



national consumer tribunal

**Revised Annual
Performance
Plan
(2022/23-2024/25)**



Published by **the National Consumer Tribunal**

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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

The Annual Performance Plan (APP) identifies the outputs, output indicators and targets that an entity aims to achieve in the new financial year. The Executive Authority is responsible for providing direction on the development and implementation of policies and strategic priorities of entities in line with their respective mandates, and to ensure the APP is aligned to government's priorities.

The environment in which the APPs of the Department of Trade, Industry and Competition (**the dtic**) and our entities have been formulated remains challenging, given the impact of the COVID-19 pandemic, the July 2021 unrest and more recently the Russia/Ukraine war. At the same time, determined efforts by the Administration has seen signs of economic recovery and greater investor confidence in economic prospects. In this light, Government's priority focus continues to be the recovery of growth, investment and employment, guided by the Economic Recovery and Reconstruction Plan adopted in 2020, and the tasks outlined by President Ramaphosa in the 2022 State of the Nation Address.

This APP is expected to take forward the strategic shift initiated in 2021/2022 toward strengthened implementation and impact of **dtic's** work, through greater integration of efforts within the department and our entities, guided by shared, crosscutting outcomes and joint performance indicators. In this regard, the work of **the dtic** and the entities will be evaluated in relation to three over-arching Outcomes (which incorporate the previous "Joint-KPIs") namely **Industrialisation; Transformation;** and **Capable State** (Implementation/ Effective Delivery). In this way these Outcomes more deliberately and directly inform respective outputs and KPIs of the department and entities.

In turn, the scope of the outputs collectively still encompass the identified **dtic's** priorities, which include 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 particular addressing red tape as prioritised by the President in the 2022 State of the Nation Address.

Every entity in the **dtic** has been requested to align their APPs to the three outputs, it being recognised that a particular entity's core business links more clearly and strongly to one or the other of the overarching Outcomes, than to others.



This APP represents the outcome of the work done by the National Consumer Tribunal. Following the tabling of the APP by the **dtic** itself, each entity of the Department will be expected to consider such additional refinement and additions to be made and following completion of the review, such an addendum to this APP may be submitted in due course after the tabling.

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 accordingly table the APP for 2022/23 in accordance with the request by the Speaker.

I wish to thank the management for the work done and wish them well in executing the APP and aligning their work to government's overall programmes and priorities.

EBRAHIM PATEL
MINISTER OF TRADE, INDUSTRY AND COMPETITION

Date:

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 2022/23 to 2024/25. 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 6% over the 2021 / 2022 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. 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”). We have also been able to conduct non-DRA matters remotely with great success. 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.

As we look to the ‘ray of light’ on our horizon, described by our President in the previous financial year, 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. We have been able to procure some of the ICT infrastructure through a transparent procurement process jointly with the NCR. As soon as the Regulations in respect of the NCAA are promulgated, we shall be able to move forward in the implementation of the provisions of such Regulations in the foreseeable future.

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 divided, 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 ninth consecutive year and have met most 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.

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 Branch (CCRB) 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 the various Acting Directors General (DG) of **the dtic** as well as the rest of the dtic leadership, to whom we are greatly indebted.

A handwritten signature in black ink, appearing to read "Prof. Joseph M. Maseko".

Prof. Joseph M. Maseko
Executive Chairperson and Accounting Authority
2 March 2022

Official Sign Off

It is certified that this Revised Annual Performance Plan for 2022/23 to 2024/25:

- 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 2022/23 – 2024/25.



Mr Prenesen Moodley
Acting Programme Manager 1

Date: 2nd March 2022



Dr Vuyiwe Tsako
Programme Manager 2

Date: 2nd March 2022



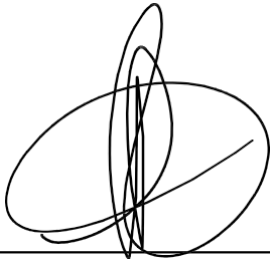
Mr Bax Nomvete
Programme Manager 3

Date: 2nd March 2022



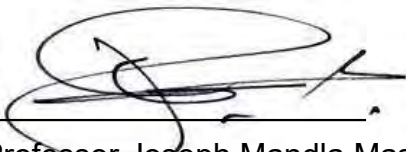
Ms Neema Govan
Acting Chief Financial Officer

Date: 2nd March 2022



Mr Lehlohonolo Lucky Rabotapi
Acting Chief Operating Officer
Head Official Responsible for Planning

Date: 2nd March 2022



Professor Joseph Mandla Maseko
Executive Chairperson and Accounting Authority

Date: 2nd March 2022

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ANNEXURE A: AMENDMENTS TO THE ANNUAL PERFORMANCE PLAN

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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
CCRB	Consumer and Corporate Regulation Branch
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
MS Teams	Micro Soft Teams
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)
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

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	<p>Access to Information</p> <ol style="list-style-type: none"> 1. Everyone has the right of access to <ol style="list-style-type: none"> 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	<p>Just administrative action</p> <ol style="list-style-type: none"> 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 <ol style="list-style-type: none"> 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	<p>Access to Courts</p> <p>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.</p>

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	<p>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.</p>
Consumer Protection Act 68 of 2008	<p>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.</p>
National Credit Amendment Act 7 of 2019	<p>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</p>

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:

