken to social distancing, for those who have returned to work at our offices; and, at the same time, continue to selflessly ensure that the work of the NCT continues unabated.

We have weathered the storm in no small part due to the far-sighted vision and swift action of our ICT team. They have enabled our people to access the systems of the NCT remotely, efficiently, and safely. Because of their contribution, we continue to do the work required of us in terms of our mandate. Our ongoing investment in ICT has paid dividends in these extraordinary times of adversity. We will continue to make this investment going forward. This persistence will ensure that we adapt to a new post Covid-19 normal, optimise the opportunities offered by advances in technology; and deliver on the legitimate expectations of our stakeholders despite the increasingly volatile world.

The impact of COVID-19 on the workings of the NCT has been diverse. Over this period, we have continued to adjudicate on Debt Re-Arrangement Agreements (“DRAs”) and, in fact, even increased our ability to cope with the volume of DRAs received through further innovations to our Case Management System (“CMS”). Regrettably, we have been less successful with contested non-Debt Re-Arrangement Agreement (“non-DRA”) matters. This challenge persisted as Non-DRAs do require the physical presence of all parties to ensure that a meaningful and rigorous process of adducing and triangulating evidence is enabled. The nation-wide lockdown, the curtailment of travel and other necessary restrictions, have tightly restricted our ability to hold such face-to-face hearings. Whilst we have been successful in our use of virtual, video enabled hearings for non-contested non-DRA hearings, we cannot compromise on the health and wellbeing of participants, including our employees. In our recent transition from face-to-face hearings, we have made physical changes to the layout of our courtroom to better enable social distancing. We have also taken the necessary precautionary measures to ensure that health protocols inclusive of screening and the wearing of masks, are adhered to.

The NCT is appreciative of the efforts of National Treasury and **the dtic** for ensuring that our fiscus can provide for the needs of our citizens during this time. Unfortunately, financial austerity has meant that the NCT has had to return portions of its financial allocation to National Treasury to be re-allocated elsewhere.

This surrender of part of the budget, back to the coffers of National treasury, has impacted our ability to schedule contested non-DRA's, because of the high costs involved in such cases. We will continue to re-prioritise our costs to ensure that negative impact is of short duration. During this period, we have considered ways of streamlining our office infrastructure to reduce fixed costs and re-allocated provisions for travel. Such reallocation has ensured that adjudication receives the prioritisation it deserves.

As we look to the 'ray of light' on our horizon, described by our President, we are delighted to confirm that the NCT remains willing and able to extend its work further into the new mandate of debt relief as envisaged by the National Credit Amendment Act, Act No 7 of 2019. We have engaged extensively with our counterparts at the National Consumer Commission (NCC) and National Credit Regulator (NCR) to ensure that we are able to jointly develop a seamless, integrated system for managing the overall caseload. Whilst we wait for the finalisation of the required Regulations and budget allocation to configure our CMS further, we continue to prepare ourselves for this unfolding chapter in the growth and development of the NCT.

It will be noted that we have, this year, adopted a new approach to our strategy crafting and have developed a range of different scenarios to guide our thinking and decision making. This approach occurs as we move forward into a deeply divide, volatile and uncertain world. We trust that these efforts will provide the reader with an understanding of the latent potential located within the NCT, to profoundly impact the fields of consumer protection and debt adjudication in this country. We hope that these interventions will cascade to bettering the lives of citizens, residents and even visitors and refugees of this country. We trust that these indicated scenarios will help unlock the resources required for this novel and exciting chapter in the history of the NCT.

Our next area of focus in the digital evolution of our CMS; is to ensure that all functionality is readily available on mobile technology such as cell phones. As smart cell phones become increasingly ubiquitous, we believe that this will greatly expand our accessibility to users and significantly enhance their overall user experience.

We are, once again, very pleased with having achieved both a clean audit for the eighth consecutive year and have met 100% of our goals for the past financial year. These are exceptional achievements, the credit for which must go to all the hard-working management, employees and adjudicators of the NCT. Despite the reducing budget, productivity has not only been maintained, but also improved. However, that feat can only be pulled to a point. Technology also has its own end, when stretched to its limit.

We will continue to positively and pro-actively address our relationships with our key stakeholders, to ensure that we project a truthful presence, based on reality that accords with our mandate. We do not always engage directly with the public as we deal, in the main, with Debt Counsellors, our colleagues in other consumer protection agencies and other legal professionals. Consequent to the President of the Republic, assenting to the NCAA No. 7 of 2019; we will also interact with consumers applying for Debt Relief through Debt Intervention Officers appointed by the NCR.

To maintain and project an accurate depiction of what we do, we constantly communicate in a professional way through various channels. The reality is that few people outside our immediate filing community, know much about us or the important role we play. There is still a considerable need to clearly illuminate the important distinctions in roles between the NCT, the NCC, the NCR, as well as (judicial) Courts of the land.

This need to clarify roles should be sharpened to ensure that our stakeholders are aware of the different roles played in the consumer / credit regulatory system. To do this, we need to have clear messaging regarding the functioning of the NCT and to provide accurate and clear understanding of our role.

We will also continue to build digital and face to face interfaces that are positive, productive, intelligent, and responsive to people's needs. Our Digital Strategies will continue to harvest the opportunities presented by the digital age, including the use of artificial intelligence and data analytics; to consistently increase the value delivered to our country, its consumers, and suppliers (of goods, services, and credit).

We look forward to rising to match the new challenges and to harvesting the opportunities that lie ahead. We do so with confidence, belief in our people, systems, and proven tenacity to continue delivering the best possible results. We at the NCT, Tribunal Members, managers, and employees alike, remain committed to the implementation of this Annual Performance Plan. We are also excited to envision the real difference it will make in the lives of the people in this country. This commitment will ensure that we continue to consistently deliver quality services to stakeholders whilst maintaining our hallmark of sound and uncompromising corporate governance.

In conclusion, I would once again thank all our managers, employees and adjudicators for their amazing fortitude, sacrifice and contribution in these extraordinary times. Our

past successes and hopes for future success remain underpinned by the unfailing and excellent support we continue to enjoy from the Honourable Minister, Mr. Ebrahim Patel, facilitated through the conduit of the Deputy Director General, Dr Evelyn Masotja, Consumer and Corporate Regulation Division (CCRD) and the Acting Chief Operating Officer of the DTIC, Ms Nontombi Matomela and her team in the Directorate of Public Entity Oversight (PEO).

All this assistance and support occurs under the watchful eye of the equally supportive and able leadership of Mr. Lionel October, the Director General (DG) of **the dtic**. To this dtic leadership, we are eternally grateful.



Prof. Joseph M . Maseko

Executive Chairperson and Accounting Authority

31st January 2021

Official Sign Off

It is certified that this Revised Annual Performance Plan for 2021/22 to 2023/24:

- Was developed by the management of the National Consumer Tribunal under the guidance of the Executive Chairperson and Accounting Authority, Professor Joseph M. Maseko.
- Considers all the relevant policies, legislation and the mandate for which the National Consumer Tribunal is responsible; and
- Accurately reflects the impact and outcomes which the National Consumer Tribunal will endeavour to achieve over the period 2021/22 – 2023/24.



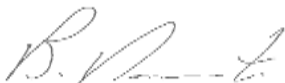
Mr Lucky Rabotapi
Programme Manager 1

Date: 31st January 2021



Ms Vasanti Srineevassan
Programme Manager 2

Date: 31st January 2021



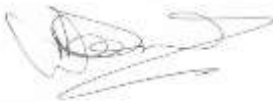
Mr Bax Nomvete
Programme Manager 3

Date: 31st January 2021




Ms Maya Naidoo
Acting Chief Financial Officer

Date: 31st January 2021



Nelson Lolwane
Chief Operating Officer
Head Official Responsible for Planning

Date: 31st January 2021



Professor Joseph Mandla Maseko
Executive Chairperson and Accounting Authority

Date: 31st January 2021

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Table 1: Acronyms and Definitions

Acronym/Term	Description/Definition
ACFTA	African Continental Free Trade Agreement
ADR	Alternative Dispute Resolution
AGSA	Auditor-General of South Africa
APP	Annual Performance Plan
AQM	Adjudication Quality Model
CCMA	Commission for Conciliation, Mediation & Arbitration
CCRD	Consumer and Corporate Regulation Division
CFO	Chief Financial Officer
CMS	Case Management System
COO	Chief Operating Officer
CIO	Chief Information Officer
CSE	Corporate Services Executive
CPA	Consumer Protection Act (“Act No 68 of 2008”)
DIA	Debt Intervention Applications
DRA	Debt Re-arrangement Agreement
DRI	Debt Relief Interventions
EAF	Enterprise Architecture Framework
ESS	Employee Self-Service
GRAP	Generally Recognised Accounting Practice
HR	Human Resources
ICT	Information and Communications Technology
IT	Information Technology
MIS	Management Information System
MTEF	Medium Term Expenditure Framework
MTSF	Medium Term Strategic Framework
NCA	National Credit Act (“Act No 34 of 2005”)
NCAA	National Credit Amendment Act (Act No 7 of 2019)

Acronym/Term	Description/Definition
NCC	National Consumer Commission
NCR	National Credit Regulator
NCT	National Consumer Tribunal
NDP	National Development Plan
OECD	Organisation for Economic Co-operation and Development
PAIA	Promotion of Access to Information Act (“Act No 2 of 2000”)
PAJA	Promotion of Administrative Justice Act (“Act No 3 of 2000”)
PDP	Personal Development Plan
PEO	Public Entity Oversight Unit
PESTLE	Political, Economic, Social, Technological, Legal, Ethical and Environmental
PFMA	Public Finance Management Act (“Act No 1 of 1999”)
PPE	Personal Protective Equipment
POPIA	Protection of Personal Information Act (“Act No. 4 of 2013”)
ROI	Return on Investment
SMME	Small Medium & Micro Enterprise
SR	Strategic Risk
SWOT	Strengths, Weaknesses, Opportunities, Threats
the dtic	The Department of Trade, Industry and Competition
VUCA	Volatile, Uncertain, Complex & Ambiguous
WEF	World Economic Forum

Part A: Our Mandate

1. Legislative & Policy Mandates

The National Consumer Tribunal was established in terms of the National Credit Act, No. 34 of 2005 (“NCA”) to adjudicate on applications and referrals in terms of the NCA. In September 2006, sixteen (16) independent Members of the Tribunal, including a Chairperson, were appointed by the President of South Africa, thereby formally establishing the Tribunal.

With effect from 1 April 2011, the Tribunal’s mandate was expanded to include the adjudication of applications and cases referred to it in accordance with the Consumer Protection Act, No. 68 of 2008 (“CPA”). The National Credit Amendment Act (“NCAA”) also came into effect on the 13 March 2015 and provided for more stringent regulation of participants in the credit market, including payment distribution agents and alternative resolution agents. It further expanded the role of the NCT in that the National Credit Regulator may directly refer the above-mentioned parties, who fail to adhere to the prescripts of the NCA as amended, to the NCT. Furthermore, it provided the NCT with an expanded mandate to adjudicate on reckless credit matters.

The passing of the National Credit Amendment Act, Act No 7 of 2019 (“NCAA 7 of 2019”) provides for the NCT to play an important adjudicative role in debt relief for consumers. The new amendments within this legislation introduce elements of law regarding insolvency type regulation similarly found in the United Kingdom. Generic insolvency matters have in the past been exclusively processed through the High Court at high cost to applicants. With the new amendments, overindebted low- and no-income earners, as well as those who have no assets, have access to lawful state-funded insolvency processes if they meet specific, laid down criteria.

These amendments give expression to the constitutional right for ‘access to justice’ as provided for in Section 34 of the Constitution. The section provides that: *“Everyone has the right to have any dispute that can be resolved by the application of law decided in a fair public hearing before a court or, where appropriate, another independent and impartial tribunal or forum.”* The following sections serve as a summary of the different elements, Constitutional and Legislative, that make up the NCT’s mandate. A summary of the delivery model underpinning the dispute resolution process for consumer and credit disputes is also included.

1.1 Constitutional Mandate

The NCT carries out its work with due regard to the fundamental rights as contained in Chapter 2 of the Bill of Rights of the Constitution of the Republic of South Africa. Specifically, the NCT has a direct impact on the provisions of Sections 32, 33 and 34 of the Constitution, under the Bill of Rights, as set out in Table 3 below.

Table 2: Constitutional Mandate

Constitution	
Section 32	Access to Information 1. Everyone has the right of access to a) Any information held by the state; and b) Any information that is held by another person and that is required for the exercise or protection of any rights. 2. National legislation must be enacted to give effect to this right and may provide for reasonable measures to alleviate the administrative and financial burden on the state.
Section 33	Just administrative action 1. Everyone has the right to administrative action that is lawful, reasonable and procedurally fair. 2. Everyone whose rights have been adversely affected by administrative action has the right to be given written reasons. 3. National legislation must be enacted to give effect to these rights, and must a. Provide for the review of administrative action by a court, or, where appropriate, an independent and impartial tribunal. b. Impose a duty on the state to give effect to the rights in subsections (1) and (2); and c. Promote an efficient administration.
Section 34	Access to Courts Everyone has the right to have any dispute that can be managed and adjudicated by the application of law decided in a fair public hearing before a court; or where appropriate, another independent and impartial tribunal or forum.

1.2 Legislative Mandate

The work of the NCT is governed by a **legislative framework** as set out below:

Table 3: Legislative Mandate

Name of Act	Purpose
National Credit Act 34 of 2005	To promote a fair and non-discriminatory marketplace for access to consumer credit and for that purpose to provide for the general regulation of consumer credit and improved standards of consumer information; to promote black economic empowerment and ownership within the consumer credit industry; to prohibit certain unfair credit and credit-marketing practices; to promote responsible credit granting and use and for that purpose to prohibit reckless credit granting to provide for debt re-organisation or debt intervention in cases of over-indebtedness; to regulate credit information to provide for 20 registration of credit bureaux, credit providers and debt counselling services; to establish national norms and standards relating to consumer credit; to promote a consistent enforcement framework relating to consumer credit to establish the National Credit Regulator and the National Consumer Tribunal to repeal the Usury Act, 1968, and the Credit Agreements Act, 1980, and to provide for related incidental matters.
Consumer Protection Act 68 of 2008	To promote a fair, accessible and sustainable marketplace for consumer products and services, and for that purpose to establish national norms and standards relating to consumer protection; to provide for improved standards of consumer information; to prohibit certain unfair marketing and business practices; to promote responsible consumer behaviour; to promote a consistent legislative and enforcement framework relating to consumer transactions and agreements; to establish the National Consumer Commission (NCC); and to repeal certain laws.
National Credit Amendment Act 7 of 2019	To amend the National Credit Act, 2005, so as to provide for debt intervention; to insert new definitions; to include the evaluation and referral of debt intervention applications as a function of the National Credit Regulator and to provide for the creation of capacity within the National Credit Regulator and logistical arrangements to execute this function; to include the consideration of a referral as a function of the Tribunal; to provide for the recording of information related to debt intervention; to require a debt counsellor to investigate whether an agreement is reckless; to provide for a court to enquire into and either refer a matter for debt intervention or make an order related to debt intervention; to provide for a Magistrate's Court and the Tribunal to determine the maximum interest, fees or other charges when re-arranging debt and for guidance to be prescribed in this regard; to provide for an application for debt intervention and the evaluation thereof; to provide for the Tribunal to re-arrange a consumer's obligations and make an order in respect of an unlawful credit agreement; to provide for orders related to debt intervention and rehabilitation in respect of such an order; to provide for mandatory credit life insurance to be prescribed; to provide for offences related to debt

Name of Act	Purpose
	intervention, prohibited credit practices, selling or collecting prescribed debt and related to failure to register as required by the Act; to provide for measures when an offence is committed by a person other than a natural person; to provide for penalties in relation to the newly created offences; to provide for the Tribunal to change or rescind an order under certain circumstances; to require the Minister to make regulations related to a financial literacy programme; to provide in a transitional provision for the application of this Amendment Act to credit agreements entered into before its commencement; and to provide for matters connected therewith.

The NCT derives its mandate from **Section 27 of the National Credit Act**. The **role** of the Tribunal is to **adjudicate** on:

- Applications made in terms of the National Credit Act 34 of 2005 or the Consumer Protection Act 68 of 2008 by consumers, credit providers, credit bureaux, debt counsellors, the National Credit Regulator and the National Consumer Commission.
- Applications for interim relief and review decisions by the National Credit Regulator and the National Consumer Commission.
- Matters referred to the Tribunal by the National Credit Regulator or the National Consumer Commission regarding complaints related to allegations of prohibited conduct; and
- Applications for debt re-arrangement agreements to be made an order of the Tribunal in terms of the National Credit Act 34 of 2005 or consent orders in terms of the Consumer Protection Act 68 of 2008.

As an **independent adjudicative entity**, the NCT's mandate is to hear and decide on cases involving consumers, suppliers of goods and services, credit providers, regulators, debt counsellors, credit bureaux, payment distribution intermediaries as well as alternative dispute resolution agents. In so doing, the Tribunal hears applications and cases that are premised upon the terms outlined within the NCA, CPA and the Rules of the Tribunal. In pursuing its legislative mandate, the NCT may:

- Adjudicate on any application or referral of prohibited or required conduct that may be made to it in terms of the Acts.
- Effect any order outlined in the Acts, in respect of such an application and / or adjudicate on allegations of prohibited conduct by determining whether

prohibited conduct has occurred and, if so, impose a remedy or relief as provided for in the promulgated Acts;

- Grant an order for costs, with regard to these Acts; and
- Exercise any other power conferred on it by these Acts.

The NCT adjudicates on applications and referrals of prohibited conduct in pursuance of the purpose of the NCA and CPA. These are as set out in Section 3 of these Acts respectively and is in accordance with Section 142 of the National Credit Act, the imperatives of the Constitution and the provisions of the Promotion of Administrative Justice Act (PAJA).

The passing of the **National Credit Amendment Act** (Act No 7 of 2019) extends the work of the NCT going forward. This Act provides for the NCR to submit recommendations to the NCT for decisions relating to debt relief and to suspend credit agreements. This would be in instances where the NCR deems the consumer to have met the qualification criteria for the suspension or expungement of the debt. Its powers include limiting the maximum interest rate, fees or other charges that may be paid under a qualifying credit agreement and suspend the debt for a period not exceeding 12 months. This is accompanied by the possibility of this being extended for a further 12 months on application. The NCT may also make an order that no interest, fees, or charges be payable.

The main purpose of this Act is to introduce a component of insolvency for natural persons who meet certain strict criteria, have unsecured credit that they are unable to pay and have no assets or income. This category of debtor falls below the scope of statutory insolvency in the civil courts, by way of financial exclusion. Whilst insolvency is legally available to those debtors who can afford it in the civil courts, this comes with high legal costs which are unaffordable to those with no income and no assets (NINA's). The Act, therefore, wisely and fairly, provides for extra-judicial insolvency, free of cost to the qualifying debtor.

1.3 Delivery Model for resolving Consumer and Credit Disputes

The tiered diagram in Figure 1 below depicts the Tribunal's relative position, in relation to other entities, for resolving consumer and credit disputes. It shows the escalation process that is embarked upon in relation to disputes in terms of the National Credit Act and Consumer Protection Act, should resolution not be reached at a certain level:

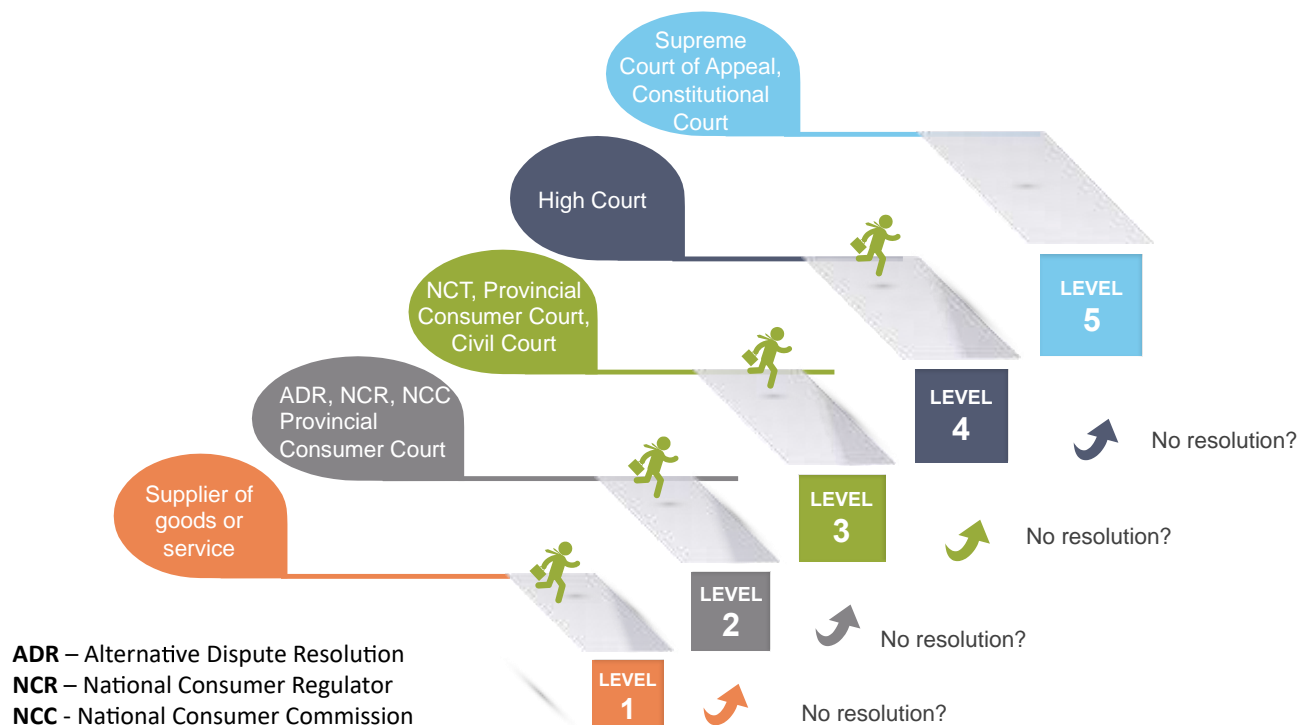


Figure 1: The Five Levels for Consumer Dispute Resolution

1.4. Relevant Court Rulings

No Court rulings were reported during 2019 or 2020 that affect the mandate of the Tribunal. In December 2019, the Supreme Court upheld the NCT's 2017 ruling against Shoprite regarding reckless lending. In that ruling, the NCT had confirmed that Shoprite had, on a few occasions, failed to conduct proper affordability assessments prior to granting credit to consumers and thus had granted credit recklessly. The NCT further declared that Shoprite had committed conduct prohibited by the NCA and ordered Shoprite to pay R1 million as a fine. The ruling by the High Court endorsed and upheld the NCT's decision.

PART B: Our Strategic Focus

2. The NCT's Strategic Intent

The NCT's **strategic intent** consists of its Mission, Vision and Values. Its Strategic Goals are detailed in Part C of this document.

- **Vision** – *'To be an impartial, professional and easily accessible adjudicative Tribunal, contributing to sound commercial relationships based on certainty, trust and justice between consumers and providers of goods, services and credit.'*
- **Mission** – *'To be highly efficient, providing timely access, professional adjudication and equitable redress to consumers and providers of goods, services and credit in South Africa'*



Figure 2: Vision & Mission

2.1. Mission

The Mission Statement of the NCT describes its mandate, purpose and scope (who we are, what we do, and why we exist). The **Mission** of the NCT is: *"To be highly efficient, providing timely access, professional adjudication and equitable redress to consumers and providers of goods, services and credit in South Africa"*.

2.2. Vision

A Vision Statement provides an inspiring future direction, helps to charter a clear strategic path and moulds organisational identity. This vision statement communicates the NCT's aspirations to stakeholders and helps focus the energies of all the NCT's people in a common direction. During this strategy crafting process, we have reviewed and updated our Vision. The **Vision** of the NCT is: *"To be an impartial, professional and easily accessible adjudicative Tribunal, contributing to sound commercial relationships based on certainty, trust and justice between consumers and providers of goods, services and credit"*.

2.3. Strategic Aspirations

In executing on its Vision and Mission, the Tribunal developed aspirational statements to guide its work and the behaviour of its people, as set out below:

- (1) To be an **ethical and people-oriented organisation** that cares deeply, invests in people and treats everyone fairly, with humility, respect and compassion.
- (2) To be **service oriented, expeditious and easily accessible** to the people we serve.
- (3) To be bold **pioneers and thought leaders** who are curious, knowledgeable and have a respected point of view. We will set the benchmarks by which Tribunals should be managed and operated.
- (4) To create a **safe, secure and enabling working environment** that enables our people to work flexibly and remotely, anytime and at any place; and
- (5) To provide **learning and future employment opportunities for our people, especially the youth**, to ensure that they are able to play a meaningful, value-adding role in society and future workplaces.

These **aspirations** are reflected in the guiding principles, values and goals that are contained within this Annual Performance Plan.

2.4. Guiding Principles

The following **Guiding Principles** define the NCT's approach to adjudication and resonate closely with the NCT's values. These foundational principles are aligned to the legislative provisions of the NCA which require that the NCT conducts itself in a manner that is:

- a) Inquisitorial (within the cases of the parties).
- b) Expeditious (where noncompliance with procedures may be condoned).
- c) Informal; and
- d) In accordance with the principles of natural justice.

2.5. Core Values

The NCT's **Values** reflect traits or qualities that represent the requirements of the Constitution of South Africa, in particular Chapter 10 – Public Administration and Batho Pele principles. This emphasizes certain basic values and principles governing Public Administration and requires that Public Administration be governed by the democratic values and principles enshrined in the Constitution. The NCT's values are grounded in strong ethical considerations. The NCT's **Value Statements** (aligned with the “Thuma Mina” principles) are set out in Table 4 below:

Table 4: NCT Core Values

Values	Description – by this we mean ...
Integrity	<ul style="list-style-type: none"> Valuing justice, being ethical and truthful, acting impartially, without fear or favour, in all adjudications and interactions with our stakeholders.
Accessibility	<ul style="list-style-type: none"> Being known and available to serve our mandate, digitally or face to face in all parts of our country. Responding to applications and requests for information appropriately, in a timely manner. Being open to new ideas, taking the time to listen and understand our stakeholders' needs and expectations. Communicating clearly in simple language.
Accountability	<ul style="list-style-type: none"> Being open and transparent. Clearly communicating the basis upon which decisions are made. Accepting personal and collective responsibility for our actions and the consequences of our actions.
Respect	<ul style="list-style-type: none"> Considering and valuing the diverse views of others as well as their important contribution as stakeholders. <p>Treating others in ways that promote dignity and sense of self-worth.</p>
Reliability	Delivering on our commitments and promises - doing what we say we will do, when we say we will do it!
Innovation	<ul style="list-style-type: none"> Never being satisfied with the status quo. Utilising our intelligence and digital expertise to continuously deliver greater value, greater efficiency and more relevant services. <p>Collaboratively harnessing the power of technology to deliver on the greater good.</p>

All NCT Tribunal Members and employees are consistently encouraged to live the NCT's values in all that they do. Formal and informal communications consistently detail the NCT's purpose, mandate, role, values, functions and ways of working. This will ensure that the NCT's strategy and values remain relevant and become firmly institutionalised.

3. Situational Analysis

The NCT is committed to an ongoing, inclusive process of strategy crafting, planning, alignment and review. As an important part of this process, the NCT engages with its leaders, employees and key stakeholders annually to consider how its internal and external context has changed and how it is likely to change going forward.

The following **workshops** were held to provide relevant input into the NCT's Strategy and Annual Performance Plan:

- In **June 2020**, a selected group of employees were canvassed on-line as to their experiences over the period of the COVID-19 pandemic, their views regarding the NCT's current strategy, strategic aspirations, future challenges and opportunities, strategy execution and functioning. This information served as an important **input** into the strategic process.
- As a result of the COVID-19 pandemic, it was not possible to conduct a traditional workshop. A series of **six, 4-hour, on-line workshops** were held during June, July and August 2020. During this period, the NCT Leadership Team and other senior officials reviewed and refined the NCT Strategy and made amendments to the APP and Business Plan going forward. A scenario approach was used to develop plausible future scenarios to guide the NCT's planning going forward.
- In **October 2020**, the employees of the NCT were **collectively engaged** in a workshop to align behind the scenarios and the innovated strategy. They also contributed to a discussion to better understand, inform and mitigate the strategic risks and opportunities as well as the potential fraud risks facing the Tribunal.

This strategy crafting and review process has informed amendments to both the NCT's Strategy and APP. These amendments are based on a realistic assessment of the NCT's current and future required capabilities, core competencies and its evolving

strategic intent. In particular, the review process considered the following key imperatives:

- the needs of the NCT's primary stakeholders – Consumers, Debt Counsellors and other filing parties.
- the potential role that the NCT can play in delivering on South Africa's national outcomes and key priorities, especially the MTEF / Presidential Priorities 1 to 7
- current and future advances in technology.
- the potential for innovation and improvement.
- the need for inter-agency collaboration around a common digital architecture.
- future proposed amendments to the National Credit Act.
- the passing of the National Credit Amendment Act, Act No 7 of 2019; and
- the need for alignment with all relevant legislation
- The impact of the COVID-19 pandemic on the people and operations of the NCT.

In times of significant turbulence and uncertainty in external environments, it is wise to rethink the way we strategize in order to respond faster and more effectively to the challenges and opportunities that present in our future. Failing to do so means that we run the risk of being blindsided by events to the point that we are unable to deliver on our mandate and strategic intent.

Successful organisations have learnt to expect the unexpected, rebound quickly when the unexpected happens and to take advantage of the opportunities that emerge in a volatile environment. This is the essence of strategic resilience as a core capability. Resilience in today's world depends on rapid and effective adaptation to change. Strategy in times of uncertainty require new tools and approaches. In the development of the NCT's strategy, use was made of both strategic forecasting tools as well as scenario planning in order to ensure that we are able to deliver new insights and develop more accurate foresight into our future.

Strategic foresight is the ability, structural or cultural, that enables an organisation to detect discontinuous change early, interpret the potential consequences and formulate effective responses to ensure long term survival and success (Rene Rohrbeck). Strategic foresight should allow an organisation to detect and interpret weak signals on change and to trigger the appropriate reactions.

The NCT has used the following **Strategic Foresight Process** model to guide its Strategy for 2021 to 2026 and, as an important sub-element for this strategy, this Annual Performance Plan for 2021 to 2024.

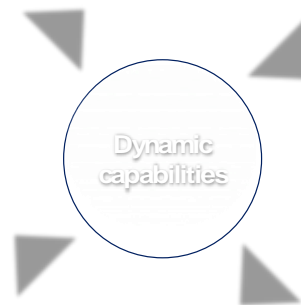


Figure 3: Strategic Foresight Process

3.1. Sense – External Environmental Assessment (PESTLE)

Making sense of a volatile and uncertain world requires a structured way of both looking over the horizon to anticipate what is coming and looking internally to understand current organisational functioning and the readiness of capabilities to deliver current and future value.

To successfully anticipate change, the NCT has gathered information from a broad range of sources including the World Economic Forum’s Global Risk Report, various scenario documents including Heidrick Consulting’s Post COVID-19 Scenarios, the International Monetary Fund’s World Economic Outlook June 2020, the National Treasury Supplementary Budget Review 2020, the Presidency Strategic Plan, **the dtic** Annual Performance Plan and various media releases. As indicated earlier, it has also conducted an internal diagnostic with all NCT employees.

The NCT External Environment Analysis took place this year amid the challenges presented by the COVID-19 pandemic. In assessing the implications of the future events, trends and developments facing the NCT, the words of the historian, Yuval Hariri, *‘Pandemics press the fast-forward button on history’* were considered to be very

prescient. This is exemplified by the way that COVID-19 had accelerated the adoption of remote working as well as the use of digital conferencing / meeting platforms such as Zoom.

South Africa is not an island unaffected by what happens globally. It is therefore important to start off with a brief discussion of the global context and its implications for the NCT. The global economy has been significantly affected by the COVID-19 pandemic with contractions in GDP and the need for fiscal stimulus at an unprecedented level to ensure the survival of both businesses and individual citizens. The International Monetary Fund has confirmed that the global outlook for economic growth remains bleak with projections lower than originally forecast. The global economy is anticipated to contract by approximately 5% in 2020 with a significant impact on low-income households. The IMF concludes *‘The adverse impact on low-income households is particularly acute, imperiling significant progress in reducing extreme poverty in the world since the 1990’s.’*

Fiscal stimulus, as well as the need to spend large amounts on healthcare systems to cope with the immediate health impact of COVID-19, has also had a significant impact on the fiscus all around the world with significantly increased levels of borrowing and reduced taxation inflows. This has had a knock-on effect as governments cut spending and reduce budget allocations as well as the funding of government departments and entities.

The reality that COVID-19 will cause future waves of infections as a result of seasonal changes and increasing citizen apathy, will also put pressure on healthcare systems to be adequately resourced. This will impact a return to an economic ‘new normal’ and put further pressure on budgets until such time as a successful COVID-19 vaccine is distributed. This is only expected to happen at scale in the second half of 2021. At a global level, the **World Economic Forum Risk Report for 2020** sets out the Global Risk Landscape, including both the **Likelihood** and **Impact** of Global Risks, as follows:



Figure 4: WEF Top 10 Risks

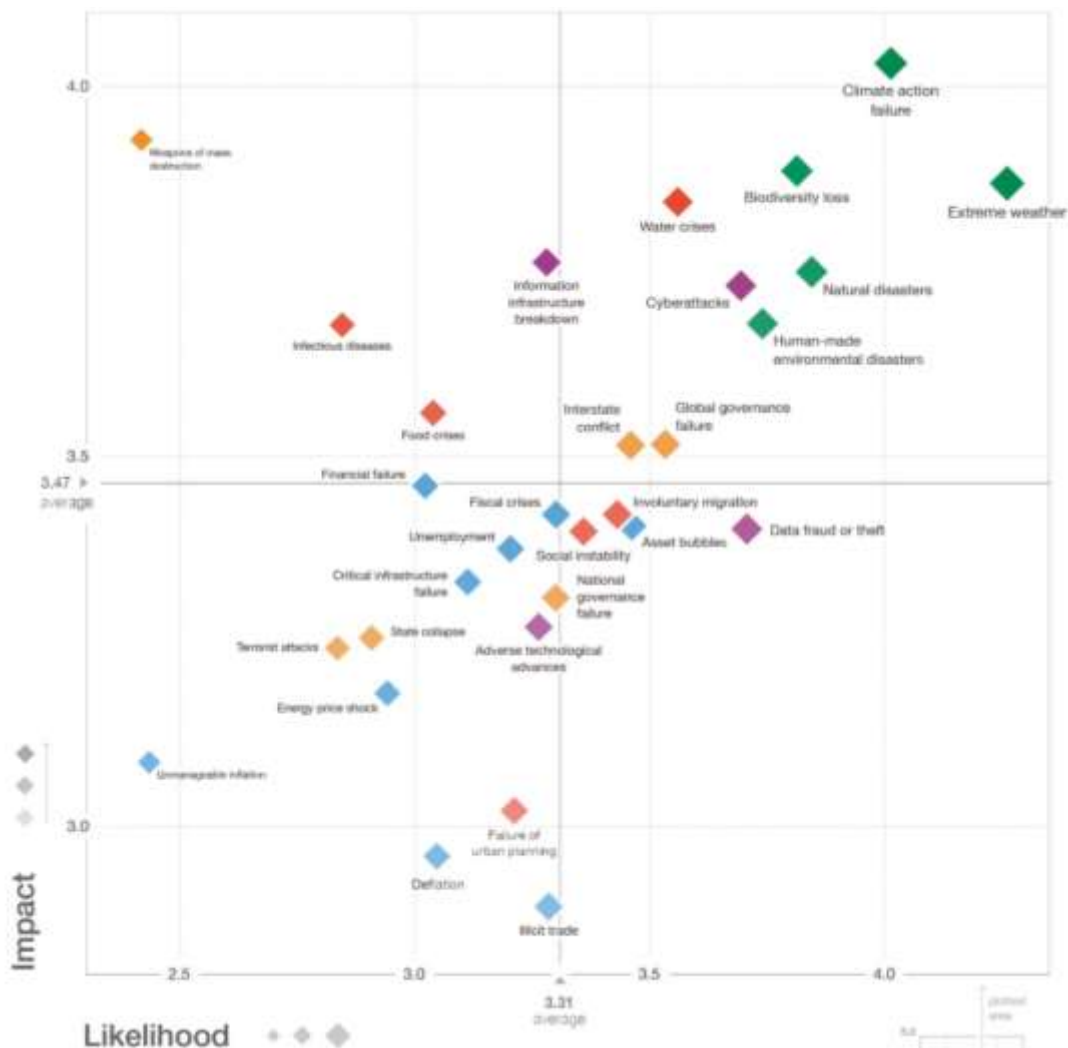


Figure 5: Global Risks

So what? Implications for NCT of global trends & risks

The key implications of this **global environmental assessment** for the NCT are as follows:

- Reduced global economic growth will negatively impact the SA economy as the demand for South African goods, services, resources and agricultural products will be reduced.
- Healthcare systems will continue to require investments to cope with the effect of COVID-19 for some time to come, impacting the ability of the fiscus to provide adequate funding for the NCT.
- COVID-19 is unlikely to be the last infectious disease outbreak globally. The NCT will need to ensure that it is agile and fully able to adapt operations to remote working and access. This will require an ongoing investment in optimising NCT's ICT system.
- Climate change and volatility may well have an impact on the SA economy in years to come in the form of droughts and / or natural disasters impacting both agricultural and economic activity.
- Cyber-security should remain a high priority as dependence on increasingly intelligent digital systems and data is deepened.

In re-assessing the external environment and the potential future impact of both COVID-19 and other emerging events, developments and trends on the NCT, **PESTLE** was used as a tool. The NCT's macro-environment was assessed, taking into consideration the **Political, Economic, Social, Technological, Legal / Ethics & Environmental** trends indicated in Tables 5, 6 and 7 below. These trends have informed the development of strategic goals and objectives to steer the Tribunal on its path to deliver on its mandate. The following illustration sets out a **summary of key current elements of the PESTLE analysis**.

Figure 6: High Level PESTLE Impact Map

PESTLE IMPACT MAP 2020 – POSITIVE & NEGATIVE

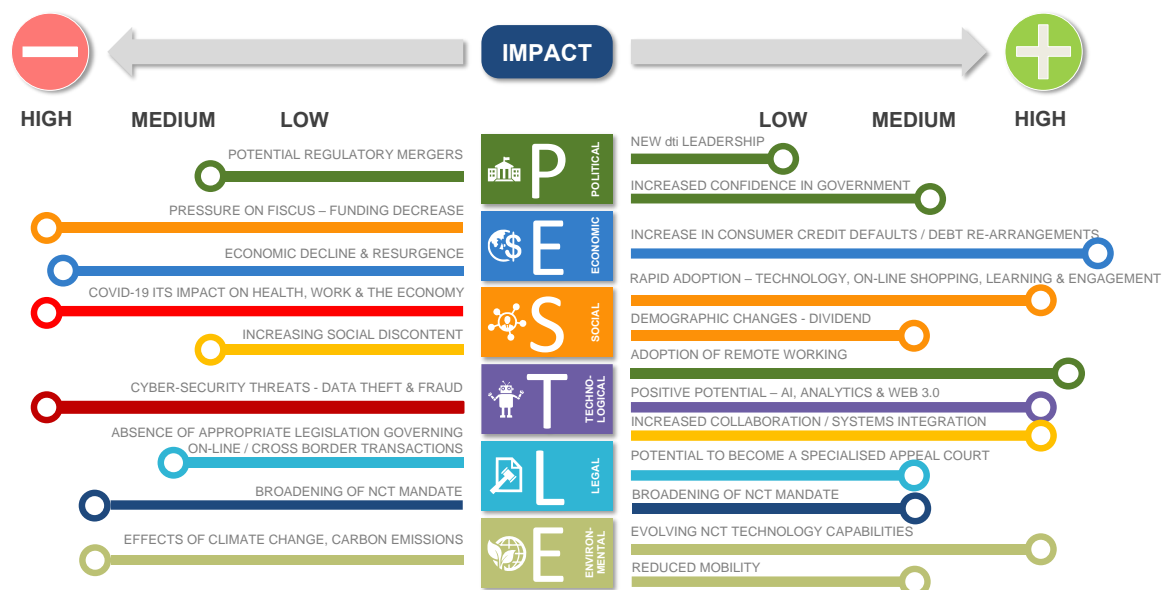


Table 5: Political & Technological aspects

Political	Technological
<ul style="list-style-type: none"> Fracturing of the ruling party along partisan lines, slowing the pace of decision making and hampering efforts to reign in corruption Perceptions created about public sector corruption, ethics and procurement practices. Ongoing service delivery challenges. An active citizenry – mobilising against corruption and poor service delivery. Rise in populism with a more militant approach to social change. 	<ul style="list-style-type: none"> The evolution of the Spatial Web / Web 3.0, transferring experiences from screens into physical space, incorporating a layered approach – Spatial Interaction Layer, Digital Information Layer & Physical Layer Increase in cyber-security threats - cyberterrorism, ransomware and increased information security challenges – including increasing sophistication of attacks on IT security, data and HR processes. Increased augmentation of remote working through cloud-based access to information and the ubiquitous use of conferencing and collaboration tools / applications Advances in technology in line with the ‘Fourth Industrial Revolution’ – robotics, nanotechnology & ‘Internet of Things’. Need to reskill and upskill our people to ensure that they remain relevant to NCT’s requirements. The positive potential of the rise of ‘big data’, predictive analytics, artificial intelligence as well as intelligent forecasting and reporting tools.

Political	Technological
<ul style="list-style-type: none"> ▪ New dtic leadership with fresh ideas and a renewed vision to deliver service to citizens. ▪ Potential regulatory integration / mergers as a result of pressures on the fiscus. ▪ Increasing pressure for collaboration and sharing of resources across public entities. 	<ul style="list-style-type: none"> ▪ Power of automation, including cognitive automation, to cut costs. ▪ Ongoing layoffs of knowledge workers in various sectors as a result of digital transformation. ▪ Low cost access to technology & communications devices such as smartphones + increased access to smartphones by ordinary people – can access full internet, not just telephony. ▪ Rapid increase in on-line shopping and commercial transactions, in South Africa and across borders, requiring the strengthening of e-consumer protection and new ways of adjudicating on such cases. ▪ The advent of e-government and the increased delivery of public services through digital platforms and channels ▪ Increasing need for seamless, cross agency, interconnected data architectures

The following **implications** for the NCT have been drawn from an assessment of the implication of these **political and technological** trends:

- Political change will be slower than social demand for change with a risk of increased public discontent, potential disorder and a declining confidence in government.
- Regulators and entities will need to increasingly collaborate, share resources and open systems to ensure seamless transfer / access to data.
- Opportunities for technology innovation will continue to increase shortening the potential time cycles for applications to be received and adjudications finalised.
- Funding to invest in technology innovation may well be constrained by the need of the fiscus to attend to immediate short-term priorities.
- Availability of budget for the implementation of Debt Relief may be delayed, thereby postponing the requirement for NCT resources.

Table 6: Economic & Legal / Ethics aspects

Economic data sourced from National Treasury's Supplementary Budget Review 2020



www.treasury.gov.za › documents › review

Economic	Legal / Ethics
<ul style="list-style-type: none"> Real economic growth is expected to contract by -7.2% in 2020 as a result of restrictions on economic activity to contain the spread of the CORONA-19 virus. 2020 Credit Agency downgrades and weak investor confidence compound economic challenges. The cost of government borrowing will increase going forward. Low real interest rates may stimulate consumer demand for debt increasing vulnerability should rates rise in future. Flat economic growth projections for strategic period (average 2.4% to 2023). Deepening recession impacting negatively on the economy and already financially stressed consumers and businesses. Consumers increasingly credit dependent. COVID-19 has increased the number of households in financial difficulty (36.9% indicate a moderate or major impact on ability to cover financial obligations, 9.9% report that they no longer receive an income, 8.1% report they have lost jobs or closed businesses, 7% report that they experience hunger – Statistics SA) Projections that consumer debt defaults are set to rise (TransUnion) coupled with concerns that consumers under DRA orders will not be able to comply Economic risks to SA economy include volatility in global financial markets, sudden interruptions in capital inflows, reliability of electricity supply, commitments to fund state-owned entities, low levels of confidence, policy uncertainties and concerns about governments commitment to the independence of the Reserve Bank 	<ul style="list-style-type: none"> More laws, increasing moral prescription rather than reliance on ethics or moral guidance. POPI in force. NCAA passed into law – new NCT adjudications required. Increasing use of algorithms to drive sales and assess credit worthiness. Perceptions of regulatory capture – undue influence over NCT by other regulators. State of the judicial system impacting NCT. Prosecutorial approach impacts e.g., efficacy of the legislation. Implementation of various laws and impact on NCT – The Secrecy Bill, Superior Court Act, Ready for King 4, COBIT 2019, Financial Sector Regulation Bill – Twin Peaks – approach to financial regulation. 'Twin Peaks' legislation – will have implications for centralisation of consumer protection legislation & role of NCR. Increased access to judicial process through broadcasting of trials and proceedings.

Economic	Legal / Ethics
<ul style="list-style-type: none"> ▪ The ‘horns of the bull’ – increased government expenditure and reduced income from taxation ▪ The consolidation of intermediaries especially Debt Counsellors – fewer but bigger ▪ Trade wars based upon increasing global culture of nationalism and protectionism. ▪ Increase in self-employment. Blurred lines between consumers and small businesses as people opt for self-employment as job opportunities in the formal sector decrease. ▪ Increase in on-line business, personal transactions, education and learning. ▪ Financial constraints on the fiscus with cuts in budgets of government departments and public sector entities. ▪ Cuts in budget allocations constraining public sector service delivery. ▪ Possibility of consolidation of public sector entities. 	<ul style="list-style-type: none"> ▪ Strong regulatory environment causing a shift in levels of compliance – less reckless lending. ▪ Rise of concerns regarding the ethical use of algorithms. ▪ Legislation requiring human oversight of technology. ▪ Need to ensure due legal process in on-line adjudications.

The following **implications** for the NCT have been drawn from an assessment of the implication of these **economic and legal / ethics** trends.

- Likelihood of a lagged increase in NCT adjudications with a potential spike in 2021 / 2022;
- Likelihood of sustained reduction in funding from the fiscus for the NCT over APP period;
- Need to ensure that technology innovation does not infringe or hamper citizens in the execution of their legal rights;
- Need to ensure that the NCT plays its role in combatting climate change and ensuring environmental sustainability; and
- Increased need to optimise the integration of systems and data transfer between **dtic** consumer regulatory entities.

Table 7: Social & Environmental aspects

Social	Environmental
<ul style="list-style-type: none"> ▪ Increasingly youthful nature of South Africa's population – 67% below age of 25 – increases potential for a long-term demographic dividend. ▪ Multi-generational consumers shopping online. ▪ Increased use of social media as a way of accessing and distributing information as an alternative to traditional media. ▪ Unrepresented consumers & consumers with low literacy levels before the Tribunal. ▪ Urbanisation – rural to urban migration continues. ▪ Increasingly high levels of unemployment. ▪ Active Citizenry - demand for improved access to services and improved service delivery. ▪ Increase in flexible working practices. ▪ Rise of digital inter-connectedness. ▪ Poor standard of the SA educational system holds back technology adoption. ▪ Rise of new jobs – data scientists, business translators, curators etc – providing new opportunities for careers and reskilling. ▪ Increasing digital divide between those with access to technology and those without. ▪ Reduction in mobility and travel. ▪ Increased levels of anxiety, isolation & psychological stress in society. 	<ul style="list-style-type: none"> ▪ Climate change – reaching tipping point of no return. Increased environmental consciousness starting to impact positively on behaviour. ▪ NCT environmental responsibilities in respect of sustainable consumption - need to reduce consumption - printing, water and electricity. ▪ Need to focus on employee safety and wellness in the workplace. ▪ Potential future costs of acid leaching and mine rehabilitation. ▪ Increasing resource scarcity – water & electricity. ▪ Rise in environmentally friendly practices - need to minimise NCTs carbon footprint. ▪ Potential of future 'climate shocks' to the economy. ▪ Reduced mobility benefits the environment.

The following **implications** for the NCT have been drawn from an assessment of the implication of these **social and environmental** trends:

- Increased need for the NCT to be as **self-sufficient and resilient** as possible to withstand potential future ‘shocks’.
- Clear need to invest in technology to increase capability to work remotely and conduct remote adjudications.
- Need for oversight of on-line adjudication process to ensure that parties rights are protected.
- Need for the NCT to decrease cost structure, in particular rentals and travel to ensure lean operating environment.
- Increased need to be mindful of employee wellness, especially psychological wellness.

Noteworthy within the PESTLE analysis is the dire economic environment in South Africa and its impact on both consumers and public sector budgets. This will have a significant potential effect on service delivery as public sector entities are forced to prioritise and cut back on the important work they are required to perform.

The NCT’s greatest challenge is to deliver on its mandate in an environment of financial austerity. This challenge is only partly mitigated by the confluence between decreased costs and increased accessibility associated with technology, the ever-increasing competency of NCT people and more flexible / environmentally friendly remote working practices, increasingly possible in a ‘connected’ world. The adopting of appropriate technology, including the adoption of cloud-based technologies and applications, have enabled the Tribunal to reconfigure the way it works, providing greater cost efficiency, improved access and other important benefits.

This is especially relevant in the case of DRA adjudication. It is however apparent that the potential for technology innovation in the case of non-DRA’s, especially contested DRA’s, is more limited. This is as a result of the cost implications of having three Tribunal Members adjudicate non-DRA matters as well as the need to ensure that Tribunal Members are able to see and hear evidence as it is lead in order to be able to judge the reliability of witnesses and to understand the nuances of live testimony.

At this stage, only uncontested non-DRA adjudications are conducted remotely. All contested non-DRA adjudications are heard on-site in the NCT courtroom, with due consideration given to social distancing, the provision of PPE and other safeguards against infection.

The need for collaboration and data interconnectivity across public sector entities is also increasing in prominence. It occurs both as a result of the need to decrease operating costs as well as through the evolution of technology to enable what was not possible before. All the lead indicators in the NCT's confirm that the NCT will continue to have an ever-increasingly important adjudicative function to fulfil over time.

The enactment of the NCAA, the rise in consumer activism and awareness, coupled with an increasingly negative economic climate will, overall, drive a greatly increased future caseload for the NCT. Whilst there will be a short-term respite in the coming MTEF period, as the regulations underpinning the NCAA are drafted, it is clear that the projected future increased caseload will need to be funded to give effect to the intentions of the NCAA.

The rapidly changing technology landscaped, fuelled by the advances of the Fourth Industrial Revolution, will mean an increasing urgency for the NCT to work proactively. In this way, all its people will be equipped for a future of new jobs augmented by technology, including intelligent digital automation. This will require both up-skilling and re-skilling to ensure that people have the capacity to continue to be gainfully employed.

The NCT has a role to play in demonstrating that the state, though its entities, is capable of delivering excellent service to all its citizens, residents and visitors. This will mean a clear focus on reducing turnaround times to ensure positive, responsive service for all stakeholders.

3.2. Caseload Projections

A key future trend projection for the NCT is its caseload. The NCT is an adjudicative body and, as such, its projected caseload is also the most significant indicator of capacity requirements. There is an indication that the NCT's case numbers are still unpredictable, which poses a challenge to accurately budget for finances and resources on an annual basis. However, management use a combination of historical data, as well as macro-economic indicators to arrive at an annual budget.

It must be noted that these projections in respect of Debt Re-arrangements and Non-Debt Re-arrangement cases, as outlined below, do not include Debt Relief Intervention matters, a benchmark for which has not as yet been established. The table below provides a projection of case numbers based on previous financial years:

Table 8: Projection of case numbers

Type of case	f = forecasted numbers								
	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21 f	2021/22 f	2022/23 f	2023/24 f
Debt re-arrangement agreements	18 266	22 197	24 707	24 717	28 173 (+14%)	27 968 (-1%)	28 000 (0%)	28 000 (0%)	30 000 (+7%)
Non-debt re-arrangement matters	193	476	245	167	255 (+53%)	250 (-2%)	250 (0%)	250 (0%)	250 (0%)
Total number of filings	18 459	22 673	24 952	24 884	28 428	28 218	28 250	28 250	30 250

The implications of the NCT's situational analysis has been discussed in the 'Overview by the Accounting Authority', which acts as an introduction to this Annual Performance Plan, and, as such, will not be repeated.

3.3. Sense - Internal Environment Analysis (SWOT)

Sensing is not confined to the external environment. Understanding what is happening internally provides a sense of whether the NCT is able to rise to the challenges and opportunities in the external environment. A SWOT analysis is a strategic tool for evaluating an organisation's internal environment, including its resource capabilities and deficiencies. The NCT's internal strengths and weaknesses, together with the external opportunities and threats referenced earlier, were evaluated to provide a basis for re-aligning, re-prioritising and refining the NCT's goals and objectives.

The **purpose** of the analysis is for the NCT to optimise identified strengths, harness opportunities, offset identified weaknesses and mitigate threats.

- **Strengths** are those factors that give the NCT a distinctive advantage in increased efficiency or effectiveness within its particular environment. It may use such factors to accelerate and sustain the achievement of its strategic goals.
- **Weaknesses** refer to limitations, faults, or defects within the organisation that prevent it from achieving its goals. These identify those activities the Tribunal performs poorly or where it has inferior capabilities or limited resources as compared to other similar organisations.
- **Opportunities** include any favourable current or prospective situations which could be facilitated to allow the NCT to enhance its efficiency and effectiveness.
- **Threats** may be a barrier, constraint, or anything which may create challenges, or inflict damages, harm or injury to the NCT.

In order to contribute to a well-informed SWOT analysis, the NCT also supplemented its leadership engagement with an internal on-line employee assessment of its functioning. Data is sourced from scores taken from the internal diagnostic as well as the perceptions of leaders at workshops.

In the on-line assessment, the majority of those surveyed expressed the view that the NCT had responded well to COVID-19 with many praising the way ICT systems had been developed to enable remote working and to ensure business continuity. Most

confirmed an expectation that the NCT would ensure a safe return to work through adopting the appropriate mitigation measures. Most were uncertain about what a post-COVID-19 future may hold with an even split between those who were excited and those who were fearful about the future. The majority of people believed that COVID-19 would significantly impact ways of working at the NCT in future.

Table 9: List of Strength and Weaknesses

Strengths	Weaknesses
<ul style="list-style-type: none"> ▪ Deep understanding of Consumer and credit legislation, debt Counsellors and industries covered. ▪ Consistent and impartial approach followed by NCT. ▪ Increased accessibility and limited cost saving as a result of accelerated automation of systems including e-filing. ▪ NCT offers affordable alternative to the courts. • NCT is independent and impartial. ▪ Quick case turnaround times post hearings. ▪ Employees generally understand the NCT's purpose, mandate, Strategy & APP. ▪ Positive external perceptions of the NCT brand & reputation. ▪ Ability to successfully execute strategy and achieve goals and targets. ▪ Performance ethic – achievement of business plan targets and clean audits - six years in succession. ▪ Competent leadership team with the ability to be innovative and adaptable. ▪ Employees who live out values. 	<ul style="list-style-type: none"> ▪ The lack of visibility of the NCT and awareness of its on-line CMS with e-filing capability. Insufficient communication externally leaves too much to other regulators. Need to establish independent identity and make presence & ways of operating better known. ▪ Insufficient external 'push' communication via appropriate digital media – website and social media. ▪ Inability to influence the number and complexity of cases. ▪ High cost on non-DRA adjudications with limited potential of technology to impact positively on costs ▪ Legacy data not readily available. ▪ Limited resources – people & ICT - to deliver on the full scope of our mandate and strategic aspirations. ▪ Lack of operational change management. ▪ Lack of a formalised agile project management methodology complemented by empathetic design and change management to ensure project visibility and successful implementation. ▪ Financial constraints to deepening ICT systems innovation.

Strengths	Weaknesses
<ul style="list-style-type: none"> ▪ Departments / divisions well aligned with NCT strategy ▪ Effective financial and governance structures and committees. ▪ Sound financial disciplines and management. ▪ Enabling ICT architecture – CMS. ▪ Legislative empowerment & authority. ▪ Sound policy and procedure framework. ▪ Diversity and relevance of knowledge and expertise of Tribunal Members and employees. ▪ Pool of contingent employees and available Part Time Tribunal Members. ▪ Sound adjudicative quality – limited adjudicative challenges since inception. ▪ Case Management System enables efficient and effective ingestion of data through e-filing. ▪ Availability of automated reporting. ▪ Positive shifts in NCT's organisational culture and climate – core cohesive, driven by improved ways of working, constructive conversations and greater caring for and nurture of people. ▪ Streamlined management meetings and reports. ▪ Improved internal communication – across departments and levels. ▪ Focused structure with clearly defined work areas and accountabilities. ▪ Able to mobilise resources to achieve fast results – e.g. eradication of backlog. 	<ul style="list-style-type: none"> ▪ Slow pace of digitally enabled systems development. ▪ Debt Counsellor resistance to change, including filing applications on CMS. ▪ Lack of specialised internal ICT support capacity on aspects such as Business Intelligence. ▪ Requirement for more advanced workforce with appropriate digital competencies. ▪ Capacity of employees to upskill and reskill in response to changing demands for skills. • Funding challenges including decreasing budgetary allocations. • Tribunal Members are not all confident in a digitally enabled environment. • Persistent need for high level of oversight over written quality of TM judgements (Perusing judgments before releasing them for issuing). • Delays in turn-around periods as judgments and written rulings have to be at times revisited several times before being finalised to the required standard. • Absence of a consequence management framework for maintaining standards and enforcing minimum turnaround periods from adjudicating personnel. • Failure of a number of adjudicators to timeously produce judgments and written rulings, with reasons.

Table 10: List of Opportunities and Threats

Opportunities	Threats
<ul style="list-style-type: none"> ▪ Reduce costs as a result of travel restrictions and remote conferencing. ▪ Create a remote / on-site hybrid working model that reduces the need for rental accommodation and optimises office footprint. ▪ Conduct uncontested non-DRA hearings remotely. ▪ Due to amendments to legislation we can issue binding practice guidelines to assist filing parties. ▪ The NCT's growing digital capability and adjudicative efficiency. ▪ Case precedent development. ▪ Potential for NCT to become an Appeals Tribunal for Consumer Courts of Provinces, where these have been established. ▪ Knowledge sharing with other national, regional and international consumer protection agencies. ▪ Collaboration with other agencies to develop shared ICT architectures, thereby leveraging costs. Potential to provide support to other regulatory entities with regard to ICT enablement and the automation of intelligent systems. ▪ Assist other regulators and Consumer Protection agencies with the implementation of, and where relevant, integration of, case management and adjudication systems, thereby improving efficiency and overall service delivery. ▪ Grow structure through a flexible combination of permanent and contingent employment, remote & on-site working. ▪ Adoption of enabling cognitive automation technologies ▪ Enhanced visibility and role differentiation through building relationships with other credit and consumer regulators / agencies. 	<ul style="list-style-type: none"> ▪ Uncertainty with regard to the pace of increase in future caseload. ▪ Powers of the NCT - policy changes required to position NCT more assertively with regard to other regulators. ▪ Length of time required to make changes to enabling legislation. ▪ Inability to meet external demands beyond organisational capacity. ▪ ICT security threats and safeguarding of public information - vulnerability to cyber-terrorism and ransomware. ▪ Barriers to user adoption of technology enabled processes. ▪ Reduced number of efficiency improvement opportunities as technology enhancements are successfully implemented. ▪ High compliance costs ratio to income as well as resource requirements. ▪ Stakeholder reaction to increases in filing fees – potential for it to be costly for consumers. ▪ Delays in implementation of full CMS. ▪ Shift in culture as a result of leadership changes

Opportunities	Threats
<ul style="list-style-type: none"> Focus on youth development and employment in alignment with the dtic and Government objectives (i.e., NDP) while containing costs. Increased potential for Alternative Dispute Resolution including potential use of mediation as way of enabling litigants to resolve differences. Opportunity to provide subsidies for filing costs on merit. Develop capacity of provincial courts. Enhancements of Case Management System to allow intelligent access to information by Tribunal members - semi-artificial intelligence system for electronic retrieval of relevant information based upon key meta tags. Expand CMS to mobile devices. Increase stakeholder and consumer awareness of the NCT's operations through introduction of electronic education system. Engage with parliamentary stakeholders – build personal relationships (e.g. meet with Portfolio Committee). Potential to rapidly scale up case management and adjudication based upon limited fixed costs and low variable costs. Potential of partnerships to demonstrate intra-governmental collaboration and service to the public. Potential to contribute to thinking around harmonisation of consumer legislation and adjudication to provide for cross border, on-line purchases. 	<ul style="list-style-type: none"> Potential weakening of culture and productivity as a result of remote working. Potential for key employees to contract COVID-19, impacting leadership continuity and reducing institutional expertise and wisdom. Decrease in employee morale and commitment as a result of low salary increases or a collective sense of dissatisfaction. Employees will not have all of the skills and competencies required for a future digitally enabled world. NCT not ready to take on Debt Intervention Applications by virtue of insufficient funding to hire additional Tribunal Members or digital systems have not been configured to accept and process DIAs.

4. Strategic scenarios

There are a number of **Pre-determined Elements** about which there is little doubt and for which the NCT is required to plan. These include:

- The NCT's core mandate on DRA and non-DRA adjudication will continue with a likely increase in cases over the three years of the APP period;
- The NCT's core mandate will expand to include Debt Relief as contemplated by the National Credit Amendment Act and the necessary resources and systems development will need to take place to ensure that the NCT is able to deliver on this expanded mandate;
- COVID-19 will continue to impact ways of working as well as the economy for at least the period until 2022 by which time a vaccine should be available and widely distributed;
- Technology will continue to develop with certain technologies such as 5G, the IoT and the Spatial Web likely to grow exponentially;
- Technology will continue to be widely adopted, decreasing costs, increasing efficiencies and connecting people to one another;
- NCT employees will need a more advanced digital skillset going forward;
- The digital divide will increase, meaning that broad sections of our population will not have the necessary access to technology or to the opportunities that technology is able to provide;
- Debt Counsellors will increasingly file cases on-line through automated applications and the NCT website;
- The NCT CMS will be increasingly efficient in dealing with standardised DRA applications;
- As Consumer legislation develops further, the NCT will be required to expand its mandate further; and
- A constrained fiscus and dtic will not significantly increase funding to the NCT.

There are also a number of **Critical Uncertainties** that impact on the NCT's ability to strategise effectively in a volatile and uncertain world. These are set out in the cycle of arrows in the illustration below.

The **implications** of these uncertainties are set out in the surrounding text adjacent to each uncertainty. These uncertainties represent key signals that the NCT has to pay attention to in understanding its ability to serve its mandate and execute on its strategy.

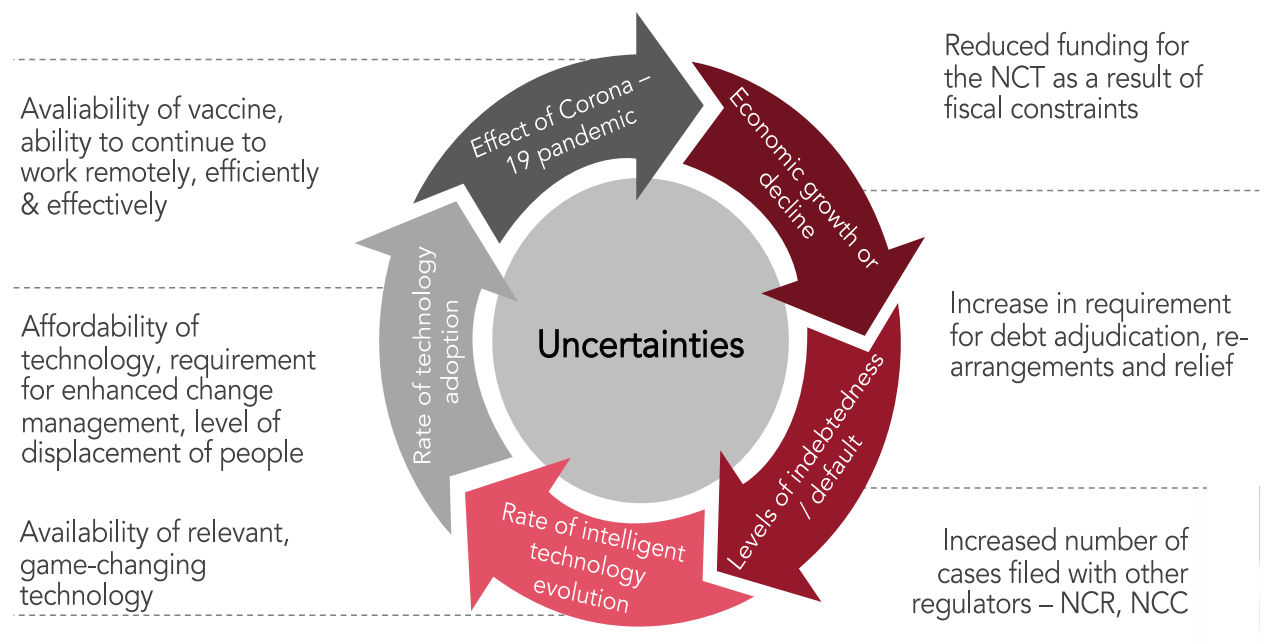


Figure 7: Key Uncertainties

Out of these **Pre-determined Elements and Critical Uncertainties** emerge four potential strategic futures for the NCT. What must be remembered is that the reality may well be future that incorporates elements of all four potential strategic futures. As the NCT's critical uncertainties become clearer, guidance will be provided as to which of these four futures is most likely and should receive the most attention. The **two axes** upon which these futures rest are:

- **A limited or significant expansion of the NCT's filings and mandate** – this will provide an indication as to the type and number of resources the NCT will require going forward; and
- **A limited or sufficient capability to automate** – this is impacted by the availability of financial resources to fund automation (cognitive and process), the availability of the appropriate technology as well as the ability of the NCT and its stakeholders to adopt new intelligent automation.

The **Four Futures** are Improve, Automate, Innovate & Transform.

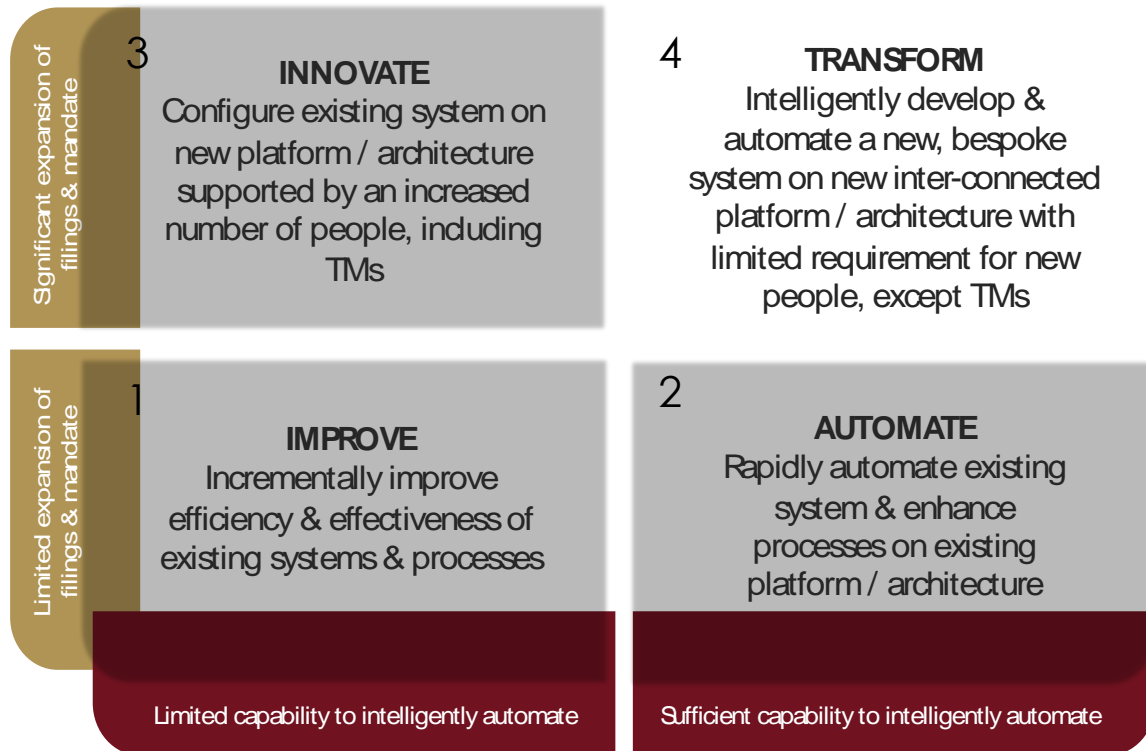


Figure 8: NCT Scenarios

In **Scenario 1 – IMPROVE** – the NCT has a limited expansion of its filings and mandate, coupled with a limited capability to automate or improve its ICT infrastructure and systems further. In this scenario, the NCT's only option is incremental improvement to the systems and processes that it currently has. Increased efficiency can only be achieved through optimised asset efficiency and increases in employee / Tribunal Member efficiency. An efficiency ceiling is rapidly reached, and no further optimisation is possible. The existing ICT architecture becomes unstable and vulnerable in the longer term.

In **Scenario 2 – AUTOMATE** – the NCT has a limited expansion of its filings and mandate AND has the benefit of being able to rapidly automate existing systems and processes on its current architecture. This means that it is able to become increasingly efficient with a reduction in personnel costs over time as employee attrition does not lead to one: one replacement. The NCT becomes an increasingly efficient engine-room for adjudication and response times and quality of adjudications steadily increase over time.

In **Scenario 3 – INNOVATE** – the NCT has a significant expansion of its filings and mandate but is not able to acquire new, intelligent ICT systems. Expansion is accommodated by configuring existing systems on existing ICT architecture by using the innovative thinking and low cost, plug and play solutions. Over time however the ICT architecture becomes increasingly vulnerable and unstable. An increased number of people are required to service the system and to deal with the requirements for user support. At a point however, the system is incapable of adapting further and the NCT's expanded mandate may have to be reviewed.

In **Scenario 4 – TRANSFORM** – the NCT's filings and mandate are significantly expanded and the capability to intelligently automate is rapidly developed as a result of funding availability and the reskilling and upskilling of the NCT's people. The NCT rises to its new challenges, builds an unparalleled reputation for operational excellence and attracts requests to be used as a model of leading practice in the public sector. Stakeholders are excited about the advances in consumer protection and equitable adjudication afforded by the NCT's service delivery, responsiveness results in significantly reduced turnaround times and the NCT bridges the technology divide by ensuring that its technology is accessible to all. As a result of its high levels of automation and enablement, the NCT is agile and resilient as its people are able to work anywhere, anytime. The scale created by growth in filings and mandate allows the NCT to leverage its service delivery against a marginal increase in fixed costs, thereby contributing to an improved Return on Investment and an exponential increase in value delivered.

5. Organise – develop capacity for Mandate Delivery

As indicated in the scenarios described above, the NCT's capacity to deliver on its mandate and strategic focus is highly dependent on its financial and human resources, its systems and processes, together with its ability to leverage Information and Communications Technology (ICT) to deliver on the outcomes it seeks to achieve.

The **Organise** phase of our Strategic Foresight Process model focuses on building the flexible structures and processes required for innovation and responsive, agile change. Expanding the NCT's mandate requires a rethink of its overall business model and the leveraging of capabilities to optimise efficiency and responsiveness.

The following section highlights how the NCT configures its people to act through its structural arrangements. Further sections indicate how its Human Resource, Finance and ICT Strategies will build required capacity and capability for strategy execution going forward.

5.1. Governance structure

The following illustration sets out the NCT's governance structures.

NCT - Schedule 3A public entity



Figure 9: NCT Governance Structure

The National Consumer Tribunal (NCT) is a Schedule 3A public entity that reports to an Executive Authority i.e. the Minister of Trade, Industry and Competition through the Consumer and Corporate Regulation Division (CCRD) and Public Entity Oversight Unit (PEO) of the Department of Trade, Industry and Competition (**“the dtic”**). The NCT's activities are funded by the provision of a budget, approved by **the dtic** from funds provided by the fiscus, as well as filing fees. The NCT Executive Chairperson (the Chairperson) is accountable for the NCT governance and oversight, inclusive of oversight of operational management.

Good governance is crucial to both business sustainability and the growth of the organisation. The NCT has three committees that advise the Accounting Authority on matters pertaining to governance. These are the Audit and Risk Committee, the Human Resources Governance Committee and the ICT Governance Committee. Each of these committees' functions by way of a formal Charter. The **Human** Resources Governance Committee also serves as a Performance Management Committee.

5.2. Operational structure

The **current** operational structure of the NCT was initially included in the 2015/16 APP and was subsequently approved by **the dti**. The **future** proposed structure has been adjusted over time to ensure that it remains relevant and appropriate to organisational requirements. It ensures that the NCT continues to have the right people, with the right skills and competencies available at the right time, at the appropriate level to deliver on its mandate. The NCT is currently developing a future-focused organisation design to inform subsequent structural iterations.

The NCT has been on an ongoing journey to develop automated, digitally enabled systems and processes, to ensure the efficiency and effectiveness of its operations. This has been done in order to operate within the constraints of its available budget and human resources. As the NCT's services expand to support the implementation of the NCAA (2019), the current case management and e-filing systems will be adapted and configured accordingly.

The focus on technology enablement will stand the NCT in good stead when it comes to its expanded future role in debt relief adjudication. As the regulations to support this process are being drafted, the NCT's systems will allow for on-line applications to be ingested directly from the NCR. This will be for adjudication to be automated; as far as possible. Employees in the Registrar's Office and Tribunal Members will be trained to attend to these new case management and adjudicative responsibilities.

In order to mitigate the effect of the large increase in the volume of cases, attention will continue to shift beyond simple automation to intelligent automation. This will include the development of an intelligent digital assistant to improve the overall user experience in relation to automated filing and the adjudicative processes. In all of these efforts, cognisance will be taken of the need to manage data and algorithms in an ethical manner. We will also provide the necessary level of human oversight to counter any unintentional errors that may arise.

The nett result of intelligent cognitive automation will be the NCT scaling up its operations to meet new demands. This will be achieved without significantly increased overheads and direct costs. Displaced employees will be absorbed into the operational requirements of an increased caseload. There will be a need for fewer administrative skills and more value-adding knowledge workers with sound evaluative and

conceptual thinking skills. The implication of this is that attention will need to be given to the reskilling and upskilling of NCT employees.

In order to address these issues with the level of attention that they deserve, the Tribunal has developed an innovated Organisation Design to clearly establish what its 5-year future structure should look like. We have also factored in the impact of that structure on reskilling, upskilling and talent acquisition - in the years ahead.

The **key driver** with regard to the number and type of resources required remains the NCT's **caseload** and the level of intelligent cognitive automation of its systems. A variable caseload requires a flexible and agile structure with alternative, flexible adjudicative channels. Examples of these are Motion Courts which are now fully automated with on-line processes. The organisational structure of the NCT has therefore been **designed** according to **principles** of consistency, continuity, independence, impartiality, accountability, efficiency and flexibility.

In the crafting and implementation of the innovated Organisation Design referred to above, the following principles will be observed:

- To ensure the clear **independence and impartiality** that underpins administrative justice, the NCT will continue to implement an optimal structure that effectively segregates **non-compatible functions** from one another. This contributes to ensuring robust internal control processes. The Chief Operating Officer (COO) oversees the operations of the NCT. All senior managers therefore report directly to the COO. In turn, the **Executive Chairperson** oversees the COO, Executive Assistant, Full-time and Part-Time Tribunal Members and the Executive Strategic Support.
- To ensure **accountability**, the NCT, wherever possible, ensures that whole work processes are owned 'end to end' by functional teams. An example of this is the Case Management function, which, from receipt of an application up to the allocation of cases to Tribunal Members is wholly owned by the Registrar's Office.
- To ensure **efficiency**, since the NCT is structured to include a combination of permanent and contingent employees. This allows for the NCT's workforce and employment cost to adjust to the variable case load. It also adjusts to the interventions that enable it to deliver this case load. It also the NCT to manage the transition from manual to automated work. All this is achieved without having to employ further permanent employees.

- To ensure that employment **flexibility** meets the demands of peak caseload, the NCT employs temporary and fixed-term contract employees. It also employs interns to enable them to gain work-based skills and experience in Consumer regulatory issues. Preference in employment is given to the youth, females and the disabled, in line with government's priorities. The NCT internship programme enables participants to progress to permanent positions elsewhere in the commercial sector.
- To ensure that interns are **considered** for any suitable, vacant, permanent or contract positions at the end of their internships. Despite its financial constraints, the NCT will endeavour to ensure that the number of interns remains stable over the period of this strategy. In this way, the NCT enjoys an ongoing supply of young, talented and committed people who add richness and diversity to its culture; and
- To ensure that support functions are efficient and able to deliver integrated solutions to core business requirements, the NCT employs a **Corporate Services Executive** to lead the work of Human Resources (HR), Communications and the Secretariat / Compliance function. This is all done in alignment with the direction provided by the **Corporate Services Strategy**.

The current complement of Tribunal Members is **eighteen** (Full-Time Chairperson, three Full-Time Tribunal Members and **fourteen** Part-Time Tribunal Members). The Executive Assistant to the Executive Chairperson, the Executive Strategic Support together with the COO, assist the Executive Chairperson with strategic communications.

This structural arrangement facilitates the NCT 's effective engagement with all of its key stakeholders. This is done to ensure that the NCT is known and accessible to the citizens, residents and visitors of South Africa. It is also done to ensure that its strategy has a positive impact on the broader consumer regulatory environment. The Tribunal has high regard for the input of stakeholders. Through its regular stakeholder engagements, it is better able to understand their needs, more accurately forecast its future case-flow and optimise the utilisation of its resources.

The position of **Executive Strategic Support** is included in the structure to provide comprehensive support to the Executive Chairperson with specific focus on special projects, operational matters, compliance, general administration as well as overall strategic support.

The **Corporate Services Executive**, supported by the HR and Facilities Manager, drives the Human Resource Strategy and Plan. HR's focus has shifted from a traditional "support unit" to one that is now a strategic delivery partner. Human resources functions incorporate amongst others, organisation design, strategic workforce planning and sourcing as well as human resource development - including ongoing learning.

In order to ensure that the people-related needs and requirements of the NCT are attended to, the Human Resource section has evolved and is capacitated with the appointment of a Human Resource Officer. The function of this post is to assist and complement the Human Resource Manager in his / her duties. The transition from manual to digitally based operations has required support from HR at a strategic level. This is in order to develop and implement effective change management, career development, re-training and personal development. To ensure the consistent communication of business objectives as well as changes and the engagement of people at all levels, HR also manages **internal communications**. This area of focus will enjoy increased attention over the coming strategic period.

HR in the Tribunal also ensures employment-related regulatory compliance as well as the appropriate design and utilisation of physical space. This is done to create an optimal, safe and cost-effective environment for NCT employees and Tribunal Members. This is accomplished by managing the core facilities management activities which include Occupational Health and Safety (OHS), maintenance and facilities.

The **Case Management and Records Management** processes are managed in the Registrar's Office with direct end-to-end responsibility for this important process. This allows for a clear differentiation of responsibilities with the Registrar's Office, owning the administrative process and Tribunal Members being directly accountable for sound decision making and timely adjudication.

The NCT's current and future organisation structure will have the appropriate blend of leadership continuity and workforce flexibility that ultimately contributes to the NCT being an agile, responsive and efficient organisation.

The following **function-specific** implications have been noted:

- **Tribunal Members**

Tribunal Members are required to deal with three categories of adjudication, namely **DRAs, non-DRAs** and **Debt Intervention Applications (DIAs)**. **Non-DRAs**, by their very nature, are resource intensive and increasing in number and complexity. To efficiently and effectively deal with non-DRAs, it has been proposed that the NCT incorporates a mediation service prior to adjudication to enable disputes to be timely resolved. This would have to be agreed to by the parties and could occur at the level of a prehearing conference. Prehearing conferences are already part of the process in a number of more complex cases. The parties already request adjournments and even postponements to 'find each other' in order to reach an out of court settlement. They then later approach the NCT to make the settlement agreement an order of the Tribunal.

The Tribunal is also aware that by and large, by the time parties come to it, they will in some cases already have been through failed mediation processes either at the Ombud's or the NCR or NCC. It would be futile and outrageous to still haul them before another legislated mediation which is non-binding unless a matter is positively resolved in it. It has also been proposed that the Executive Chairperson exercise discretion in determining the number of Tribunal Members utilised for adjudicating a non-DRA case, depending on the **complexity** of the matter, instead of the type of matter. This will however require legislative amendments to have legal effect.

Non-DRAs will always require adjudication by a Tribunal Member, whether or not a decision support system is operational and used. This is because there is a clear requirement for accountability regarding adjudicative decisions. The implementation of a decision support system may only deliver greater efficiency depending on the extent to which the system adds the intended value to the adjudicative work of Tribunal Members. Only once the system has been piloted will any such efficiencies become obvious. Such a system can only aid in the quality of the preparation prior to a hearing. It cannot substitute the human intelligence required to judicially engage with a matter. It can also aid parties in checking the chances of success in their matters. Any such efficiency gains may thereafter be factored into the NCT's metrics of success and operational requirements.

For adjudicators, the system should start by flagging the statutes applicable, the rules applicable, the abstract facts and legal questions and *ratio decidendi* required, its *obiter dicta* applicable, and case law. Refinements can then be added going forward in the longer term.

- **Registrar's Office**

The increase over the years in the number of DRA and non-DRA cases received by the NCT, coupled with the projected volume of debt relief applications, has a significant impact on case and record management competencies in the Registrar's Office. Despite the obvious efficiency advantages provided by ICT enablement, the successful development and implementation of these competencies needs a high degree of effort put in for change management and user adoption. To be more pro-active, responsive to stakeholders and more effective in reducing case backlogs, The NCT will require specialisation, intelligent pre-screening of applications, an ongoing intelligent evaluation of its future caseload and effective managerial oversight.

ICT enablement and the standardisation of reports within the CMS system will all contribute to more effective working. The consequential impact of the CMS implementation in the Registrar's Office is that there will no longer be a requirement for manual data capture and basic administrative assessment work. Attention will however need to be paid not only to the development of new, enhanced systems but to the evolution of technology supporting current legacy systems. This will ensure that ways of working and outputs are continuously optimised.

- **ICT Unit**

The NCT has both an **ICT Strategy** (for which the ICT Division is accountable) and a **Digital Strategy** (for which the entire NCT is accountable). The Digital Strategy sets out the entities' broader digital transformational aspirations.

The **Chief Information Officer (CIO)** is responsible for ensuring the integrity and security of the NCT's ICT infrastructure, systems, applications, data and information flow in accordance with authorised, secure access. The following **principles** will inform the future development of the ICT Division's structure:

- The NCT remains mindful of the fact that, with the uptake of new technologies, there will be a need to focus on **IT skills development** of both employees and Tribunal Members. This will prevent any competency gap from widening.
- There is a need for greater focus on the **analysis of data, the translation of business requirements**, business intelligence and the development of Artificial Intelligence (AI) and supported systems offering solutions such as **cognitive automation**.
- There is an increasing need for **business to lead systems transformation and adoption**, supported by ICT, so that the accountability for the development of appropriate and relevant solutions is vested with managers who have an operational responsibility.
- There is a need for greater focus on methodologies and approaches that support a **comprehensive, user-centred design process** and deliver the required technology solutions as quickly and efficiently as possible. It is for these reasons that the NCT will continue to focus on the adoption of new approaches such as Design Thinking, Agile Project Management and Change Management.
- Given that the ICT Unit will be playing a pivotal role in the development of systems to enhance the efficiencies and effectiveness of the organisation as we move into future, it is critical that additional resources are added to the ICT structure which is currently understaffed. In this regard, it is proposed that additional three (3) ICT Specialists are appointed.

The following **organogram** represents the **proposed future organisational structure** for 2021/22 of the NCT. It sets out the operational structures, based on the NCT's Strategy and APP, which will best enable it to deliver on its mandate.

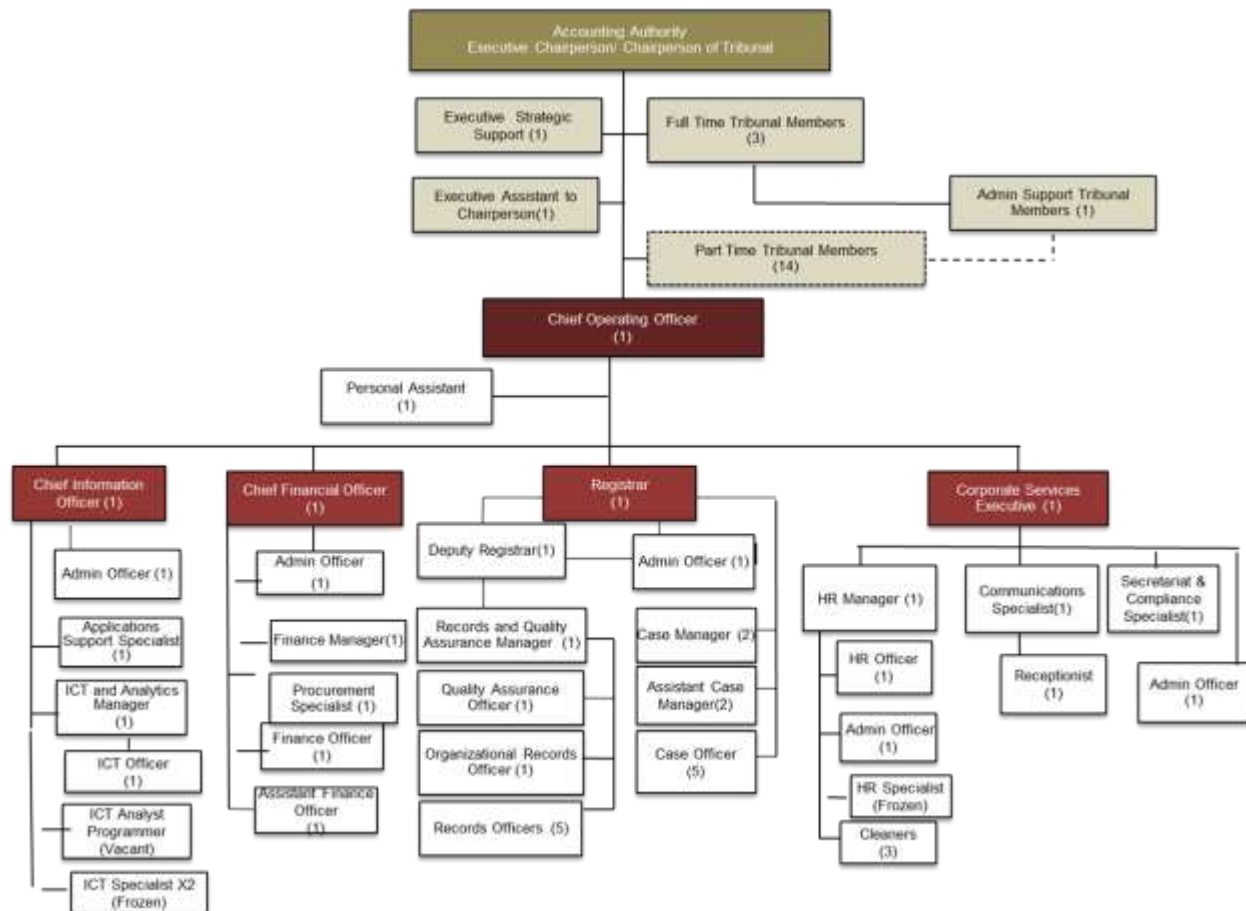


Figure 10: NCT High Level Organisational Structure 2020/21

The **Capture of Value Phase** of our Strategic Foresight model is described in the following sections which set out our **functional strategies** that describe how **value** will be captured and our Institutional Performance Information which describes how **results** will be optimised.

The **Renewal phase** is described in our **Programme 3 – Digital Enablement** which focuses on the overall digital transformation of the NCT to enable it to survive, thrive and deliver ever-increasing value in tomorrow's world.

6. Financial Capacity and Strategy

The Finance Strategic Plan has been informed by the NCT's Strategic Plan for 2020/21 – 2025/26. It has been developed to ensure that the NCT has the financial resources, capacity and capabilities to deliver on its core mandate and to be financially sustainable for the period covered by the Medium-Term Expenditure Framework (MTEF).

It incorporates practical, realistic plans to:

- ensure that the Finance Unit is strategically positioned to provide sound advice and deliver excellence in its functional services as well as its reporting;
- maintain effective governance and controls;
- enhance the reliability and accuracy of its budgeting and forecasting;
- investigate and deliver on alternative ways of containing costs;
- investigate and deliver on ways of delivering increasing value for money through procurement; and
- enhance its accounting and other business systems and processes to deal with the increased workload within the Finance function.

The **Finance Unit's Mission** is *'to optimise financial performance and good governance at the NCT by providing insightful guidance, excellent service and ensuring sound internal financial controls.'*

The **Finance Unit's Vision** is *'to be a respected Business Partner that contributes to financial sustainability and the sound reputation of the NCT.'*

Sound financial management is an imperative in ensuring a sustainable future for the NCT. The **Finance Unit's strategic goals** have been formulated to ensure the effective and efficient use of financial resources:

Goal 1: To provide sound strategic financial advice and guidance.

Goal 2: To maintain effective and efficient financial processes, systems, controls, and policies.

Goal 3: To optimise the value for money received from vendors of goods and services.

Goal 4: To practice good management and corporate governance principles.

6.1. Key Finance Initiatives

In reviewing the Finance Unit's achievements during the past financial year, there are a number of successes that stand out:

- The **clean audit** received for 2019/20. This is now the eighth year in a row that the NCT has enjoyed a clean audit; and
- The development of a **highly competent**, and professional Finance team.

The reality is that the Finance function within the NCT continues to evolve. There are changes and innovations that will influence this evolution, many of which are driven by national government, in particular, the National Treasury and the AGSA. These changes and innovations have included cost containment initiatives as well as compliance with regulations pertaining to supply chain management and the National Treasury Central Supplier Database.

Ongoing efforts are being made by the Finance Unit to become more strategic and to ensure that the NCT has the financial systems, processes and disciplines required to sustain its operations. The biggest challenge and risk experienced by the Finance Unit is the NCT's inability to significantly influence its annually fluctuating caseload and the consequential impact that this has on the management of adjudication costs. The Finance Unit continues to investigate new ways of forecasting the future caseload and financial requirements, as well as ways of practically budgeting and managing costs effectively in a volatile, relatively unpredictable environment. In forecasting the future caseload for budgeting purposes, especially the income that is generated through filing fees, a more conservative approach was followed.

The ongoing caseload increase has placed significant pressure on the financial resources of the NCT as well as on the employees within the Finance Unit itself, specifically in relation to the manual reconciliation of filing fees to be recognised as income. To effectively mitigate this risk, the Finance Unit will increasingly utilise automated data capturing processes within the Case Management System to accurately manage the reconciliation of income generated through filing fees by the

NCT. The **current focus** of the Finance Unit is on the conversion of the current accounting system to a more advanced accounting system.

There are a number of **operational ‘pressure points’** currently experienced by the Finance function within the NCT. Many of these are to do with the way the accounting system integrates and automates its internal sub-component systems.

These include:

- The **filing fee recon** process. The main problem experienced is the matching of deposits in the bank account made in advance, with case numbers issued after the filing of a case, in instances where debt councillors file manually. In some instances, cases are issued with a case number where there is no deposit made; and
- The **allocation of expenses** between adjudication and administration and between the different cost centres is a time-consuming exercise. These expenses are currently split manually and therefore requires an unproductive investment of significant accounting resources.

The proposal to address these issues going forward is to:

- **Transition of the manual filers onto the e-purse system.** The Finance Unit will work with the Registrar’s Office and ICT Unit to migrate the debt councillors, who are currently filing manually, onto the e-purse system in order to track payments and the allocation of filing fees through the electronic system. A control system has been implemented in the meantime whereby the Registrar’s office has to confirm with the Finance Unit that the payment of the filing fee has been received before a case number is issued for cases that are filed manually
- **Reconfiguration of the Pastel Accounting and the VIP Payroll systems.** The accounting systems will be reconfigured and setup with cost centre codes for transactions to be captured against a cost centre at the initial capturing stage. This will enable the generation of cost centre reports and the elimination of the manual splitting and reconciliation of expenses per cost centre.

These changes will have time and efficiency benefits for the Finance Unit and will enable a far faster generation of management information when the monthly management accounts are prepared as well as for year-end reporting purposes. It

will also assist the HR Department with their quarterly and annually reporting on employment statistics.

In order for the Finance Unit to be successful, the active support and commitment of all employees in the NCT is required. The Finance Unit is therefore aware of the need to continuously work with the employees of the NCT to ensure that they fully understand and are able to utilise the internal financial and procurement systems. To this end, it is envisaged that refresher training workshops and coaching will be an ongoing way of life within the NCT. The ongoing monitoring of the NCT's budget and oversight over spending by the Finance function will be critical in ensuring that the NCT is able to successfully deliver on its mandate. This, together with adherence to sound financial disciplines and savings generated by ongoing increases in efficiency, will be essential in ensuring that available funding is optimally utilised.

6.2. Multi-year Financial Projections

Allocations have been made to the NCT by National Treasury for the specific periods indicated in Table 11 below. According to the amounts already allocated in terms of the next MTEF period, grants were allocated for Financial Years 2021/22 to 2023/24. Following the Adjustment Budget process, the **dtic** has reduced the 2020/21 grant allocation of the NCT by R6.2 million (11.3%). The grant allocation for 2021/22 and for 2022/23 has been notably increased for 2023/24 by 11.55%.

From the 2018/19 financial year the Motion Courts were moved to Centurion (in-house) to contain costs on venues, facilities, travelling and accommodation. The success of the Motion Courts is however always subject to the availability of part time Tribunal Members. To deal effectively with the NCT's caseload, an on-line adjudication system has been introduced. This allows for Tribunal Members (part-time included) to adjudicate and issue orders from anywhere, anytime. This contributes to significant savings on travelling.

6.3. Cash flow projections

The following table sets out the NCT's **budget and cash flows** for the next MTEF period.

Table 11: Budget and Cash flows

	Actual 2018/19	Actual 2019/20	Forecast 2020/21	Budget 2021/22	Budget 2022/23	Budget 2023/24
Grant allocation	52 688 000	56 639 000	47 492 000	53 515 000	54 756 000	55 295 000
Roll-over funds	-	-	2 596 141	-	-	-
Filing fees and service charges	4 871 929	8 210 129	8 944 686	14 000 000	14 840 000	15 730 400
Sundry income and proceeds from insurance	-	159 269	-	-	-	-
Interest and other income	1 087 516	1 452 364	1 561 645	1 207 249	1 242 011	1 270 159
Total income	58 647 445	66 460 762	60 594 472	68 722 249	70 838 010	72 295 559
Expenditure	64 558 277	61 465 137	60 594 472	68 722 249	70 838 010	72 295 559
Compensation of employees	38 140 205	40 909 798	34 809 151	42 630 800	45 603 406	46 972 716
Goods and services	25 158 792	20 109 227	20 027 086	22 775 448	29 898 604	25 186 843
Capital expenses	1 259 280	446 112	5 758 235	3 316 000	336 000	136 000
Surplus / (Deficit)	(5 910 832)	4 995 625	-	-	-	-

6.4. Projections of revenue and expenditure

The income from grants has already been explained above. Income from filing fees is dependent on the amount of cases filed with the NCT. Due to the NCT experiencing an under collection of filing fees in the past, a more conservative approach was followed and the anticipated number of cases to be received over the MTEF period were therefore kept in line with the 2019/20 actual numbers.

The filing fee per debt re-arrangement matter has increased from R200.00 to R300.00 in 2019/20 and to R400.00 in 2020/21. The filing fee will further increase to R500.00 in 2021/22, whereafter it will be adjusted with an inflationary increase to R530.00 in 2022/23 and R562.00 in 2023/24. Interest income (from investing surplus funds) has been maintained at the current rate of 5% per annum.

Compensation of employees for the 2021/22 financial year has been determined in accordance with the proposed organisational structure (subject to change)

presented earlier in this Annual Performance Plan. As set out in the mentioned organisational structure, the compensation of employees includes a full-time Executive Chairperson and three full-time Tribunal Members.

Due to the reduction in the grant necessitated by the Special Adjustment Budget, the NCT had to realign its forecast for the 2020/21 financial year to be in line with the reduced grant allocation. The changes in the baseline grant allocations over the 2021/22 to 2023/24 MTEF period, as were already indicated earlier, will result where applicable in the NCT having to revisit its performance targets to be in line with the grant allocations. As such, the NCT has not budgeted for any increase in its organisational structure over the mentioned MTEF period and Compensation of Employees has only been increased by an anticipated cost of living adjustment over this period. Due to anticipated ICT interventions that will assist in realising some efficiency gains with the adjudication of cases, the budget for Goods and Services has effectively increase by less than 1% year-on-year over the MTEF period. Cost savings measures such as the scheduling of hearings to take place on the same day, electronic document submission, digitisation of records, etc. have also been factored in at arriving at those costs.

Capital Expenses have been budgeted for the maintenance of systems and hardware as well as the implementation of identified ICT projects. As was already indicated earlier, the spending in this area will assist the NCT to contain adjudication costs through anticipated ICT enhancements to the Case Management System, increased efficiencies and the implementation of cost saving measures, resulting in reduced costs for Goods and Services over the MTEF period.

6.5. Capital expenditure projects

The majority of capital expenditure relate to the procurement of ICT assets aligned to the ICT strategy. Included here is not only the system design but also the acquisition of the necessary hardware.

6.6. Infrastructure plans

The National Consumer Tribunal is not engaged in infrastructure projects. For this reason, it does not develop infrastructure plans.

6.7. Dividend policies

The NCT is a Schedule 3A public entity and does not have any share capital. Therefore, it does not declare dividends. Accordingly, it does not require a dividend policy.

6.8. Materiality and significance framework

The NCT uses 0.60% of budgeted operational expenditure (which excludes capital expenditure) for the materiality and significance framework and the basis is consistent with prior years. The implications, based on the estimated budget, are summarised as follows:

Table 12: Materiality implications on estimated budget

Item	% Used	2019/20	2020/21	2021/22	2022/23	2022/23
Budget		61 019 025	54 836 237	65 406 249	70 502 010	72 159 559
Materiality	0.60%	366 114	329 017	392 437	423 012	432 957

7. Asset and Liability Management Plan

The NCT as a Schedule 3A Public Entity under the PFMA, is required to operate on the basis of neither budgeting for a surplus nor for a loss. The NCT's biggest asset at any given time is cash and cash equivalents. The annual grant allocation to the NCT gets paid by **the dtic**. When a grant payment is received it gets invested in the Corporation for Public Deposits account at the South African Reserve Bank. Funds are then withdrawn on a monthly basis to fund the day to day business operations of the NCT.

Detailed cash forecasts for the following two months are thereafter submitted to the Accounting Authority on a monthly basis as part of management accounts, thereby indicating the short-term cash requirements of the NCT. Monies are then transferred to the current account as and when there is a need, according to the approved cash flow forecast. This ensures that the NCT does not carry any excess funds in the current account and that interest income is maximised. Another significant asset class is property, plant and equipment. These assets are entered into a fixed asset register that complies with the requirements of the prescribed Generally Recognised Accounting Practice (GRAP) reporting standards. The asset register is reconciled with the general ledger on a monthly basis and asset counts are done monthly on a spot check basis while a full asset count is conducted twice a year.

Apart from the annual provision for performance bonuses, which is made at the financial year end, the most significant liability item is trade and other payables. These include the amounts due to suppliers of goods and services, fees payable to part-time Tribunal members where payments are still to be made and leave balances due to employees at year-end. The NCT makes payments to suppliers and part-time Tribunal members at least twice a month on the basis of valid and approved invoices or claims. Creditors' accounts are reconciled monthly with the age analysis and the general ledger. The NCT strives to pay all its undisputed invoices received from suppliers within a 30-day period, measured from the date of receipt of the invoice. The NCT has adopted a value for money procurement strategy that is closely managed through the supply chain processes. This ensures that suppliers are only paid for services provided when the NCT is satisfied that it received a value for money service.

8. Digital Strategy

The NCT has developed both a Digital and ICT Strategy. The **Digital Strategy** sets out the overall strategic journey to intelligently transform the NCT's adjudicative and case management operations from a manual to a fully digital, intelligence-enabled ICT architecture. This includes the use of Artificial Intelligence to drive the automation of cognitive processes, thereby increasing efficiency and effectiveness by a higher order of magnitude than simple automation.

Digital Strategy is more than simply the technologies that will be acquired and deployed over time. It is more about the abilities and capabilities that these technologies enable and build. It is about ways in which the NCT may transform its business through the selective adoption and implementation of digital enablers. In this way, the NCT's digital strategy is an **intelligent, digitally informed business strategy** that explores and makes decisions on the utility, and viability of the possibilities that technology offers. The following illustration sets out a definition and key questions underpinning digital strategy and transformation.

What is “digital strategy / transformation”?

“Use of technology to radically improve performance or reach of enterprises”

‘How can we win using information and technology to raise human performance?’

- > The strategy and transformation process required to inform success
- > SMAC (Social, Mobile, Analytics, Cloud)
- > Industry 4.0
- > Improved use of traditional technologies (i.e. Document / Case Management)

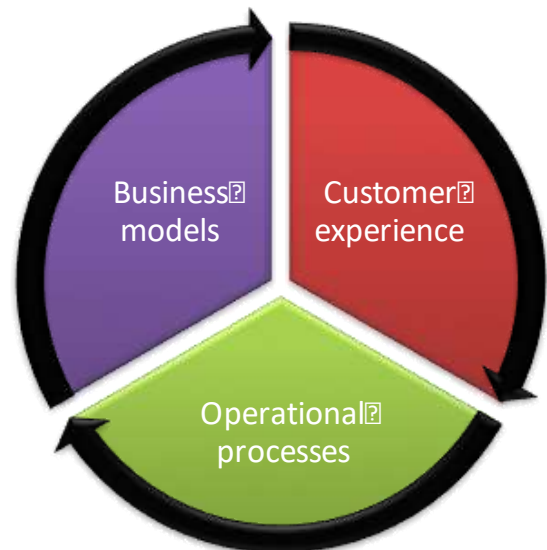


Figure 11: The Digital Strategy / Transformation

The ICT Strategy is primarily the responsibility and accountability of the senior leadership of the NCT whilst the ICT strategy remains the accountability of the CIO and his team within the ICT Division.

The NCT has adopted technological innovation as a way of ensuring ongoing improvements in operational efficiency and has therefore been able to cope with a substantial increase in its workload without a commensurate increase in people and operating costs. It is however clear that the NCT's digital future has much more to offer than merely incremental improvements in productivity or operational efficiency. For this reason, the leadership team of the NCT has developed a **Digital Strategy** to inform its thinking, action and resource investments going forward.

Over the past five years, the NCT has been on an evolutionary journey, with a focus on implementing new or emerging technologies to enable its aspirations, strategies, practices and processes as is evident from the following illustration.

NCT's Digital Evolution

- Phase 1 – Inward Focus
 - Word processing & administration
 - Automation of Case management processes
 - Improved data quality & administrative efficiency
 - Electronic templates
 - Own server
- Phase 2 – Outward focus
 - E-filing – electronic ingestion of data, automated filing focused on reduced risk, stakeholder responsiveness, accuracy & organizational efficiency
- Phase 3 - Future focus
 - Intelligent automation & enablement



Figure 12: The NCT's Digital Evolution

Over the **past five years** the NCT has implemented **Phase 2** of its digital journey and has started to make progress with the implementation of **Phase 3**. Over this period the pace of systems implementation has accelerated significantly with a focus on the development of an automated transactional system to digitally enable core business functions and systems, thereby increasing overall efficiency and effectiveness. The key transactional functionality receiving attention has been the ability to digitally receive and process applications from filing parties.

Electronic filing ensures that filing parties 'capture at source' and submit filing documentation, together with supporting documents, on-line. This change significantly reduces the administrative load on the NCT and increases overall data capture accuracy, enhancing data integrity. Electronic filing is now the established method of filing with over 450 filing parties registered with the NCT. The value-add externally to a key NCT stakeholder, filing parties (primarily Debt Counsellors), has been the ability to bulk upload filings thereby increasing their own efficiency and driving down their own cost of doing business.

Upwards of **190 000 records** have been captured and stored in the NCT's database since capturing commenced on 1st April 2015. This provides a rich repository of information to be sorted and mined in order to obtain relevant intelligence. This will be one of the important areas of focus in future phases of the NCT's digital journey. To date the NCT has also significantly increased its efficiency in dealing with the processing of DRA (Debt R-arrangement Agreements). In addition to automating the core e-filing system, the NCT has also developed an **e-purse** allowing for safe and secure on-line payment of the NCT's filing fees.

Phase 3 focuses on intelligently automating both case management and the on-line adjudication system. Case allocation occurs on-line, with administrators endorsing the fact that filings are complete and accurate or rejecting them if incomplete. Tribunal Members (TMs) are able to see their allocated cases (with supporting data) and then adjudicate. Following adjudication, TMs are able to issue orders and directives on-line. These changes improve adjudicative efficiency and substantially increase the overall number of DRAs that each TM will be able to handle. It is envisaged that a fully intelligent automated decision support system will be implemented in foreseeable future, thus allowing the automated adjudication and issuing of Orders. Development of the CMS system will also allow for applications to be submitted and monitored through mobile phones and tablets.

Phase 3 will be extended in the immediate future to provide for the configuration of the CMS to accommodate debt relief applications submitted by the NCR on-line. Once the regulations underpinning the new process are completed, the configuration of the overall system will be completed. This will provide the NCT with the ability to deal with a significant volume of new applications in an efficient and effective manner, with the learnings from DRA case management being applied to reduce problems and challenges.

Going **forward**, there is potential to completely automate the Finance function, inclusive of Supply Chain Management. From an HR perspective, the implementation of further Talent Management processes will be automated including career development, succession planning and e-learning. E-learning provides the NCT with opportunities to impart knowledge and understanding of its functions, both internally and externally.

Future phases of the NCT's digital journey will be **transformation focused** and will provide opportunities for digital enablement to transform the NCT's stakeholder experience, improve consumer access and enable the adoption of new business models allowing the NCT to grow and add additional value. An important caveat is that any such fundamental step-change transformation in the NCT will require approval from key policy-making stakeholders (**the dtic** & other appropriate government departments) as well as changes to the core NCT mandate and founding legislation. Several important principles have informed the development of the **NCT Digital Strategy**:

- NCT will need to stay **abreast of ICT developments** and their implications for the digital economy. This will include **engagement** with other regulators, domestically and globally, as well as participation in conferences that address consumer-related public policy matters.
- The NCT will increasingly need to **work with its broader 'ecosystem'** to develop integrated, holistic solutions to address consumer related matters. This will require thought leadership and new forms of collaborative engagement that do not prejudice the NCT's independence as an adjudicative body. The NCT recently developed a 'Technology collaboration concept paper' to guide the development of a common digital platform and architecture across consumer protection entities. This will streamline application processes and reduce the need for manual data capturing or the repeat capturing of information into the NCT CMS.
- NCT will need to **adapt** to these changes and be a confident, pro-active player informing innovation in policy and practice to ensure that consumers are well protected in a digitally enabled world, to access **adjudicative mechanisms** for consumer redress and to resolve disputes, both within SA and across borders.
- NCT will need to be more **active in informing policy formulation** – it will need to identify trends and opportunity / white spaces and communicate these through ongoing engagement with stakeholders to ensure the development of sustainable solutions supported or enabled by these trends. Analytics and data mining of the NCT database of consumer information will also contribute valuable insights to policy formulation. The NCT will need to pro-actively inform and **influence policy making** in areas such as e-consumer protection, digital security, consumer redress and holistic regulation
- The '**legislative lag**' will mean the NCT will need to be more pro-active to ensure it has the appropriate legal framework in place for appropriate regulation, enforcement and adjudication.

- Public **trust** will need to be built through improved access, transparency, high levels of security and integrity, ongoing engagement and the adoption of technologies such as Blockchain that guarantee the credibility / integrity of data.
- There may well be opportunities for the **consolidation** of and integration of regulators to ensure a more holistic approach to consumer regulation in South Africa. It is clear that when compared to other regulators around the world the South African regulatory system is fragmented resulting in a number of regulators with overlapping roles, duplicated infrastructures and a lack of the scale required to support infrastructure and capability development investments. The NCT will therefore need to consider new business models that may well include consolidation with other regulators and the **expansion of its services** to ensure that it increases its public value add / ROI in line with its core competencies. The 'Twin Peaks' legislation impacting the role of the Financial Sector Conduct Authority (FSCA) going forward will have a significant impact on the potential for regulatory consolidation.

Changes in the NCT's strategic context have also impacted the potential strategic choices '**in the Business.**' The NCT is at an important juncture in its evolution as a world class consumer regulator and adjudicator. The growing awareness by consumers of their rights, the growth in the number of accredited Debt Counsellors, coupled with the adverse economic climate has ensured that the number of matters referred to the NCT, both Debt Relief Agreements (DRAs) and non-DRAs, has **grown** at a fast rate for the last five years. It is anticipated that this pace of increase in the number of matters referred will continue to grow for the foreseeable future.

As a counterpoint to this growth it is clear that the South African fiscus is under serious pressure as a result of poor economic growth. As a result of these fiscal constraints, it is unclear as to whether the NCT will continue to receive **increases in its budget** to cover its operating costs, commensurate with the forecasted increase in caseload.

The nexus between a **rising caseload and a flat budget** signals an assumption that the NCT may have to cut back on its services in order to stay within its budget. The NCT believes that rather than doing so, an **investment in digital innovation** will allow it to build the capacity to meet the forecasted growth in its caseload whilst at the same time **expanding** its service to consumers, including broadening accessibility and engagement. This perspective is based on the following assumptions:

- **Artificial Intelligence (AI), analytics and automation** will provide improved professional service at decreased costs with increased reliability. It is likely that,

within 5 years all DRAs will be automated. Decision support through AI will also increase the number of non-DRA matters adjudicated by each Tribunal Member.

- Digital adoption will enable the NCT to **free up capacity** to expand the scope of its services in line with its core purpose, mandate and competencies.

The **NCT's digitally enabled Vision** is *'to be a highly trusted, digitally enabled public enterprise, easily accessible to the people of South Africa, that intelligently informs policy and adjudicates timeously, reliably and fairly on consumer related matters.'*

The key **outcomes defining success** in delivering on this Vision include:

- All administrative and adjudicative services fully automated with fail safe security and data integrity ensured through Blockchain.
- Filings and real time access to case status across all mobile platforms.
- Artificial Intelligence enabled decision support systems to ensure consistent, high quality adjudication.
- Data and algorithms managed in an ethical way to reduce the potential for bias.
- Large accessible database of information constantly mined by business analytics to inform sound decision making and policy development.
- Monthly reporting on key data and metrics – automatically generated from system.
- Data is secure and trusted by all.
- Predictive analytics ensures caseload is always balanced against capacity.
- Bi-modal communication and engagement with the NCT across multiple platforms and channels 24/7 – website, contact centre, apps and social media.
- Active NCT communities of interest engage around matters of mutual interest relating to Consumer related matters.
- NCT's mandate well communicated and understood by all consumers in SA.
- Employees are competent with high digital IQ & EQ.
- NCT is self-funding and not reliant on the fiscus to deliver on its mandate.
- There is a 7-day turnaround on DRA and a 30-day turnaround on non-DRA's; and
- NCT is a global benchmark for a public sector digitally enabled enterprise.

The **Roadmap** for the execution of the Digital Strategy is as follows:

Digital Strategy Roadmap

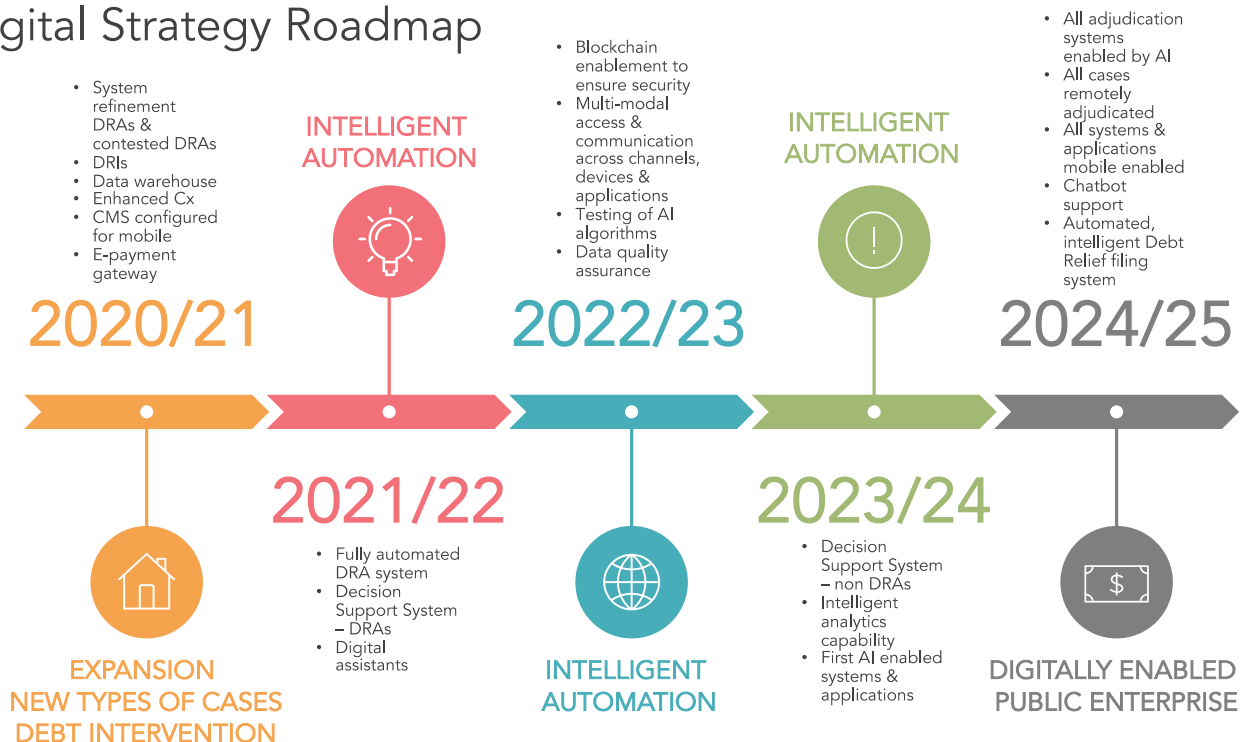


Figure 13: Digital Strategy Roadmap

The **Digital Strategy Roadmap** has been further broken down into the following outputs and activities across the strategic period.

Table 14: Breakdown of Digital Roadmap

2021 Expansion – New Types of Cases	2022 - 2023 Intelligent Automation	2024 – 2025 Digitally enabled public enterprise
<p>Focus of this work will be on configuring the current CMS for new types of applications, especially DRIs as well as on researching and strategising around piloting and implementing new forms of consumer access – through physical & digital channels and partnerships.</p> <p>By 2021 a range of new filing products will be implemented in a programmatic, sequenced manner – critical dependency will be the legislative changes required to give effect to the NCT introducing these products.</p>	<p>Focus of the next two years will be on developing systems to a level of maturity where they are able to support full digital enablement and decision support applications. Outcome desired is that all operational systems will be fully automated by 2021/22 and AI and Analytics supported by 2023/24.</p> <p>The DRA Decision Support System will therefore be implemented, trialled and refined based on feedback in the first part of this period (2021/2022).</p>	<p>All adjudication systems supported and enabled by AI with human supervision and intervention focused on non-standard cases.</p> <p>All cases will be adjudicated remotely with full participation and observation using digital means.</p> <p>All systems will be mobile enabled.</p>

2021 Expansion – New Types of Cases	2022 - 2023 Intelligent Automation	2024 – 2025 Digitally enabled public enterprise
To this end, configured version of the CMS and DSS will be developed to support the integration of Debt Relief applications into the NCT's workload.	All submissions are now received via e-filing and all other methods have now been phased out. The adoption of parsing software will be explored to increase the efficiency of both e-filing and decision support. A digital assistant will be developed to assist filers with filing.	Chatbots will support interaction and engagement around filing and adjudication
An e-payment gateway has been developed		Automated, intelligent Debt Relief filing and adjudication system in place and fully operational
A data warehouse will be developed	Blockchain will have been introduced as a tool to ensure data security and integrity	
Multi-modal access and communication across channels, apps, mobile devices and physical will have been introduced by 2020/21	Work will start on scoping out and specifying AI, Analytics and other tools for piloting and implementing by 2022/23.	
	Work will have commenced on developing and implementing the necessary algorithms to ensure that intelligent decision making can be effectively supported.	
Work will commence on engaging with policy makers over the potential expansion of the NCT's mandate and the introduction of new value adding products and solutions	A data quality assurance system will be developed and implemented.	
Development plans in line with ICT competencies developed for each person. Recruitment based on new competencies commences.	An ICT business analytics manager position will be established to support the development of intelligent analytics and automation.	NCT people all digitally competent in line with requirements of an intelligent workplace.

The Digital Strategy's **Goals and Outputs**, aligned with NCT strategic goals, are:

Table 15: Digital Goal Alignment

NCT Goal	Digital Goal	Digital Outputs
To effectively and efficiently manage and adjudicate on	Deliver a data warehouse equipped with applied business analytics tools	- Data transformed into intelligence
	Deliver a Customer Interface / Experience (Cx) that is engaging, customer-centric and value-adding	

matters brought to the NCT	Deliver a fully automated DRA system by 2021	- Re-engineer all Customer interfaces to improve Cx
	Deliver a full decision support system for non-DRA matters by 2021/22	- Design & implement non-DRA decision support system
		-
To contribute to an effective and accessible Consumer regulatory environment	Develop a consumer regulatory Community of Interest that engages over important issues and informs legislative / practice innovation	- Social media - YouTube - Partners
	Challenge conventional thinking about regulation and encourage regulatory convergence where appropriate	- Conference on Consumer Protection in a Digital Age convened
	Secure all NCT data and information utilising relevant tools including Blockchain to ensure data integrity and consumer trust	- Secure, reliable data
To digitally enable and transform the NCT	Deliver a fully automated ICT Enterprise Architecture optimised using AI and Analytics by 2024/25	- A structured approach to scoping and implementing projects combining design thinking, agile, project and change management methodologies - Intelligent / cognitive automation to step-change Tribunal's performance
	Reskill & up-skill NCT people impacted by technology change	- People with the digital skills required to augment their work
	Develop leadership competency in the potential applications of disruptive technology	- Business ownership of digital transformation
To ensure effective and efficient organisational management	Configure systems and processes to deliver on required Debt Intervention adjudications	- CMS available as required to administer debt Intervention adjudications
	Collaborate with other consumer protection agencies to ensure a seamless data architecture	- Leverage costs & efficiencies across agencies
	Develop leadership competency in the potential applications of disruptive technology	- Business ownership of digital transformation

9. ICT Strategy

The NCT's ICT Strategy is aligned to the Digital Strategy.

The Mission of ICT is *'to provide the advice, collaborative solutions and support required to ensure that the NCT has a secure, stable ICT architecture and the tools it requires to meet its core business needs'*.

The **Vision of ICT** is *‘to be a respected business partner and information optimiser who enhances access, improves operational efficiency and informs intelligent decision-making at the NCT.’*

Through ICT, the NCT will:

- Improve **stakeholder access** to the NCT.
- **Increase operational efficiency and productivity**, contributing to significant reductions in expenditure.
- **Increase strategic and operational effectiveness**, ensuring consistent approaches to work, intelligent reporting and decision making.
- **Enable collaboration**, learning and the sharing of information; and
- **Enhance the connectedness and integrity** of data, systems, processes and people.

An **ICT capability** is the ability, enabled by ICT, for the NCT to conduct its operations efficiently, effectively and intelligently. Based upon the requirements of the NCT’s strategy and the consistent, efficient execution of its core process, it is clear that the following **ICT** functionality is mission critical to the NCT:

- An **interface** that provides access and allows for bi-directional communication and engagement with filing parties.
- A **case management system** (CMS) that automates key processes associated with case management, captures information accurately, enables filing parties to file cases on-line – individually or in bulk and allows for the efficient allocation and deployment of resources.
- An **E-Purse** functionality facilitating the electronic payment of filing fees.
- An **adjudication support capability** that enables and supports effective decision making through easy access to relevant data and case information.
- A **records management capability** that allows for information to be securely stored, managed and accessed electronically in accordance with the appropriate standards of governance.
- A **Knowledge Management System** that provides for an intelligent search capability so that Tribunal Members are able to retrieve, on-line, historical judgements made or other relevant items of potential utility in making sound judgements.

- Organisational **performance reporting capability** that streamlines and automates the production of organisational performance reports, including dashboards, that can be linked to individual employee contribution; and
- An information dissemination, communication and **learning capability** that provides for people outside of the NCT to easily access the NCT and for them to be comprehensively informed regarding the mandate and workings of the NCT.

ICT will play the following **roles** at the NCT:

- **Inform choices** made about ICT solutions, in line with the principles that inform the NCT's enterprise architecture framework.
- Competently **project manage** the acquisition and implementation of ICT solutions.
- **Train and support end-users** of ICT solutions thereby maximising the potential for user adoption.
- **Develop the necessary applications** to support efficient working and intelligent decision making.
- **Maintain and configure the NCT's ICT infrastructure** to ensure security and systems uptime and to optimise the return on its ICT investment.
- Ensure **effective risk management and good governance** by engaging with the appropriate structures and abiding by all supply chain and other relevant procurement policies; and
- **Monitor, evaluate, maintain and provide support** to NCT members and employees in respect of the ICT infrastructure inclusive of hardware, software and applications.
- **Provide expertise, support and tools / applications** required to protect and secure access to electronic information processed and stored by the NCT and its people.

The following **ICT Goals** have been adopted by the NCT to focus its ICT activities and investments over the next five years:

- **Goal 1** - To ensure that the **NCT's ICT Enterprise Architecture** supports, enables and meets the NCT's business requirements.
- **Goal 2** - To ensure **controlled access** for Tribunal Members, employees and other relevant stakeholders to automated business processes, information and services.

- **Goal 3** - To **increase the adoption and utilisation** of implemented ICT applications, systems and processes.
- **Goal 4** - To ensure that all ICT applications, systems and processes are **secure and available** to authorised stakeholders.

ICT is mindful of the fact that all users need to be accommodated within the functionality of the CMS and that the technology changes to existing ways of working need to be understood and adopted in order to deliver the requisite value. It is for this reason that it supports more ongoing engagement and discussion with users, both internal and external as well as the adoption of effective change management practices. It is important that leaders of the operational side of the NCT also lead and take an active role in systems development to ensure that solutions are relevant to their needs and realities.

Whilst the development of new systems, applications and solutions remains an important area of focus for ICT, it is increasingly evident that attention also need to be paid to the technological evolution of existing legacy systems so that there functioning may be optimised. With this objective in mind, the original specifications underpinning the CMS will be revisited to ensure that they are still relevant and appropriate, and the necessary remedial action will be taken.

A key challenge going forward will be to support different digital channels of communication to enable access to the NCT by users across the breadth of the country. This will require partnering with SITA and other governmental information ‘hubs’ as well as the development of user-friendly ‘how to’ guides utilising readily available platforms such as smartphone applications and You Tube.

Realism is an important driver of the work of ICT. Going forward, ICT undertakes to ‘under-promise and over-deliver’. This will require sound planning as well as the prioritisation and sequencing of initiatives based on the urgency and impact required.

The five **systems development priorities** of ICT going forward will be:

1. Ensure **DRA applications** are efficiently and accurately ingested and distributed electronically to Tribunal Members. User adoption for the e-filing of applications to be encouraged through effective change management practices.
2. Configure the **Debt Relief System** as an important sub-system of the CMS to ensure that the NCT is able to 'go live' when applications from the NCR are opened.
3. Automate **Non-DRA** processes to introduce greater efficiency in the way in which TMs adjudicate on these matters.
4. Enhance the **e-purse system** for all applications.
5. Develop an **automated assistant** to assist Tribunal Members to use their time more efficiently and effectively by being able to quickly retrieve related information on past judgments from an intelligent database.

10. Corporate Services Strategy

Corporate Services (CS) incorporates the following departments: Secretariat & Compliance, Human Resources and Communications. The traditional objective of Corporate or Shared Services is to collaborate across departments to gain both the synergies of utilising diverse skills and expertise to develop integrated, holistic solutions to business needs as well as to reduce costs through the leveraging of efficiencies in administration, systems and people.

The **ultimate aim** adopting a Corporate / Shared Services delivery model is to allow each Customer-facing division to focus its limited resources on activities that support the achievement of business goals. Technology has often been the driver for shared services within an organisation because it can be used to transform manual, repetitive work into digital, automated processes.

Corporate Services' **Mission** is *'To partner with stakeholders to collaboratively develop and deliver specialist and integrated solutions to the NCT's strategic and operational challenges and opportunities.'* CS will accelerate and support the creation of a caring and enabling work environment to ensure that the NCT to delivers

sustainable success, in line with its mandate and strategy. The **roles** CS will play in future include:

- **Problem solver**
 - To facilitate solving complex problems and the resolution of internal disputes
 - To champion the delivery of **excellence** in all relevant fields through true servant and thought leadership
- **Transactional service provider**
 - To cost-efficiently and effectively deliver relevant support transactional services in our specialist areas and in other areas where we have sufficient economies of scale (Shared Services Centre)
- **Compliance champion**
 - To champion **compliance, good governance and effective risk management** through oversight and a focus on behavioural change
 - To **partner** with our business partners to provide guidance and oversight to ensure that sound governance is balanced with optimal performance
- **People champion**
 - To ensure that the *'right person is in the right place at the right time'* to ensure the NCT's strategic and operational success
- **Visionary**
 - To see the future first, research, join the dots, develop insights and foresight and ultimately ensure that the NCT timeously builds the capabilities it requires to be healthy and future-fit
- **Reputation champion**
 - To champion the delivery of messages that shape the NCT's core reputation
 - To design and implement the appropriate channels of communication
 - To develop the necessary communications content to engage pro-actively with stakeholders to ensure understanding of our key messages
- **Culture-shaper**
 - To shape the NCT's **future culture**, ensuring effective and appropriate behaviour both internally and externally
 - To be the custodian and steward of the **NCT's values and core principles** – honesty, integrity, accountability, responsibility, transparency and accessibility
 - To be champions of **change**, facilitating buy in and commitment to the solutions that will ensure future success
- **Knowledge Management & Business specialist**
 - To identify the necessary knowledge and information that should be captured, stored and intelligently accessed

- Through effective analytics and reporting, to develop the necessary insights regarding the way the NCT operates to inform successful foresight and strategy crafting

Corporate Services' **Vision** is *'To be the heart and pulse of the NCT, providing the oxygen and nutrients required for the NCT to grow and thrive!'*

The NCT will be a change-resilient and future fit adjudicator with an unparalleled reputation for integrity, service delivery and high performance. Through the focused efforts of the CS team, the NCT will attract the most talented people who, supported by intelligent, automated systems and processes will deliver reliable, well-respected consumer-related adjudications.

Corporate Services' **cross-operational strategic goals** are:

- **Goal 1** - To deliver efficient and effective transactional services (Operational Goal)
- **Goal 2** - To be a true, well respected Business Partner to the NCT's line departments (Operational Goal)
- **Goal 3** - To establish and operate an efficient Shared Services Centre
- **Goal 4** - To identify and pro-actively partner to provide required solutions to the NCT's challenges and opportunities
- **Goal 5** - To partner with stakeholders to develop and implement a transformation and transition plan (including culture) to ensure the NCT is Future-fit
- **Goal 6** - To identify and build mission critical future capabilities (Futures, Project Management, Knowledge Management, Analytics)

The Corporate Services' **unit specific strategic goals** are:

- **HR** - To ensure that the NCT has the 'right people in the right place at the right time' to deliver on its strategy and mandate
- **Communications** - To promote and safeguard the reputation of the NCT
- **Risk** - To provide the necessary oversight, support and direction to ensure that the NCT exercises sound governance and is compliant with all relevant legislation and policies

10.1. Human Resources Strategy

The NCT is a transforming organisation that embraces the full potential of ICT to enable intelligent, efficient and effective work. The reality, however, is that ICT enabled processes still rely on the competence, passion and commitment of people to ensure efficient and effective service delivery. It is for this reason that the NCT has a Human Resources Strategy and Plan to ensure that the *‘right people are in the right place at the right time’* to successfully execute its strategy.

The **Mission of NCT’s Human Resources (HR)** is *‘to provide the advice, collaborative solutions and support required to ensure the NCT has the appropriate people and management systems and practices in place to meet its organisational needs and to fulfil its mandate.’*

The **Vision of NCT’s Human Resources** is *‘to be a valued Business Partner, contributing to the evolution of a resilient, dynamic and successful NCT, ably supported by fully engaged teams of talented people.’*

In order to effectively deliver on its HR services amidst the current NCT organisational changes, it was important for the NCT to find a service delivery model that fits its current operational needs, that is appropriate for its flexible structure and various goals that it has set.

The NCT HR Unit has thus critically assessed its service delivery against the **Dr Sullivan Five Levels of HR** contribution model, as illustrated below.

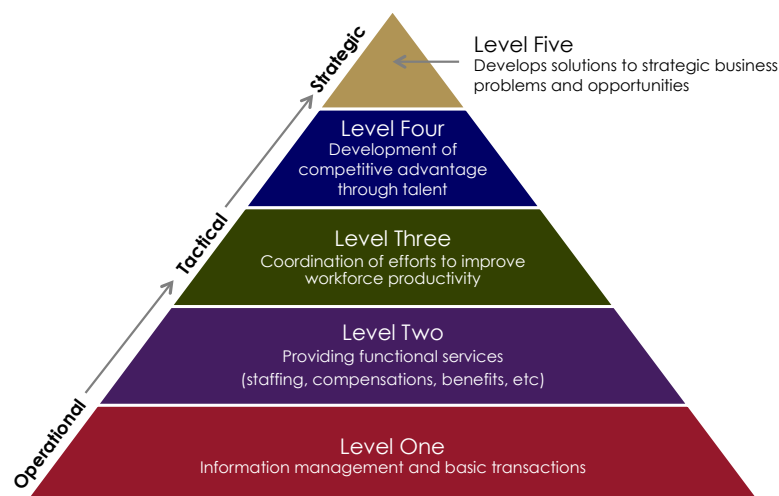


Figure 14: Dr Sullivan’s Five Levels of HR Contribution

In accordance with the ‘gaps’ illustrated by its service delivery assessment, the Human Resources Unit has adopted **5 key Strategic Goals** with supporting objectives to focus its work over the coming 5-year period.

1. To attract, develop and retain the right people to ensure the right skills are available in the right place at the right time to deliver on the NCT’s mandate, while ensuring that preference is afforded to women and people with disabilities and previously disadvantaged individuals. **(Level 2)**

To achieve this goal, the NCT will ensure:

- Data is accurate, timely and complete – in terms of physical and electronic records (includes leave records, performance management data and job descriptions).
 - A clear process of workforce planning and strategic sourcing to pro-actively deliver on the NCT’s human capital requirements.
 - A programme to up-skill the ICT competencies and skills of all NCT employees and tribunal members and to ensure their continuous professional development.
 - An on-board and induction programme.
 - The effective management of performance through continuous assessment, a sense of accountability for results, coaching and development as well as proactive analysis of identified performance trends.
 - A programme of personal competency development in alignment with the NCT’s competency framework and access to structured learning.
 - A non-monetary rewards and recognition programme to recognise achievement and enhance retention.
2. To develop an enabling framework and working environment that optimises the potential for employee engagement and wellness. **(Level 4)**. To achieve this goal, the NCT will implement:
 - A change management framework and approach, with the accompanying tools and methodologies to accelerate and sustain user adoption and enable desired change.

- Effective internal communications engage in targeted wellness awareness programmes aligned to the NCT values, as well as increase levels of employee engagement, productivity and enhanced work / life balance.
3. To anticipate future business and environmental demands on the NCT and to provide Human Resource capacity to satisfy those demands and fulfil the NCT's mandate. **(Level 3)**. To achieve this goal, the NCT will:
- Embark upon effective and proactive workforce planning through the development of an overall resourcing plan required for the NCT to fulfil its mandate and achieve sustainable business continuity.
 - Establish clarity on the skills and roles needed to help fulfil the NCT's mandate.
 - Continuously maintain and evaluate Job Descriptions and Role Profiles.
4. To shape a values-based culture that champions high performance and service excellence. **(Level 5)**. To achieve this goal, the NCT will:
- Develop a comprehensive blueprint of what the future NCT culture should look like.
 - Measure and evaluate the extent to which managers and employees are living out the NCT values.
 - Identify the leadership competencies required to shape the future NCT culture and develop a plan to develop these competencies over time.
 - Establish and implement objective management assessment tools.
 - Ensure that NCT management positively impacts its workforce.
5. To establish effective and efficient HR Administration to facilitate and inform accurate HR data and reporting. **(Level 1)**. To achieve this goal, the NCT will:
- Develop a comprehensive, accurate and up to date HR Database as well as maintain both physical and electronic HR Records.
 - Deliver comprehensive HR Reporting to enhance business decision making.
 - Develop and communicate well communicated HR Policies and supporting Standard Operating Procedures.
 - Procure an on-line Performance Management and Employee Self-Service System.

- Implement a comprehensive approach to talent management supported by the necessary systems, processes and VIP modules (competency development, career development & succession planning).
- Develop line managers who are competent in implementing talent management processes and systems effectively.

Going forward, HR will continue to build on these achievements and work to improve the overall quality of the NCT's people and human capital management practices as well as the quality of the NCT working environment. This will contribute directly to building an enabling environment for sustained high performance.

The following areas will receive **priority focus** over the course of this APP:

- **Structured processes of learning**, inclusive of Tribunal Member capacity building, coaching, training and mentoring. This is particularly relevant and important as we equip our people with the knowledge and skills to work successfully in a digitally enabled workplace.
- The introduction of **learning programmes** supported by e-learning tools.
- **Organisation Design, workforce planning and strategic sourcing** to ensure that the NCT is able to pro-actively anticipate the demand and supply requirements for its people and to be able to respond pro-actively to ensure that the *'right people are in place at the right time.'*
- **Improved talent attraction and recruitment processes** inclusive of developing the NCT's employer brand, making the NCT an Employer of Choice and adopting an innovative, improved talent attraction and recruitment strategy.
- **Administrative excellence** inclusive of HR records management, updating policies and procedures and improving the overall integrity of information in the HR database.
- **Technology enablement** for key HR systems, processes and practices. This includes the profiling of key skills and competencies required by employees for success in a digital world.
- **Change enablement** in support of capacitating the adoption of ICT systems, and other innovative approaches to work.
- Targeted **organisational development interventions** in support of building trust between and amongst people at the NCT, ethical behaviour, culture shaping and team building. This will include a refinement of current NCT values and a process of re-engagement around the values.

- **Improved internal communication** inclusive of the development of a year plan focused on segmented internal audiences and an internal handbook to guide such communications.
- The establishment of **safe internal structures** for collective engagement and the building of sound and productive workplace relationships.
- Targeted **Organisation Design initiatives** to ensure **clarity regarding roles**, responsibilities and decision rights – both in administration and adjudication.
- More efficient and effective HR **procurement**.

10.2. Communications Strategy

For the NCT, the outcomes to be gained from effective communications are not just sound communications but substantive increases in **trust** and improvements in the NCT's **reputation** amongst key stakeholders. Communication is a part of all of the work of the NCT and as such the key question to be answered is not necessarily only how the work of Communications may best be aligned behind the NCT strategy but also *'How does the NCT strategy adapts and evolves to deliver a desired reputation?'*

Shaping reputation is a transformational issue. It talks to how the NCT needs to change its processes, procedures and mind-sets over time. In doing so, it needs to become more pro-active, agile and responsive. In today's fast paced world, there is no allowance for delays and layers of management to get sign off on Communications when responding to a crisis, disaster or issue in social media. It is for this reason that Communications will be increasingly pro-active in engaging with and ensuring that the NCT and its leaders are available to the media.

External communication and engagement are important components of the NCT's strategy. The role of external communications is to ensure that all important external stakeholders are aware of how the NCT works so that they are able to access its services in the appropriate manner and to ensure that the right matters are referred to the appropriate regulatory structures and mechanisms at the right time. In so doing, the work of the NCT is to positively influence the overall consumer regulatory environment ensuring efficient, respectful service and administrative justice for all parties. **External communication** is also important to ensure that:

- The NCT and its mandate are well understood by stakeholders, its cases are widely disseminated, and its services accessed by all relevant people who require such access.
- There is regular information sharing and ongoing engagement between members of the consumer regulatory community to ensure that their work, functions and thinking are well aligned.

The Vision of Communications is for the NCT *‘to be respected as an impartial, professional and effective adjudicator on consumer goods, services and credit issues in South Africa.’*

The Mission of Communications is *‘to enhance the reputation of the NCT in the consumer regulatory environment through effective communication, easy access to information and ongoing engagement with stakeholders.’*

The **Goals** of Communication are:

1. To ensure **cooperation and partnership amongst stakeholders** through enhanced interaction and engagement.
2. To ensure that **accurate information** about the roles, processes and decisions of the Tribunal is readily accessible to all stakeholders.
3. To **enhance the reputation** of the NCT as an impartial, consistent and fair adjudicator in Consumer and credit matters.
4. To **ensure easy access** to accurate information about the Tribunal and its operations.

Stakeholder engagement is one of the most important aspects of the NCT’s approach to communications. It intends to conduct regular structured engagements with its key stakeholders – **the dtic**, NCR, NCC, debt counsellors, tertiary educational institutions, partners in government, consumers and businesses as well as other adjudicative entities such as the provincial consumer offices and courts. These engagements will focus on better understanding their needs and expectations as well as ensuring that the regulatory system and its players are well informed and aligned at the appropriate level within the regulatory system.

A structured process of engagement and research will be undertaken to better understand the perceptions, needs and expectations of stakeholders. It will also assist with the development of the appropriate mechanisms, channels, platforms and content to respond effectively to these evolving and disparate needs and expectations. The research will include stakeholder profiling and the establishment of a baseline against which the evolution of the NCT's reputation will be measured.

Over the **period of this Strategy**, the NCT will:

- Research its access footprint to better understand the challenges facing its stakeholders, in particular consumers, especially filers in rural areas.
- Conduct a media campaign utilising relevant media channels such as radio stations to increase awareness of the role and function of the NCT.
- Continue to update and improve the bi-directional functionality of its website and supporting social media channels.
- Embrace ICT enabled solutions through the appropriate digital and social media platforms to drive traffic to the NCT website.
- Explore partnerships with other government agencies to ensure that information regarding the NCT is readily accessible at a community level.
- Develop a multi-tier approach to media engagement and responses.
- Develop a more structured approach to Communications inclusive of a formal year plan with segmented and defined messaging.
- Ensure consistent 'look and feel' across NCT channels and ICT systems.

11. Fraud Prevention Plan

The NCT's capacity to deliver on its mandate would be seriously compromised by an instance of fraud. For this reason, the NCT has developed an extensive Fraud Prevention Plan. There are **10 primary guiding principles** or tenets that underpin the NCT's Anti-Fraud and Corruption Policy. These principles are:

Principle 1: Zero-Tolerance

The Tribunal is committed to upholding the aim of being an ethical and transparent organisation. Consequently, it is the policy of the Tribunal that the embodiment of any unethical behaviour, whether as fraud, corruption, theft, mal-administration or any other dishonest activities that would call the integrity of the organisation into question, will not be tolerated.

Principle 2: Accountability

It is the responsibility of Tribunal leadership and business unit heads to guarantee that the control environment is adequate and effective to avert or detect incidents of fraud. All Tribunal members and staff are to be held accountable for the prevention and detection of fraud, corruption, theft, mal-administration or any activities of a similar nature, within their areas of responsibility.

Principle 3: Duty to implement effective anti-fraud controls

Suitable prevention and detection controls will be applied within the Tribunal. These include those controls and checking mechanisms as prescribed in existing policies, procedures and other relevant prescripts according to the systems of internal control that govern the Tribunal's activities.

With regard to all reported incidents of fraud, business unit heads/managers are obligated to immediately review, and where possible, improve the efficacy of the controls which have been breached, so that similar irregularities are prevented from taking place in future.

Principle 4: Duty to report and reporting mechanisms

The Tribunal encourages staff members, stakeholders and members of the public who suspect fraudulent activity, and wish to report it anonymously, to call the dedicated whistleblowing hotline on 0800 15 25 38. All calls to the Tribunal's hotline will be treated confidentially and the identity of persons lodging such reports ("whistle-blowers") will be protected.

Principle 5: Duty to protect whistle-blowers

The Tribunal acknowledges and abides by the Protected Disclosures Act and other similar legislation that seeks to protect whistle-blowers. Consequently, the Tribunal is bound to protect all persons that report incidents of fraud from possible discrimination and reprisal in the workplace.

Principle 6: Reporting to police and other relevant authorities

The Tribunal will report fraud and/or related misconduct, where applicable, to the South African Police Services or other relevant policing authorities. Appropriate legal recourse to recover losses or damages arising from fraud and corruption will be taken without undue delay.

Principle 7: Mandate to investigate fraud

All incidences of fraud and corruption will be investigated and followed up by the application of all remedial actions available within the ambit of the law. The Chairperson of the Audit & Risk Committee of the Tribunal and/or the Tribunal Chairperson is mandated to ensure that investigations are facilitated and managed appropriately. Internal employees, service providers, and stakeholders will be expected to co-operate fully during any investigation. Acts of non-cooperation by employees will be addressed in line with the Tribunal's disciplinary procedures.

Principle 8: Instituting disciplinary proceedings

The Tribunal will ensure that disciplinary proceedings and other available remedies are exercised with minimal delay. Where an official is alleged to have committed an act of fraud, corruption, theft, or mal administration, the respective line supervisor/manager must initiate disciplinary proceedings immediately, in line with the disciplinary procedures of the Tribunal.

Principle 9: Training and Awareness

Fraud awareness and specific anti-fraud and anti-corruption training will be undertaken regularly to increase and uphold vigilance within the Tribunal.

Principle 10: Fraud Risk Assessment

The Tribunal will ensure that fraud risk is assessed regularly by the organisation and its business units. In addition, care should be taken to consider the relevant potential fraud risks that could arise during the design and implementation of new systems and processes.

The **most significant fraud-related risks** identified by employees at the Fraud Prevention Workshop are set out below. All these potential fraud risks will be incorporated into the NCT Risk Register. The potential fraud risks are reflected as Red – High Risk (Probability / Impact); Orange - Medium Risk, Green - Low Risk.

Table 16: Fraud Risks

Area	Potential Fraud	Level of concern
ICT / Registry	Systems security (CMS) & vulnerability to intrusion – altering or stealing data or inserting malware or ransomware	Red
ICT / Registry	Diverting payment of filing fees through hacking of e-purse or changing bank account details	Orange
ICT / Registry	Identity theft – access to consumers ID documents, salary advices, bank account details – potential individual ID theft or sale of all data to 3 rd parties	Red

Area	Potential Fraud	Level of concern
ICT / Registry	Changing details in system or impacting case processes – external or internal threat – changing data, postponing cases, creating default judgements	
Adjudication	Bribery – bribing Tribunal Members to go in a particular direction with a decision	
Adjudication	Creating fraudulent consent orders – by forging signatures at Motion Court sessions	
Adjudication	Fraudulent claims by Tribunal Members for preparation	
Adjudication / Registry	Non-DRA judgements in Word could be manipulated and changed (e.g. changing the admin fee)	
Adjudication	TMs colluding or involving additional TMs in discussing potential adjudicative findings	
NCT	Gifts or sponsorships not disclosed	
Procurement / Finance	Bid rigging - disclosing tender details to favour a supplier	
Procurement / Finance	Diverting tenders or bids to friends, family or associates	
Procurement / Finance	Accepting sub-standard bids where the supplier cannot deliver the quality required	
Finance	EFT payments made, reversed as incorrect, transaction already cancelled	
Finance	Abusing petty cash	
Procurement / Finance	Taking a % to ensure that a supplier is paid quickly	
Finance	Fraudulent travel claims	
NCT	Working from home but not actually working	
NCT	Collusion around payment of invoices for hotels	
NCT / HR	Leaking of confidential employment or salary information	
NCT / HR	Misrepresenting experience, qualifications or competencies during employment	
NCT / HR	Misrepresenting abilities to secure promotion	
NCT / HR	Abuse of sick leave	
NCT / HR	Favouritism or protection of subordinates by managers	
NCT / HR	Sexual harassment or blackmail	
NCT / HR	Deliberate capture of incorrect Performance Management information	

The following **actions** have been agreed upon to address or mitigate these fraud-related risks:

- Educate Tribunal Members about what is expected or required so that they do not inadvertently or through ignorance act fraudulently.
- Screen claims more thoroughly.
- Create awareness of what fraudulent activity to look out for.
- Zero tolerance for fraud - ensure that there is appropriate consequence – in criminal cases be an active participant encouraging and assisting in prosecution.
- Explain the **Protection of Personal Information Act** and ensure that the consequences of breaching are spelt out in employment contracts (MISS).
- Maintain gift policy requiring full disclosure of all gifts – encourage disclosure of gifts by employees and Tribunal Members when in doubt.
- Induct all employees in the necessary procurement and other related policies, procedures and controls.
- Ensure that Tribunal Members are aware that they cannot ‘invite a 4th member’ for non-DRA matters (Ethical issue).

The NCT recognises that fraud prevention is enhanced by the development of a culture that supports fraud detection and its minimisation. The following **actions** have been agreed upon to commence the process of shaping such a culture:

- Build a **culture** based upon a commitment to sound ethics and values.
- **Train** all NCT people in ethics and values.
- Have an ‘**Ethics Moment**’ during management meetings.
- Put in place an **operational Social and Ethics Committee** – Who? What? When?
- Put in place a **Code of Ethics** to supplement code of conduct.
- Create awareness of ‘**Blind Spots**’.
- Encourage and recognize **whistleblowing**.
- Share **information around fraud** to increase awareness.
- Conduct an **ethics survey / barometer**.
- **Develop skills** to evaluate difficult, potentially ethically sensitive decisions using the Koestenbaum Diamond.

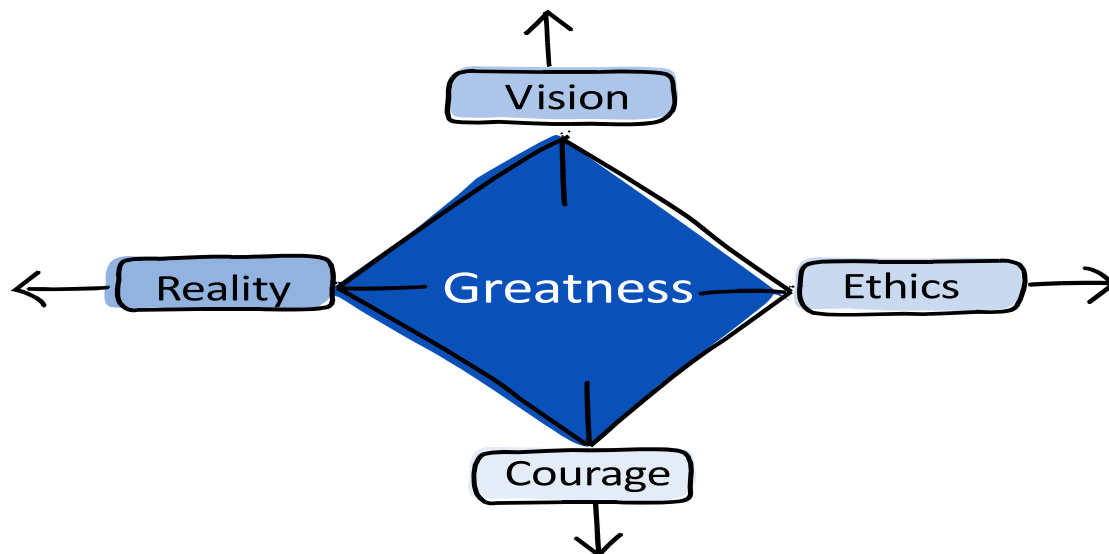


Figure 15: The Koestenbaum Diamond

12. Compliance with Broad-Based Black Economic Empowerment Act

Whilst the goals and objectives set by the dtic for compliance with Black Economic Empowerment legislation are considered by the NCT to be important, it finds itself in a difficult situation by virtue of being a Section 3A Public Entity. The NCT has a very specific mandate, which means that there are a number of these pillars that are not applicable to the NCT. It has neither the breadth of mandate nor number of employees to be able to execute successfully against these pillars. This inability to execute poses a challenge as the NCT is currently measured and audited against these pillars. The NCT has therefore submitted an appeal to the dtic to review some of the categories and exclude the NCT from being measured against them.

Whilst the NCT awaits the review of the request for exclusion of measures not applicable to the NCT, it has in the interim approved a BBBEE Plan, formulated by the established BBBEE Committee.

13. Interventions Relating to Women, Youth & People with Disabilities

With regard to the NCT's status regarding interventions relating to women, youth and people with disabilities, it should be noted that the NCT has prioritised the employment of women, youth and people with disabilities within its broader HR Strategy.

The following table sets out the NCT's initiatives in this regard.

Table 17: Women, Youth & People with Disabilities

Women	Youth	People with Disabilities
<ul style="list-style-type: none"> - Preference for employment – specific employment target sets out a requirement for a minimum of 45% of employees to be female. 	<ul style="list-style-type: none"> - Internship and skills development programmes offered to contingent employees with focus on the youth. - Prioritised focus on internship opportunities for the Youth. - NCT supports the 'Bring a Child to Work' initiative to provide the youth with opportunities to gain exposure to work and workplaces. 	<ul style="list-style-type: none"> - Preference is given in employment to 'People with Disabilities'. - The NCT has focused on making its offices wheelchair friendly. - The NCT has ensured that, wherever possible, its website provides assistance through voice and video to people who are visually impaired.

Part C: Measuring Our Performance

14. Institutional Performance Information

Information in this section of the Strategic Plan has been developed through the utilisation of a **Results Based Approach**, underpinned by a modified version of Theory of Change.

The NCT has identified **4 key strategic outcomes** which, if achieved, will have the most potential to deliver on the desired impact. These 4 strategic outcomes are, in turn, achieved through the successful achievement of **10 outputs**, the achievement of which are a daily focus for the work of the people of the NCT.

Outcomes and impact however cannot be delivered without the development, over time, of unique strategic and operational capabilities that provide the organisational ‘muscle’ required to deliver on required outcomes. **Capabilities** are therefore unique, integrated combinations of human skills / competencies (**people**), organisational systems, processes and technologies (**technology**) and physical resources (**assets & infrastructure**) required to perform mission-critical work. These unique capabilities are usually situated in-house but may also be outsourced or insourced. It is for this reason that we have combined a results-based approach with the identification of these capabilities.

Data gathering is essential to both the tracking of whether or not outcomes / impact has been achieved as well as whether or not desired capabilities have been developed. It is for this reason that data and measurement inform all aspects of the NCT’s operations. Data utilised includes an assessment of efficiency and effectiveness of all aspects of the NCT’s adjudication and support operations as well as a breakdown of key milestones required to deliver on the NCT’s strategic goals and desired outcomes. The NCT gathers and reviews data on a monthly basis to establish whether or not it is on track to deliver on its performance commitments.

14.1. Measuring the Impact

The **overall impact** that the NCT seeks to achieve is ‘*Legislative compliance, equity and fairness in consumer and credit transactions in South Africa.*’ In an unequal society where the relative power of consumers is not equal to that of providers of commercial services, especially credit, a comprehensive legislative framework and an equitable, accessible adjudicative process is essential to equity and fairness.

Adjudication on the cases referred to it is the singular role and purpose of the NCT, as detailed in its Vision and Mission set out in Part B of this Annual Performance Plan.

Measuring legislative compliance, equity and fairness is however extremely difficult. It must be understood that the NCT alone does not deliver this impact. It is delivered within the context of an open regulatory and commercial system where the behaviour of different players, the performance of the economy, the cultural attributes of citizens etc all combine with the adjudicative ability of the NCT to deliver ultimate impact. Measuring the NCT's impact in this regard is difficult because there are multi-dimensional causes of impact. Isolating the impact of the NCT is impossible without the development and validation of complex econometric models, the cost of which is currently outside the NCT's financial wherewithal. The NCT also **does not control its primary inputs**, in particular the number of cases it is required to adjudicate on and its budget allocation. The broader regulatory ecosystem provides the NCT with the cases it is required to adjudicate on, and its budget is ultimately decided at a national level.

The NCT therefore makes use of indicators to measure the **quality of its service delivery** (turnaround times of DRAs, non-DRAs and DRIs and number of cases overturned) to best ascertain impact. The NCT is able to control its service delivery through the development and deployment of unique capabilities and a focus on organisational innovation and re-invention over time. It is these measures, that are within its control (subject to receiving sufficient finances from the fiscus), that the NCT measures as part of its strategic goals.

The NCT's **impact statement** is therefore – *'high quality adjudicative decisions delivered in a timely manner.'*

The following illustration demonstrates how the **4 Strategic Outcomes** drive the achievement of desired impact.

System Impact - 'Legislative compliance, equity & fairness in consumer & credit transactions in South Africa'

NCT Impact – 'High quality adjudicative decisions delivered in a timely manner'

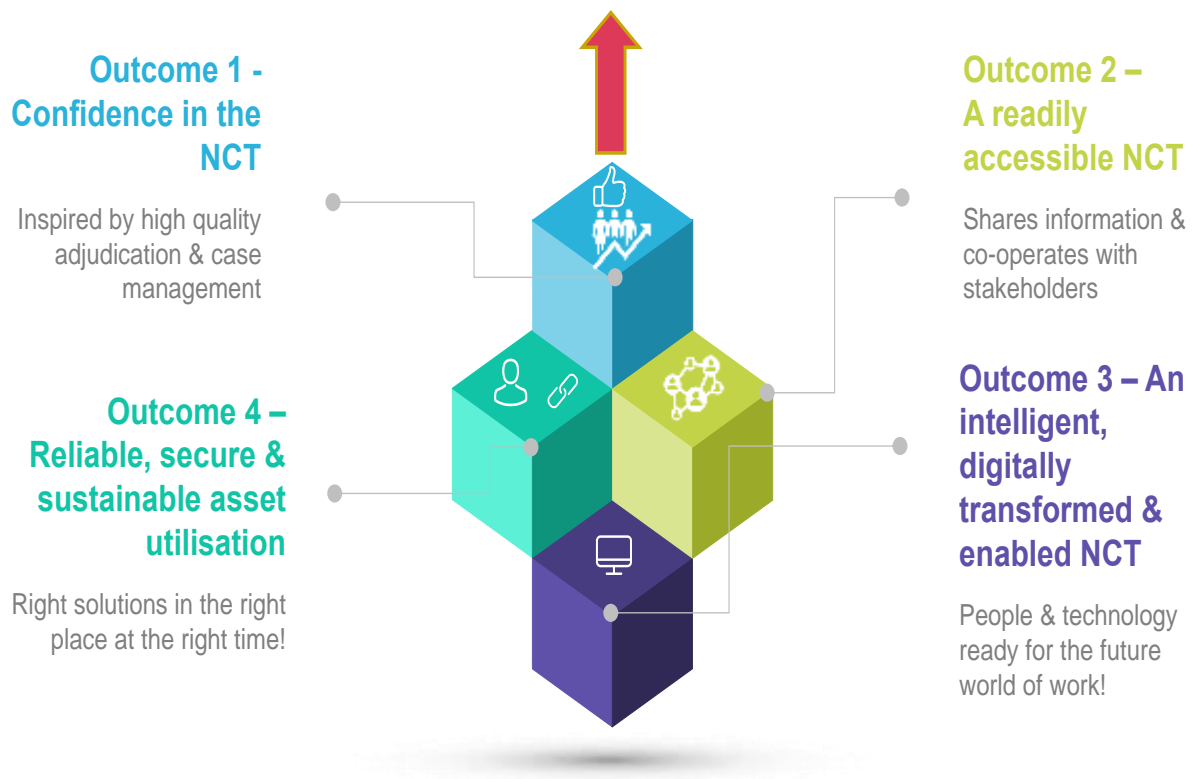


Figure 16: Aligning NCT Outcomes with Impact

In turn, 10 key Outputs drive the achievement of the 4 Strategic Outcomes.

The following illustration sets out the 10 key Outputs which are the focus of the NCT's APP and indicates how they serve to deliver on the impact, both at an NCT level as well as an overall regulatory system level. It must be noted that the Outputs at the top of the illustration serve external stakeholders whilst the bottom Outputs are internally focused and represent mission-critical NCT capabilities that must be developed in order to ensure that the NCT is able to deliver on its external Outcomes.

System Impact - 'Legislative compliance, equity & fairness in consumer & credit transactions in South Africa.'

NCT Impact – 'High quality adjudicative decisions delivered in a timely manner'

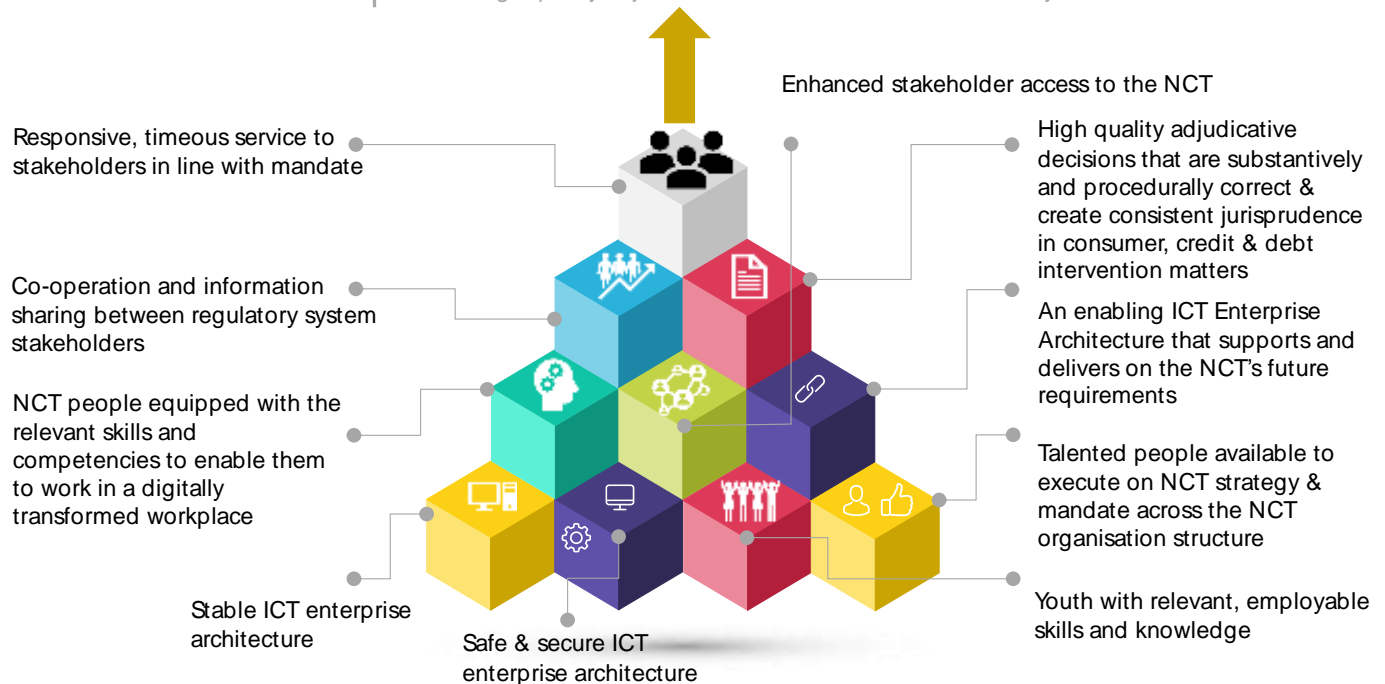


Figure 17: Outputs

14.2. Strategic Goals and Objectives

The NCT's highest order Outcomes are described in a set of strategic goals. Strategic Goals were derived from an extensive assessment of the macro-environment within which the NCT operates; its **internal** strengths and weaknesses, as well as its **external** opportunities and threats (challenges). Critical challenges and opportunities facing the NCT were reviewed, refined and reshaped to define critical areas of focus for the NCT over the next five years.

The following strategic goals will be pursued by the NCT over the period 2020/21 to 2025/26 and will receive a clear focus in the programmes contained within this APP. They are aligned to detailed and measurable objectives, which provide a way to commit resources and accountabilities to a particular course of action. The strategic objectives are supported by projects and/or activities which will be further detailed in the operational plans of the organisation.

The NCT's **strategic goals** are as follows:

- GOAL 1:** To effectively, efficiently and intelligently manage and adjudicate on matters brought to the NCT.
- GOAL 2:** To contribute to effective and accessible Consumer regulation and adjudication.
- GOAL 3:** To digitally enable and transform the NCT.
- GOAL 4:** To ensure effective and efficient Organisational Management.

15. Programme Performance

This APP provides a broad overview of the NCT's strategic goals, outcomes and objectives for the period 2020/2021 – 2023/2024. When read in conjunction with the Strategic Plan 2020/2021 – 2025/2026, a view of the NCT's multi-year projections of programmes and strategic initiatives is provided.

The NCT comprises **three programmes**, the details of which are set out below:

- **Programme 1** – Adjudication
- **Programme 2** – Administration
- **Programme 3** – Digital Enablement

15.1. Programme 1: Adjudication

- a) **Purpose:** To provide the necessary administrative and adjudicative and other related services to ensure that the NCT delivers successfully on its legislative mandate.
- b) **Description of sub-programmes**
 - I. **Case management – Purpose** is to provide services to ensure that all cases are timeously prepared, that filing parties and applicants are communicated with and that all pertinent information is recorded and disseminated.
 - II. **Adjudication – Purpose** is to adjudicate, with both substantive and interlocutory applications. It ensures that competent, professional, impartial adjudicators are available to attend to matters, that the procedures followed are fair and that adjudicators' decision making is substantively sound, in accordance with legal precedents and requirements.
 - III. **Co-operation & information sharing between regulatory stakeholders – Purpose** is to improve the level of co-operation and information sharing between stakeholders in the consumer and credit regulatory system

15.1.1. Outcomes, outputs, performance indicators and targets

The following **table** sets out the outcomes, outputs, performance indicators and targets for this programme:

Table 18: Indicator Table Programme 1 - Adjudication

Outcome	Outputs	Output Indicators	Annual Targets						
			Audited Performance			Estimated performance	MTEF Period		
			2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24
Stakeholder confidence in the NCT – inspired by high quality adjudication and case management A readily accessible NCT that shares information and co-operates with stakeholders	Responsive, timeous service to stakeholders in line with mandate	Average number of days from date of filing of DRA to date of issuing order to filing parties	59.06 days	69.78 days	70 days	70 days	65 days	60 days	55 days
		Average number of days from date of close of pleadings of non-DRA to date of issuing notice of set down to parties	16.35 days	10.39 days	25 days	20 days	15 days	15 days	15 days
		Average number of days from date of final adjudication of non-DRA to date of issuing judgement to filing parties	24.10 days	17.44 days	20 days	20 days	20 days	20 days	20 days
	High quality adjudicative decisions that create consistent jurisprudence in consumer, credit and debt intervention matters	Number of cases overturned on review in Supreme Court	0 cases overturned	0 cases overturned	0 cases overturned	0 cases overturned	0 cases overturned	0 cases overturned	0 cases overturned
	Co-operation & information sharing on permissible matters between regulatory system stakeholders	Number of structured interactions and engagements with external stakeholders including events, structured meetings & joint forums at which presentations were made	26 engagements	16 engagements	18 engagements	20 engagements	20 engagements	20 engagements	20 engagements

15.1.2 Output indicators: annual and quarterly targets

The following **table** sets out the Output indicators, annual and quarterly targets for this programme:

Table 19: Output Indicator Table Programme 1: Adjudication – Annual & Quarterly Targets

Output Indicator	Annual Target	Q1	Q2	Q3	Q4
Average number of days from date of filing of DRA to date of issuing order to filing parties	70 days	70 days	70 days	70 days	70 days
Average number of days from date of close of pleadings of non-DRA's to date of issuing notice of set down to filing parties	20 days	20 days	20 days	20 days	20 days
Average number of days from date of final adjudication of non-DRA to date of issuing judgement to filing parties	20 days	20 days	20 days	20 days	20 days
Number of cases overturned on review in Supreme Court	0 cases overturned	0 cases overturned	0 cases overturned	0 cases overturned	0 cases overturned
Number of structured interactions and engagements with external stakeholders including events, structured meetings & joint forums at which presentations were made	20	5	5	5	5

15.1.3. Explanation of planned performance over the medium-term period

Stakeholder confidence is established through disciplined case management and adjudication. The outputs are focused on ensuring that case management is timeous ('justice delayed is justice denied') and adjudication is of a high quality. High quality adjudication ensures that the jurisprudence created is consistent and predictable, creating a regulatory environment in which all parties know and understand 'the rules of the game' and are able to modify their behaviour accordingly.

Confidence is achieved if all parties in a regulatory system work together in a spirit of co-operation and information sharing. Ongoing disputes between parties, silo-ed thinking and the withholding of information undermines regulatory trust and confidence. It is for this reason that a clear Output around co-operation and information sharing with industry stakeholders has been established.

Confidence is also achieved through accessibility. If communities are not aware of the existence of the NCT and are not able to access its services, then it fails in winning over their confidence as a valued institution to which they are able to have matters referred when necessary.

15.1.4. Programme resource considerations

The most significant resource constraints facing the NCT in delivering on these outputs are financial (budget) and competent people in both Case Management and Adjudication. Tribunal Members are ultimately appointed by the dtic and, as such, there is a need that they are competent in both the legal aspects as well as in the drafting of articulate, well-constructed, grammatically correct judgements. These are areas in which the NCT focuses developmental initiatives.

A major constraint at present is the limited funding available at a budget level due to the constraints on the fiscus. The only way of being able to leverage resources to ‘do more with less’ is by focusing on the automation and digital enablement of case management and adjudication processes. Whilst this is assured of achieving medium term efficiencies in throughput, a constraint is the budget required to invest in the necessary technology. Current only a limited amount of budget is available for ICT, access and stakeholder engagement initiatives. This is a major constraint on the achievement of these outputs.

15.1.5. Updated Key Risks and Mitigation from the Strategic Plan

The following key risks that may affect realisation of the strategic goals contained in this programme have been identified and the appropriate actions to mitigate these risks have been developed.

Table 20: Updated Risks & Mitigation

Key Risks	Description	Action to Mitigate Risk
Inadequate capability to deliver on NCT mandate – as a result of inadequately trained or skilled people	<p>This risk is part caused by not having the <i>‘right people, with the right competencies in the right place at the right time.’</i></p> <p>It is believed that sufficient internal and external Tribunal Members have been appointed to adequately cope with the NCT forecasted caseload (DRA & Non-DRA matters). The precise requirement for DIAs has not as yet been determined. This remains a significant risk with regard to DIAs as funding has not been secured for new DIA TMs.</p> <p>ICT systems focused on assisting TMs with the appropriate decision support will be piloted in 2020 / 2021.</p>	<ul style="list-style-type: none"> a) An accelerated development programme will be developed for all new Tribunal Members. This will include competency assessments. b) Coaching and mentoring will be provided to all new Tribunal Members. c) Appointment of sufficient, competent administrative support employees (on a contingent and / or permanent basis) for Tribunal Members to ensure accurate and timely case and records management for effective adjudication. d) Adjudication Decision Support functionality to be introduced to increase efficiency
Reduced Funding – as a result of cuts in government funding / deduction of grants by dtic after approval and payment.	<p>The caseload of the NCT has stabilised and is more predictable although likely to increase in future whilst resources, inclusive of funding, remain finite.</p> <p>Should the NCT fail to forecast accurately, use its limited financial resources wisely or seek additional finances timeously through realistic increases in filing fees it will not have the funds to cover the incremental</p>	<ul style="list-style-type: none"> a) The NCT has innovated its overall operational processes and has introduced e-filing to support applications. Incomplete applications are now rejected upon application to ensure that only complete, accurate applications are accepted. Only a very small number of manual applications are, by exception, accepted. b) Going forward, alternate dispute resolution, supported by mediation, will be explored as a way of further reducing the NCT’s caseload and streamlining the NCT’s disputes resolution process in Non-DRA matters.

Key Risks	Description	Action to Mitigate Risk
	<p>costs associated with its increased caseload.</p> <p>Ways of funding the increased resources to adjudicate on DIAs has not as yet been determined. This remains a critical risk for the NCT.</p>	<p>c) The NCT is investigating better ways of more accurately forecasting future caseload, including engagement with Debt Counsellors regarding their 'forward load' of cases.</p> <p>d) The NCT is using its resources wisely and investing heavily in ICT and in digital ways of reducing the costs associated with adjudication. This will be accelerated to address significant cost drivers</p> <p>e) The NCT is collaborating with the NCR in the drafting of regulations and effective adjudication processes to optimise the DIA application and adjudication process.</p>

15.2. Programme 2: Administration

- a) **Purpose:** Provide strategic leadership to the Tribunal to ensure the successful implementation of its legislative mandate through flexible, efficient and sustainable resource solutions and supporting services.
- b) **Description of sub-programmes**
- IV. **The Office of the Executive Chairperson** – provides strategic direction and oversight to the operations of the NCT.
 - V. **The Office of the COO** – provides operational direction and manages the operations of the NCT.
 - VI. **Financial Management** – provides support to the NCT with respect to forecasting, budgeting, financial resource allocation, oversight and management.

- VII. **Corporate Services (CS): Human Resources and Facilities (HR)** – The HR Unit provides support to the NCT to ensure that the right people are available at the right time with the right competencies to ensure that the NCT is able to execute on its mandate, whilst simultaneously ensuring the safety, development and wellness of its employees.
- VIII. **Corporate Services: Communications** – The Communications Unit facilitates greater awareness of the NCT's role, mandate and adjudicative outcomes and ensures that there are regular, structured opportunities for engagement with key stakeholders. This ensures that all internal and external stakeholders are well informed about the mandate and functioning of the NCT, inclusive of the adjudicative decisions that have been made. This allows for the regulatory activities of other stakeholders to be effectively aligned to those of the NCT. A change in approach has encouraged a broader focus on Communications where all senior managers, not just the Executive Chairperson, are encouraged to contribute to the communications process.
- IX. **ICT** – provides support to the NCT to ensure that the appropriate technology architecture, electronic communications channels and other associated information resources and services are available to ensure that the NCT is able to operate efficiently and in a secure manner.

15.2.1. Outcomes, outputs, performance indicators and targets

The following **table** sets out the outcomes, outputs, performance indicators and targets for this programme:

Table 21: Indicator Table Programme 2 - Administration

Outcome	Outputs	Output Indicators	Annual Targets							
			Audited Performance			Estimated performance	MTEF Period			
			2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	
Reliable, secure asset utilisation	Talented people available to execute on NCT strategy & mandate across the NCT organisation structure	% of filled positions in approved organisation structure	89%	92.65%	92.65%	85%	85%	85%	85%	
	Youth with employable skills & knowledge	Number of interns employed through structured opportunities created for youth development	8	7	7	6	8	8	8	
	Stable ICT enterprise architecture	% systems availability during business hours	99.1%	98%	98%	98%	98%	98%	98%	
	Safe & secure ICT enterprise architecture	% of identified CMS mission critical ICT systems and user guide components & functions fully documented	-	-	100%	100%	100%	100%	100%	
		Number of designated security assessment interventions implemented	-	-	2 external penetration tests completed & results reviewed	2 external penetration tests completed & results reviewed	2 external penetration tests completed & results reviewed	2 external penetration tests completed & results reviewed	2 external penetration tests completed & results reviewed	

Outcome	Outputs	Output Indicators	Annual Targets						
			Audited Performance			Estimated performance	MTEF Period		
			2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24
	Optimal use of financial resources	Amount outstanding on debtors (excluding pre-payments) older than 60 days	N/A	N/A	N/A	N/A	RNil	RNil	RNil

15.2.2. Output indicators: annual and quarterly targets

The following **table** sets out the Output indicators, annual and quarterly targets for this programme:

Table 22: Output Indicator Table Programme 2: Administration – Annual & Quarterly Targets

Output Indicator	Annual Target	Q1	Q2	Q3	Q4
% of filled positions in approved organisation structure	85%	85%	85%	85%	85%
Number of interns employed through structured opportunities created for youth development	8	-	-	-	8
% systems availability during business hours	98%	98%	98%	98%	98%
% of identified CMS mission critical ICT systems and user guide components & functions fully documented	100%	0	100%	0	100%
Number of designated security assessment interventions implemented	2 (1 internal and 1 external) penetration tests completed & results reviewed	0%	0%	100%	0%
Amount outstanding on debtors (excluding pre-payments) older than 60 days	RNil	RNil	RNil	RNil	RNil

15.2.3. Explanation of planned performance over the medium-term period

The NCT has invested in its assets – people, systems, technology, applications etc over a period of time. For those assets to perform reliably, be secure and well used in ways that ensure a real return on the investment made, they need to be further developed, refined, tested and optimised. The NCT's outputs in this programme are aimed at proactively recruiting and developing people so that they are able to be deployed timeously as required by the NCT. They are also focused on ensuring that ICT systems are secure and available to be used daily. All these focused efforts are aimed at business continuity and optimising organisational performance over time.

The strategy for ICT is to be found on Page 82, the Corporate Services strategy is to be found on Page 85 and the strategy for Human Resources is to be found on Page 88. All these strategies include plans of action to address the outputs in this programme.

15.2.4. Programme resource considerations

The NCT has invested in its Case Management System over a number of years and is confident in both its current stability and security. Investments however will need to happen over the course of this APP to ensure that this stability and security is maintained over time as technology innovates further and 'black hat' hackers become more proficient. Investing in people's skills development is currently constrained with a highly limited budget availability. The NCT could also appoint many more interns should it have the necessary budget or financial wherewithal.

15.2.5. Updated Key Risks and Mitigation from the SP

The following key risks that may affect realisation of the strategic goals contained in this programme have been identified and the appropriate actions to mitigate these risks have been identified.

Table 23: Updated Risks & Mitigation

Key Risks	Description	Action to Mitigate Risk
Inadequate capacity and capability to deliver on NCT mandate – as a result of inadequate number of people / ICT systems	<p>This risk is part caused by not having the <i>‘right people, with the right competencies in the right place at the right time.’</i></p> <p>It is believed that sufficient internal and external Tribunal Members have been appointed to adequately cope with the NCT forecasted caseload (DRA & Non-DRA matters). The precise requirement for DIAs has not as yet been determined. This remains a significant risk with regard to DIAs as funding has not been secured for new DIA TMs.</p> <p>ICT systems focused on assisting TMs with the appropriate decision support will be piloted in 2021 / 2022.</p>	<p>a) An accelerated development programme supported by e-learning will be developed for all new Tribunal Members. This will include competency assessments.</p> <p>b) Coaching and mentoring will be provided to all new Tribunal Members.</p> <p>c) Appointment of sufficient, competent administrative support employees (on a contingent and / or permanent basis) for Tribunal Members to ensure accurate and timely case and records management for effective adjudication.</p> <p>d) Adjudication Decision Support functionality to be introduced to increase efficiency</p>
Lack of systems continuity in the event of a corruption of files and / or the exit of current internal developers	Current ICT systems and applications are not documented. This means that should files be corrupted, or current developers leave the employ of the NCT, it will be difficult to update, change or replace parts of the system. It also makes it difficult to train up users on the system	a) System should be fully documented, starting with the Mission-Critical functionality
Inadequate user adoption – as a consequence of a lack of programmatic, change	A risk exists that without an effective programmatic approach, supported by the appropriate change enablement tools, projects will be poorly planned and executed resulting in a failure to implement within desired time periods or budgetary constraints.	a) A programmatic approach to project management has been introduced.

Key Risks	Description	Action to Mitigate Risk
enabled approach to the implementation of projects.		<p>b) This is supported by the necessary project management training.</p> <p>c) This is supported by the introduction of appropriate change management and enablement tools and approaches.</p>

15.3. Programme 3: Digital Enablement

- a) **Purpose:** To step change efficiency and effectiveness through the digital enablement and transformation of the NCT's case management, adjudication and communication functions.
- b) **Description of sub-programmes**
 - I. **Digital enablement** – provides for the development, configuration and deployment of digitally enabled systems and applications to support the work of the NCT.
 - II. **Employee development** – provides for the up-skilling and re-skilling of the NCT's people so that they are able to make use of the innovated digital systems and applications developed by the NCT.
- c) **Outcomes, outputs, performance indicators and targets – Programme 3 – Digital Enablement**

The following **table** sets out the outcomes, outputs, performance indicators and targets for this programme:

Table 24: Indicator Table Programme 3 – Digital Enablement

Outcome	Outputs	Output Indicators	Annual Targets						
			Audited Performance			Estimated performance	MTEF Period		
			2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24
An intelligent, digitally transformed & enabled NCT	An enabling ICT Enterprise Architecture that supports and delivers on the NCT's future requirements	Identified mission-critical ICT components & applications successfully implemented	CMS Implemented	Digital strategy developed	Website applications portal developed & implemented – allowing access to CMS by filing parties	CMS configured for mobile applications	DRI system configured & implemented timeously to meet debt intervention caseload subject to promulgation of the NCA Regulations	Intelligent TM Decision Support System implemented for Non-DRAs	CMS & DSS systems enabled 'end to end' by cognitive automation
	NCT people with the relevant skills and competencies to enable them to work in a digitally transformed workplace	Right people with the right digital technology skills in place to work successfully in the workplace of the future (inside or outside NCT) % of identified re-skilling & up-skilling interventions successfully completed	90%	90%	90%	90%	90%	90%	90%

15.3.1. Output indicators: Annual and Quarterly targets

The following **table** sets out the Output indicators, annual and quarterly targets for this programme:

Table 25: Output Indicator Table Programme 3: Digital Enablement – Annual & Quarterly Targets

Output Indicator	Annual Target	Q1	Q2	Q3	Q4
Identified mission-critical ICT components & applications successfully implemented	Identified system components & applications implemented	Identified CMS system components & applications implemented and documented in accordance with approved business plan and scorecard	Identified CMS system components & applications implemented and documented in accordance with approved business plan and scorecard	Identified CMS system components & applications implemented and documented in accordance with approved business plan and scorecard	Identified CMS system components & applications implemented and documented in accordance with approved business plan and scorecard
% of identified re-skilling & up-skilling interventions successfully completed	90%	90%	90%	90%	90%

15.3.2. Explanation of planned performance over the medium-term period

The full details of planned performance in this area are to be found in the approved NCT's Digital Strategy document 2018-19 to 2022-23.

15.3.3. Programme resource considerations

The two major constraints in this programme are budget availability and the availability of skilled, competent and willing people to both implement digital enablement and to adopt the necessary technology once available. The NCT continues to do what it can, within its limited resources, to accelerate and sustain its focus on this important programme.

15.3.4. Updated Key Risks and Mitigation from the SP

The following key risks that may affect realisation of the strategic goals contained in this programme have been identified and the appropriate actions to mitigate these risks have been developed.

Table 26: Updated Risks & Mitigation

Key Risks	Description	Action to Mitigate Risk
Lack of Adequate Funding – as a result of cuts in government funding and / or sudden deductions of grants by the dtic to the NCT after approval and payment has been made.	<p>Funding for ICT / digital enablement is mission critical to ensure that the NCT can achieve its' targeted increases in efficiency and effectiveness and the deliver successfully on the projected increase in its caseload.</p> <p>Ways of funding the development of technology-enabled systems to adjudicate on non-DRA's and DIAs has not as yet been determined. This remains a critical risk for the NCT. Non-DRA's in particular are expensive and at risk when funding is cut.</p>	<p>f) The NCT has submitted applications for funding that include a comprehensive business case that details the benefits to be realised by digital enablement and transformation. It has also sought to build its own system in a measured, phased-in way to ensure that expenditure is optimised in line with realised benefits.</p> <p>g) The NCT is collaborating with other dtic regulators in order to maximise synergies, share costs and ensure the seamless, secure transfer of data across systems, minimising the need for re-capture.</p>
User adoption of new digitally enabled systems	<p>As technology-enabled systems are developed and adopted, users need to be both able and willing to make use of them otherwise the ICT investment will not be optimised.</p>	<p>h) Change enablement / management needs to be utilised to ensure that users are able to transition successfully from current to new, innovated systems. This includes understanding the underlying reasons for resistance to change as well as ensuring that employees have the requisite skills and competencies to utilise new technology.</p>

Key Risks	Description	Action to Mitigate Risk
Redundancies as a result of employees displaced by new technology and / or technologically enabled systems	If employee upskilling and re-skilling is left until the last moment prior to implementation of new technology, there is potential for employees to be made redundant as their jobs have been replaced by technology or because they do not have the requisite skills to adopt the new technology.	i) Important to have a clear organisation design for the new, innovated technology-enabled systems and processes. This may then be utilised to re-skill and upskill employees timeously to minimise the potential negative consequences of such enablement.

16. Joint Indicators

The following Joint Indicators set out areas of focus that **the National Consumer Tribunal** will report to on a quarterly basis to the Executive Authority. The areas of focus represent key priorities of government that are set out in more detail in the Annual Performance Plan for 2021/22 for the dtic.

The National Consumer Tribunal will contribute to achievement of the Joint indicators and the output required is a report to the Executive Authority that sets out the actions taken by **The National Consumer Tribunal** highlighting the contributions to achievement of the dtic outcomes.

JOINT INDICATOR 1

Outcome:	Increased industrialisation and localisation opportunities implemented	Performance period	2021/2022
Output /s:	Report documenting the integrated support to drive industrialisation through master plans in national priority sectors; increased and diversified localisation through government and private sector procurement; and promotion of beneficiation		
Indicator title:	Report on integrated support across DTIC to drive industrialisation that supports economic recovery, covering industry Master Plans, localisation initiatives across the economy, COVID-Industrial Interventions and beneficiation		
Indicator definition	Integrated support across DTIC to drive industrialisation that supports economic recovery, covering industry Master Plans, localisation initiatives across the economy, COVID-Industrial Interventions and beneficiation.		
Annual dtic Target/s	Contribution by the National Consumer Tribunal	Resourcing (MTEF Budget Allocation)	
Integrated support to drive industrialisation that supports economic recovery, covering industry Master Plans, localisation initiatives across the economy, COVID-Industrial Interventions and beneficiation	Four quarterly reports on how the work of the Tribunal impacts on Industrialisation that supports economic recovery covering Master Plans, localisation initiatives across the economy, COVID-Industrial Interventions and beneficiation.	This indicator will be resourced within current entity resources	

JOINT INDICATOR 2

Outcome:	Increased export-readiness by South African firms, measured by knowledge of market opportunities and firm-level actions to utilise these opportunities	Performance period	2021/2022
Output /s:	A clear plan that indicates the potential opportunities to grow exports in terms of the AfCFTA, with responsibilities assigned to facilitate implementation		
Indicator title:	Completed AfCFTA Export Plan to grow value-added exports to the rest of Africa, setting out the opportunities by product, sector and country.		
Indicator definition	AfCFTA export plan to grow value-added exports to the rest of Africa setting out the opportunities by product, sector and country		
Annual dtic Target/s	Contribution by the National Consumer Tribunal	Resourcing (MTEF Budget Allocation)	
Completed AfCFTA export plan to grow value-added exports to the rest of Africa setting out the opportunities by product, sector and country completed	Four quarterly reports on impact of work on exports, including efforts to support capacity-building on consumer issues to other African governments.	This indicator will be resourced within current entity resources	

JOINT INDICATOR 3

Outcome:	Strategic investment by enterprises (private and public) to support growth of South African economy	Performance period	2021/2022
Output /s:	Investment projects facilitated and investment directed towards key sectors of the economy		
Indicator title:	Report on Investment facilitation and growth: steps taken to support new investment in key sectors		
Indicator definition	Investment facilitation and growth through steps taken to support new investment in key sectors		
Annual dtic Target/s	Contribution by the National Consumer Tribunal	Resourcing (MTEF Budget Allocation)	
Report on investment facilitation and growth: steps taken to support new levels of investment in key sectors developed	Four quarterly reports on how the work of the Tribunal impacts on investment in South Africa.	This indicator will be resourced within current entity resources	

JOINT INDICATOR 4

Outcome:	Contribute to intergovernmental action in implementation of the District Development Model towards district economic development	Performance period	2021/2022
Output /s:	District integrated report with district development economic maps		
Indicator title:	Report on District Development Model and Spatial equity including incorporating all work within the District Model		
Indicator definition	District Development Model and Spatial equity including incorporating all work within the District Model District Development Model and Spatial equity including incorporating all work within the District Model		
Annual dtic Target/s	Contribution by National Consumer Tribunal	Resourcing (MTEF Budget Allocation)	
District Development Model and Spatial equity including incorporating all work within the District Model	Four quarterly reports by the National Consumer Tribunal which set out how their work has contributed to the economic development in each of the Districts and Metropolitan Areas of South Africa. Although this would be in a limited form by the NCT, we shall continue to support the Districts and Metropolitan Areas by seeking to use their offices to promote our awareness campaigns to enable consumers to have access to the services of the NCT.	This indicator will be resourced within the current entity resources	

JOINT INDICATOR 5

Outcome:	Promoting a growing and inclusive economy	Performance period	2021/2022
Output /s:	Report on actions to promote transformation through structural changes in the economy to enable greater inclusion and growth; and empowerment of designated groups, using the range of public tools such as procurement, incentives, technical support and enabling opportunities		
Indicator title:	Report on actions to promote transformation through structural changes in the economy to enable greater inclusion and growth; and empowerment of designated groups, using the range of public tools such as procurement, incentives, technical support and enabling opportunities		
Indicator definition	Actions to promote transformation through structural changes in the economy to enable greater inclusion and growth; and empowerment of designated groups, using the range of public tools such as procurement, incentives, technical support and enabling opportunities		
Annual dtic Target/s	Contribution by the National Consumer Tribunal	Resourcing (MTEF Budget Allocation)	
Actions to promote transformation through both structural changes in the economy to enable greater inclusion and growth; and empowerment of designated groups, using the range of public tools such as procurement, incentives, technical support and enabling opportunities	Four quarterly reports on how the work of the Tribunal contributed to transformation. As a measure we will be including in our SLAs the disability dimension to contribute towards the equitable outcomes of people with disabilities.	This indicator will be resourced within the current entity resources	

JOINT INDICATOR 6

Outcome:	Growing the Green Economy and greening the economy	Performance period	2021/2022
Output /s:	Report on growing the Green Economy and greening the economy		
Indicator title:	Report on growing the Green Economy and greening the economy through actions to support project facilitation, policy development, investment promotion, new product development or industrial processes		
Indicator definition	Actions to green the economy		
Annual dtic Target/s	Contribution by the National Consumer Tribunal	Resourcing (MTEF Budget Allocation)	
Actions to grow the Green Economy and greening the economy, through measures such as support for project facilitation, policy development investment promotion, new product development or industrial processes	Four quarterly reports on how the work of the Tribunal contributes to the green economy or greening the economy.	This indicator will be resourced within current entity resources	

JOINT INDICATOR 7A

Outcome:	Functional, efficient and integrated services within the DTIC to improve economic development and ease of doing business	Performance period	2021/2022
Output /s:	Actions to promote functional, efficient and integrated government and measures to reduce red tape across DTIC and entities		
Indicator title:	Report on strengthening and building capabilities and agility in the DTIC and its entities, to improve efficiencies in programmes and entities, to contribute to economic development and ease of doing business		
Indicator definition	Strengthening and building capabilities and agility in the DTIC and its entities, to improve efficiencies in programmes and entities, to contribute to economic development and ease of doing business.		
Annual dtic Target/s	Contribution by the National Consumer Tribunal	Resourcing (MTEF Budget Allocation)	
Review of unnecessary red tape and compliance reporting requirements in DTIC entities and programmes; monitoring implementation times of DTIC services	Four quarterly reports on measures enacted by the National Consumer Tribunal to improve the ease of clients using its services, including forms and procedures reviewed for simplicity and necessity.	This indicator will be resourced within the current entity resources	

17. NCT's Strategic Alignment with the Priorities of Government

The following table sets out the alignment of the NCT's strategic intent and outcomes with the strategic priorities set out in the Medium-Term Strategic Framework (MTSF).

Table 27: NCT alignment to the priorities of Government / MTSF

Alignment to Government's Seven Strategic MTSF Priorities		
NCT Outcome	MTSF Outcome	NCT alignment to the 7 MTSF priorities is achieved through:
<p>Reliable, secure & sustainable asset utilisation</p> <p>An intelligent, digitally transformed and enabled NCT</p> <p>A readily accessible NCT – shares information & co-operates with stakeholders.</p>	<p>Priority 1: A capable, ethical & developmental state.</p>	<ul style="list-style-type: none"> In today's world, a capable state has to embrace the transformational power of technology and embark upon programmes of digital enablement. In recognition of this reality, the NCT has set up Goal 3 – 'To digitally enable and transform the NCT'. The NCT has previously demonstrated its capability in adjudication utilising traditional tools and forums such as face-to-face adjudication. Over the period of the Strategy and APP, the NCT will focus on enhanced digital enablement to bring down the cost of adjudication, increase its reach and improve its turn-around times. In so doing, the NCT will strive to be a pillar of excellence within the future SA public sector. In so doing, the NCT will also embark upon initiatives to equip its people for this digital transformation journey ensuring that it lives out the principles of effective development and ethical change. In a capable state, public sector entities at different levels of government or within a particular regulatory system, co-operate and share information to ensure that resource usage is optimised and to ensure that information is shared and appropriately used.

Alignment to Government's Seven Strategic MTSF Priorities

		<ul style="list-style-type: none"> NCT is currently working with other consumer and credit regulatory partners to build a common enterprise architecture to ensure that information is seamlessly shared across organisations. The NCT has adopted a set of values and guiding principles against which it holds itself to account. Integrity and ethical behaviour are important constructs within this framework. The NCT encourages the establishment of a developmental state through participation in the public sector Collective Bargaining Forum as well as in the utilisation of change management programmes to assist employees in times of transition. It also holds direct forms of engagement with employees to ensure that their voices are heard and has established an Employee Representative Forum to give effect to appropriate consultations.
Confidence in the NCT, inspired by high quality adjudication & case management.	Priority 2: Economic Transformation & Job Creation	<ul style="list-style-type: none"> A predictable, efficient consumer regulatory environment is a prerequisite essential for the development and growth of the economy, businesses and consumer marketplaces. The NCT's 'Goal 1 – To effectively, efficiently and intelligently manage and adjudicate on matter brought to the NCT' focuses directly on this priority and Outcome 'High quality adjudicative decisions that are substantively and procedurally correct and create consistent jurisprudence in consumer, credit and intervention matters' are essential to condition such an environment. Certainty and predictability are also an important prerequisite for both domestic and foreign investment. Giving effect to Consumer and Credit regulation in an efficient and expeditious manner serves to positively shape investor perceptions and expectations. Consumers have, in the past, not enjoyed sufficient protection from exploitation and abuse at the hands of unscrupulous businesses. By giving effect to new, innovated consumer legislation, the NCT seeks to advance and give substantive meaning to the notion of economic transformation.

Alignment to Government's Seven Strategic MTSF Priorities

<p>Reliable, secure & sustainable asset utilisation</p> <p>An intelligent, digitally transformed and enabled NCT</p>		<ul style="list-style-type: none"> ▪ NCT's procurement from local service providers and prioritisation of Black Economic Empowerment (BEE) suppliers for general services also contributes to economic transformation. This area of alignment is to be found in NCT's Strategic Goal 4 – 'To ensure effective and efficient Organisational Management'. • The lifeblood of transformation is information. The NCT provides input into the Socio-Economic Impact Assessment Systems Committee in order to contribute to a better understanding of regulatory impact. The NCT has also commissioned research to contribute to this study. • Job creation can only be facilitated through the provision of opportunities for learning / development as well as through the encouragement of talent mobility where employees are not only trained to do their required work but also to be able to work in the digitally enabled workplaces of the future. The NCT's outcomes focus on this imperative. • Future economic transformation is highly dependent on pro-actively building the required digital / ICT enabled Enterprise Architectures. The NCT is focused on developing a future-focused intelligent digitally enabled Enterprise Architecture.
<p>Reliable, secure & sustainable asset utilisation</p>	<p>Priority 3: Education, Skills & Health</p>	<ul style="list-style-type: none"> - Employment opportunities for women, people with disabilities and historically disadvantaged individuals are created through the NCT's intern programme and contingent resources pool. This enjoys a specific focus in Goal 4 – 'To ensure effective and efficient organisational management' and in the Outcome – 'Talented people available to execute on NCT strategy & mandate across NCT organisational structure'. - The NCT has a clear focus on the development of both permanent and contingent employee skills. This serves not only to ensure that the NCT has the skills that it requires to operate but also to 'feed' the external employment marketplace with high quality people with skills relevant to the new world of work. Employees are encouraged to develop skills that provide them with

Alignment to Government's Seven Strategic MTSF Priorities

<p>A readily accessible NCT – shares information & co-operates with stakeholders.</p> <p>Reliable, secure & sustainable asset utilisation</p>		<p>opportunities for external employment mobility. Over the period of this Strategy, considerable attention will be provided to providing employees with the digital and other skills to enable them to take advantage of the 4th IR and to mitigate the effect of the 4th IR on their own jobs within the NCT.</p> <ul style="list-style-type: none"> - The NCT also focuses on external communication to build a wider industry knowledge of the consumer and credit regulatory environment. Clear communication with stakeholders provides education and skills development to ensure that they are aware of amended rules and innovative processes, designed to facilitate the ease of filing. - Debt management training and retirement fund preparation training are to be compulsory courses for all newly appointed NCT employees. - Training in employee wellness and OHS awareness in the workplace are provided for NCT employees. - Opportunities for children to visit the NCT workplace to better understand the nature of employment and sector employment opportunities are created through the 'Bring a Child to Work' programme. - Equity targets are set at minimum target of 45% female. The employment of women and people with disabilities is therefore clearly encouraged by the leadership of the NCT.
<p>Confidence in the NCT, inspired by high quality adjudication & case management.</p>	<p>Priority 4: Consolidating the social wage through reliable and quality basic services.</p>	<ul style="list-style-type: none"> - Reliable, quality service in filing and adjudication are essential part of delivering services to citizens. The speed and quality with which service is delivered to filing parties is measured in NCT's Goal 1 - To effectively, efficiently and intelligently manage and adjudicate on matter brought to the NCT' and is in line with the Outcome 'Responsive, timeous service to stakeholders in line with mandate'. - Access to services is also an important element in service delivery.

Alignment to Government's Seven Strategic MTSF Priorities		
<p>A readily accessible NCT – shares information & co-operates with stakeholders.</p> <p>Reliable, secure & sustainable asset utilisation</p>		<ul style="list-style-type: none"> - Service to citizens through digital channels is an increasingly important part of the challenge of service delivery in the modern world. If such service is unreliable as a result of systems downtime or if citizens confidential information is readily accessible to hackers, service delivery is compromised. The NCT focuses on building, securing and ensuring the reliability of its ICT architecture.
<p>A readily accessible NCT – shares information & co-operates with stakeholders.</p>	<p>Priority 5: Spatial integration, human settlements & local government</p>	<ul style="list-style-type: none"> • Spatial fragmentation and integration occur both in a geographic form as well as in whether or not citizens enjoy inclusion or exclusion to an institution's services. The NCT's Access Strategy, as contained within Goal 2, aims to increase inclusivity to the consumer regulatory system across spatial divides. • The NCT's outreach programmes incorporated within the Access Strategy aim to bridge both the geographical and digital divide that exists within our society. • The NCT also works to support Provincial consumer and credit adjudication bodies to ensure that they have an understanding of the NCT's role, mandate, adjudicative processes and outcomes
<p>Confidence in the NCT, inspired by high quality adjudication & case management.</p> <p>A readily accessible NCT – shares information & co-operates with stakeholders.</p>	<p>Priority 6: Social cohesion & safe communities.</p>	<ul style="list-style-type: none"> • A safe community may also be seen as one in which citizens are protected from both social and financial harm. The extension of consumer, credit and insolvency protection to vulnerable citizens goes a long way to building social cohesion across class and financial divides and to ensuring that citizens are protected from abuse or unscrupulous commercial activity. • Social cohesion cannot be achieved if citizens are marginalised or excluded. The NCT's focus on access seeks to enhance the social cohesion and inclusion of previously disadvantaged communities.

Alignment to Government's Seven Strategic MTSF Priorities		
Reliable, secure & sustainable asset utilisation.		<ul style="list-style-type: none"> Safety also includes being safe from identity or personal information theft or disclosure. The NCT focuses on ensuring that its systems are safe from being breached by hackers and conducts ongoing penetration testing to ensure that this does not occur.
A readily accessible NCT – shares information & co-operates with stakeholders.	Priority 7: A better Africa & world.	<ul style="list-style-type: none"> Whilst the NCT's activities are directly focused on South Africa, it recognises the need to contribute to the success of the African Free Trade Agreement and has engaged with regulators in other African countries to both contribute expertise / lessons learnt as well as to contribute to a harmonised consumer / credit legislation / regulatory environment. Resource constraints restrict the NCT from formally translating this into a clear Outcome within the Strategy.

Part D: Technical Indicator Descriptions (TID)

Goal 1: To effectively, efficiently and intelligently manage and adjudicate on matters brought to the NCT.

Outcome 1: Confidence in the NCT, inspired by high quality adjudication & case management.

Indicator Title 1	Average number of days from date of filing of DRA to date of issuing order to filing parties.
Definition	Indicator measures the average number of days turnaround from the date of filing of a DRA to the communication of the outcome thereof to the parties.
Source of Data	The case spreadsheet and the case files. Each DRA case file reflects a date stamp indicating receipt of the application and issuing of the order. These dates will also be reflected in the Case Management System. The system will automatically calculate the number of business days from date of filing to date of issuing of the decision to parties. A system's report will be generated setting out the number of days.
Method of Calculation	<p><u>Calculation of Baseline:</u> The baseline is calculated based on the estimated turnaround for each application received from 1 April 2020 up to and including 31 December 2020, utilising the calculation method below.</p> <p><u>Calculation of Performance Score:</u> The turnaround for each application received is calculated from the date of filing to the date of issuing of order to the filing parties.</p> <p>An average number of days are calculated for all DRA cases finalised during a quarter. The calculation is arrived at by taking the total number of days from the date of filing of a DRA application until the outcome or order is issued to the parties divided by the total number of DRA applications orders were issued for. This average number of days is reported in the quarterly report and reported as an annual figure at the end of the financial year. The calculation is based on business days – it excludes weekends, public holidays and the period during which the Tribunal is officially closed.</p>
Means of Verification	Report generated by Case Management System
Assumptions	On date of filing, all the required information in terms of the Rules of the Tribunal has been provided.
Calculation Type	Cumulative (yearend)
Reporting cycle	Quarterly – consolidated annually
Disaggregation of beneficiaries	Not Applicable

(where applicable)	
Spatial transformation (where applicable)	Not Applicable
Desired performance	Performance below target of 70 days is targeted.
Indicator responsibility	Registrar.

Indicator Title 2	Average number of days from date of close of pleadings of non-DRA's to date of issuing notice of set down to filing parties.
Definition	Indicator measures the average number of days turnaround from close of pleadings to the issuance of a notice of set down of a non-DRA to the parties.
Source of Data	<p>The case spreadsheet and the case files. Case File contains a Confirmation of the date of close of pleadings, which is signed off on by the Registrar. This information is collated on a case spreadsheet which electronically calculates the number of business days from date of close of pleadings to the date of issuing of the initial notice of set down to parties.</p> <p>Pleadings in non-DRA cases are regarded as closed upon lapsing of a period of 15 business days from the date on which an application (a filing which meets all filing requirements in terms of the Rules) is received from an Applicant. In the event that an answering affidavit is received on a non-DRA case file within the 15 business day period, the pleadings are regarded as closed upon lapsing of a period of 10 business days from the date on which such answering affidavit has been filed. In the event that a subsequent replying affidavit is received on a non-DRA case file within the stipulated 10 business day period, the pleadings are regarded as closed on the day of receipt of such replying affidavit.</p> <p>The pleadings of a non-DRA case, subsequent to a condoned late filing of an answering affidavit, are regarded as closed upon lapsing of a period of 10 business days from the date on which such condonation was granted.</p> <p>The pleadings of a non-DRA case, subsequent to a condoned late filing of a replying affidavit, are regarded as closed on the day of the granting of condonation of such late filing.</p> <p>The specific close of pleadings date of a non-DRA case will be reflected on the confirmation of date of close of pleadings on the case file.</p>

Method of Calculation	<p><u>Calculation of Baseline:</u> The baseline is calculated based on the estimated turnaround for each application received from 1 April 2021 up to and including 31 December 2021, utilising the calculation method below.</p> <p><u>Calculation of Performance Score:</u> The turnaround for each application received is calculated from the date of the close of pleadings to the date of issuance of the notice of set down to the parties.</p> <p>An average number of days are calculated for all non-DRA cases where the notice of set down was issued during a quarter. The calculation is arrived at by taking the total number of days from the confirmation of the close of pleadings of an application until the date of the issuing of the notice of set down to the parties, divided by the total number of non-DRA cases set down for hearing. This average number of days is reported in the quarterly report and also reported as an annual figure at the end of the financial year.</p> <p>The calculation is based on business days – it excludes weekends, public holidays and the period during which the Tribunal is officially closed.</p>
Means of Verification	Report generated by Case Management System
Assumptions	The full complement of Tribunal members is available for the Hearing
Calculation Type	Cumulative (yearend)
Reporting cycle	Quarterly – consolidated annually
Disaggregation of beneficiaries (where applicable)	Not applicable
Spatial transformation (where applicable)	Not Applicable
Desired performance	Performance below target of 20 days is targeted.
Indicator responsibility	Registrar.

Indicator Title 3	Average number of days from date of final adjudication of non-DRA to date of issuing judgment to filing parties
Definition	Non-debt re-arrangement matters are defined as an application brought to the Tribunal under the CPA or NCA, excluding the application brought in terms of Section 138 of the NCA. Indicator measures the average number of days taken for a judgment to be issued regarding the outcome of a non-debt re-arrangement matter to the relative parties involved from the last date of adjudication.

Source of Data	Once adjudication has been complete, an e-mail/fax confirmation validates the date that the judgment was issued to the parties. This information is collated on a case spreadsheet which electronically calculates the number of business days from the last date of adjudication to the date of issuing the judgment. This information will be filed and stored on the case files. Judgment refers to a decision and reasons in matters, except for an application for a debt re-arrangement agreement being made an order of the Tribunal.
Method of Calculation	<p><u>Calculation of Baseline:</u></p> <p>The baseline is calculated based on the estimated turnaround for each application received from 1st April up to and including 31 December annually, utilising the calculation method below.</p> <p><u>Calculation of Performance Score:</u></p> <p>Calculate the total number of days from the last date of the adjudication to the date that the judgment was issued to the parties. The calculation is based on business days (5 working days a week) and excludes weekends, public holidays and the period during which the Tribunal closes for business annually.</p>
Means verification	Report generated by Case Management System
Assumptions	The Tribunal members have reached consensus on the appropriate Judgement of the matter at the final hearing
Calculation type	Cumulative (year-end)
Reporting cycle	Quarterly – consolidated annually
Disaggregation of beneficiaries (where applicable)	Not Applicable
Spatial transformation (where applicable)	Not Applicable
Desired performance	Performance below target of 20 days is targeted.
Indicator responsibility	Registrar and Tribunal Members.

Output 2: High quality adjudicative decisions that are substantively and procedurally correct and create consistent jurisprudence in consumer, credit and debt intervention matters.

Indicator Title 4	Number of cases overturned on review in the High Court
Definition	Rulings made by the Tribunal which were brought to the High Court on Appeal
Source of Data	Tribunal Rulings/Judgements lodged of Appeal with the High Court
Method of Calculation	Number of Tribunal Judgements overturned by the High Court
Means verification	Judgements issued by High Court
Assumptions	Tribunal members provided Judgements based on informed decisions
Calculation type	Cumulative (year-end)
Reporting cycle	Annual
Disaggregation of beneficiaries (where applicable)	Not Applicable
Spatial transformation (where applicable)	Not Applicable
Desired performance	Zero cases overturned on review at Supreme Court.
Indicator responsibility	Registrar and Tribunal Members.

Goal 2: To contribute to effective and accessible Consumer regulation and adjudication.

Output 3: Co-operation and information sharing between regulatory system stakeholders.

Indicator Title 5	Number of structured interactions and engagements with external stakeholders, including events, structured meetings & joint forums at which presentations were made.
Definition	The indicator measures the number of structured engagements and interactions with regulatory stakeholders, regarding the consumer and credit regulatory environment, inclusive of events, structured meetings and joint forums. It specifically only measures those at which presentations were made by representatives of the NCT.
Source of Data	Reports of interactions and engagements & copy of presentation - all forms of structured engagement with regulatory stakeholders, regarding the consumer and credit regulatory environment, inclusive of events, interactions structured meetings and joint forums for which presentations have been delivered (copy of the presentation), after which a report is generated.
Method of Calculation	Count the number of structured engagements with regulatory stakeholders, regarding the consumer and credit regulatory environment, inclusive of events, structured meetings and joint forums for which a presentation was delivered and a report generated post engagement.
Means of verification	Engagement Reports, inclusive of presentations
Assumption	All meaningful engagements or interactions with regulatory stakeholders will involve a presentation. Copies of reports will be collated.
Calculation type	Cumulative (year-end)
Reporting cycle	Quarterly – consolidated annually
Disaggregation of beneficiaries (where applicable)	Not Applicable
Spatial transformation (where applicable)	Not Applicable
Desired performance	Performance target of 20 structured engagements per annum is desirable.
Indicator responsibility	All Tribunal Members and Managers.

Goal 4: To ensure effective and efficient Organisational Management.

Output 5: Talented people available to execute on NCT strategy & mandate across NCT organisational structure.

Indicator Title 6	% of filled positions in approved organisation structure.
Short Definition	Indicator measures the percentage of positions filled on the approved organisational structure.
Source of Data	Appointments letters and payroll will indicate whether or not a position is filled or not as well as appointment letters. Payroll files and personnel files will be the sources of evidence.
Method of Calculation	<p>Number of months that a post is filled on the organisational structure divided by the total number of months for all posts on the approved organisational structure as a percentage.</p> <p>The calculation will exclude positions that may be placed on hold due to budgetary or organisation constraints as approved by the Executive Chairperson. Should an incumbent commence on a date other than the first day of a month, the pro-rated portion of the month will be calculated by multiplying the number of work days by 21.67 dividing by 100 to obtain a fraction of a number, being the portion of the month filled.</p>
Means of verification	Internal independent verification of payroll data
Assumptions	Budget / funding is available to fill positions.
Calculation type	Cumulative (year to date)
Reporting cycle	Quarterly – consolidated annually
Disaggregation of beneficiaries (where applicable)	Not Applicable
Spatial transformation (where applicable)	Not Applicable
Desired performance	Performance higher than targeted performance of 85% is desired with positions being filled within 4 months of vacancy date. The ideal would be an annual target of between 90% and 95% but due to the size of the organisation, the movement of 1-2 persons have a huge impact on the percentage positions filled on the organisational structure which renders it not attainable.
Indicator responsibility	Corporate Services Executive.

Output 6: Youth with relevant, employable skills and knowledge.

Indicator Title 7	Number of interns employed through structured opportunities created for youth development.
Definition	The measure shows the extent to which the NCT specifically initiates formal employment and developmental opportunities through the provision of internships, to the benefit of the youth in South Africa.
Source of data	These are interns in the NCT internship programme. Appointment letters of interns that are employed will be the source of evidence.
Method of calculation	Count the number of interns employed in terms of structured internship opportunities created.
Means of verification	Internal independent verification of payroll records & employment contracts of interns
Assumptions	Availability of budget
Calculation type	Cumulative (year to date)
Reporting cycle	Annual
Disaggregation of beneficiaries	Target for Youth
Spatial transformation	Not applicable
Desired performance	8
Indicator responsibility	Corporate Services Executive.

Output 7: Stable ICT Enterprise Architecture.

Indicator Title 8	% systems availability during business hours
Definition	The measure shows the uptime availability for the following critical business applications for the NCT. 1) Case Management System 2) Exchange mail system 3) Sage Pastel System 4) VIP HR system 5) Remote Desktop Services 6) VIP ESS 7) Exclaim 8) Eservice desk incident management system 9) SharePoint.
Source of data	Data will be collected from the business and internal systems reporting to measure systems uptime and availability during business hours.
Method of calculation	<p><u>Calculation of Baseline:</u> The baseline can be calculated as 98%.</p> <p><u>Calculation of Performance Score:</u> In relation to the 2020/21 Financial year, the system should perform better than the baseline, that is in excess of 98%. Systems downtime will be recorded and assessed on all relevant critical business applications by both stakeholder perceptions and in-built systems reports.</p>
Means of verification	Case Management System generated uptime reports
Assumptions	No catastrophic events outside of the NCT's direct control
Calculation type	Cumulative (year to date)
Reporting cycle	Quarterly – consolidated annually
Disaggregation of beneficiaries (where applicable)	Not Applicable
Spatial transformation (where applicable)	Not Applicable
Desired performance	Systems uptime in excess of 98% inside of business hours.
Indicator responsibility	Chief Information Officer.

Output 8: Safe and secure ICT Enterprise Architecture.

Indicator Title 9	% of identified CMS mission-critical ICT systems developed and program code/user documentation completed.
Definition	Indicator measures whether or not identified Mission Critical CMS system and user guide components and functions are documented as required to ensure that they may be restored or re-developed in the event that the overall system is corrupted.
Source of Data	Mission-critical aspects of the system have been identified. For 2020/2021, the systems documentation will need to be updated to reflect the latest versions and changes. Every year, the updating and documentation of systems changes will need to be completed. Systems documentation will reflect latest version changes and indicate a new version number.
Method of Calculation	A list of all CMS system components will be identified for both existing and newly developed subsystems. For each component an indication whether or not there is full supporting program code and user documentation will be determined and reflected as such in each quarterly report. If for a particular quarter no additional functionality has been added then this KPI for that quarter will be reported as 100% documented.
Means of verification	The identified components of CMS mission-critical ICT systems to be developed and documented during the period will be specified in the approved ICT business plan for the period.
Assumption	All employees and vendors will document systems changes as required.
Calculation type	Cumulative (year-end)
Reporting cycle	Annual
Disaggregation of beneficiaries (where applicable)	Not Applicable
Spatial transformation (where applicable)	Not Applicable
Desired performance	100% of changes to system to be documented.
Indicator responsibility	Chief Information Officer.

Indicator Title 10	Number of designated security assessment interventions implemented.
Definition	The measure indicates whether or not the NCT ICT system has been rigorously and robustly tested to identify any potential vulnerabilities that may exist. External penetration tests are carried out on an annual basis to identify potential vulnerabilities in the system.
Source of data	Two external penetration tests will be scheduled, carried out and the results assessed.
Method of calculation	<p><u>Calculation of Baseline:</u> The baseline can be calculated as two tests per year.</p> <p><u>Calculation of Performance Score:</u> Performance will be calculated based on whether or not the external penetration tests occurred and whether or not the results were fully assessed and note taken of any vulnerabilities detected.</p>
Means of verification	External security assessment reports
Assumptions	Penetration testing will be sufficient to highlight potential vulnerabilities. Sufficient budget is available to perform penetration tests
Calculation type	Cumulative (year-end)
Reporting cycle	Annual
Disaggregation of beneficiaries (where applicable)	Not Applicable
Spatial transformation (where applicable)	Not Applicable
Desired performance	Two external penetration tests performed per annum.
Indicator responsibility	Chief Information Officer.

Output 9: Optimal use of financial resources

Indicator Title 11	Amount outstanding on debtors (excluding pre-payments) older than 60 days.
Definition	The measure shows the extent to which the NCT is able to convert the filing fees and other services that are billed into cash in the bank.
Source of data	The filling fees reconciliation and the trade debtors listing.
Method of calculation	Rand amount as per the general ledger and the trial balance.
Means of verification	Quarterly management accounts and audited annual financial statements
Assumptions	Outstanding debtors on 31 st March 2021 carried over into the 2021/22 financial year and resource availability in the Registrar's office
Calculation type	Cumulative (year to date)
Reporting cycle	Annual
Disaggregation of beneficiaries (where applicable)	Not Applicable
Spatial transformation (where applicable)	Not Applicable
Desired performance	RNil on 31 March 2022
Indicator responsibility	Chief Financial Officer

Goal 3: To digitally enable and transform the NCT.

Output 10: An enabling ICT Enterprise Architecture that supports and delivers on the NCT's future requirements.

Indicator Title 12	Identified mission-critical system components & applications successfully implemented – in accordance with milestones defined in NCT Digital Strategy.
Definition	Indicator measures whether or not identified mission-critical ICT systems / components and applications are developed, configured and implemented as required.
Source of Data	A Digital strategy has been developed and approved to ensure that the NCT has the required enabling Enterprise Architecture to deliver on its future

	needs and requirements. This strategy includes annual milestones across the full term of the NCT Strategy, corresponding with key systems components and applications that need to be developed / configured. For 2021/2022, the DRI system will need to be configured to ensure that case management capacity is available for the NCT's adjudication on new Debt Intervention's as required by the NCAA.
Means of verification	Internal independent verification of milestones against strategy milestones
Method of Calculation	Milestones set by the Digital strategy will be evaluated against actual date of completion / 'go live' of systems and applications components.
Data limitations	Milestones for 2020 / 21 will be reliant on the development of appropriate regulations and the collaboration with the NCR to ensure that the DRI system is seamlessly integrated across the two regulators.
Assumptions	Clear business requirements determined for target system to be developed
Calculation type	Cumulative (year-end)
Reporting cycle	Quarterly – consolidated annually
Disaggregation of beneficiaries (where applicable)	Not Applicable
Spatial transformation (where applicable)	Not Applicable
Desired performance	100% of milestones to be implemented.
Indicator responsibility	Corporate Services Executive.

Output 11: Reskill & upskill NCT people impacted by technology change.

Indicator Title 13	Right people with the right digital technology skills in place to work successfully in the workplace of the future (inside or outside NCT) - % of identified re-skilling and up-skilling interventions successfully completed.
Definition	Indicator measures whether or not NCT people have been timeously and adequately upskilled / reskilled to meet the requirements of the NCT's future world of work.

Source of Data	Skills / competencies required should be contained within the Organisation Design / Workforce Plan. Evidence of learning plans to equip employees with new skills should be present. Competency assessments should indicate whether or not employees acquired the skills as planned.
Method of Calculation	Number of skills (upskill & reskill) interventions successfully completed against set annual target.
Means of verification	Internal independent verification of upskilling / re-skilling interventions conducted against OD / Workforce Plan milestones
Assumptions	Budget availability.
Calculation type	Cumulative (year-end)
Reporting cycle	Quarterly – consolidated annually
Disaggregation of beneficiaries (where applicable)	Not Applicable
Spatial transformation (where applicable)	Not Applicable
Desired performance	In excess of 90% of upskilling and reskilling interventions successfully implemented to be implemented.
Indicator responsibility	Corporate Services Executive / HR Manager.

Annexure A: Amendments to the Annual Performance Plan

This APP sets out several important departures from the NCT's traditional ways of operating. Whilst the NCT's strategic intent has not substantially changed in that its adjudicative mandate remains substantially the same, its business, operating model and technology architecture has been extensively re-engineered, building the NCT's capacity to deal with its future caseload. Going forward, these changes are bound to improve access to timely adjudication, allow the NCT to be more responsive to stakeholder needs and to decrease the overall cost of providing adjudication services.



national consumer tribunal

Contact details

Postal Address:

Private Bag X110
Centurion
0046

Physical Address:

Ground Floor, Block B
Lakefield Office Park
272 West Avenue
c/o West and Lenchen North
Centurion

Telephone: 012 683 8140/ 012 742 9900

Email: Registry@thenct.org.za

Fax: 012 663 5693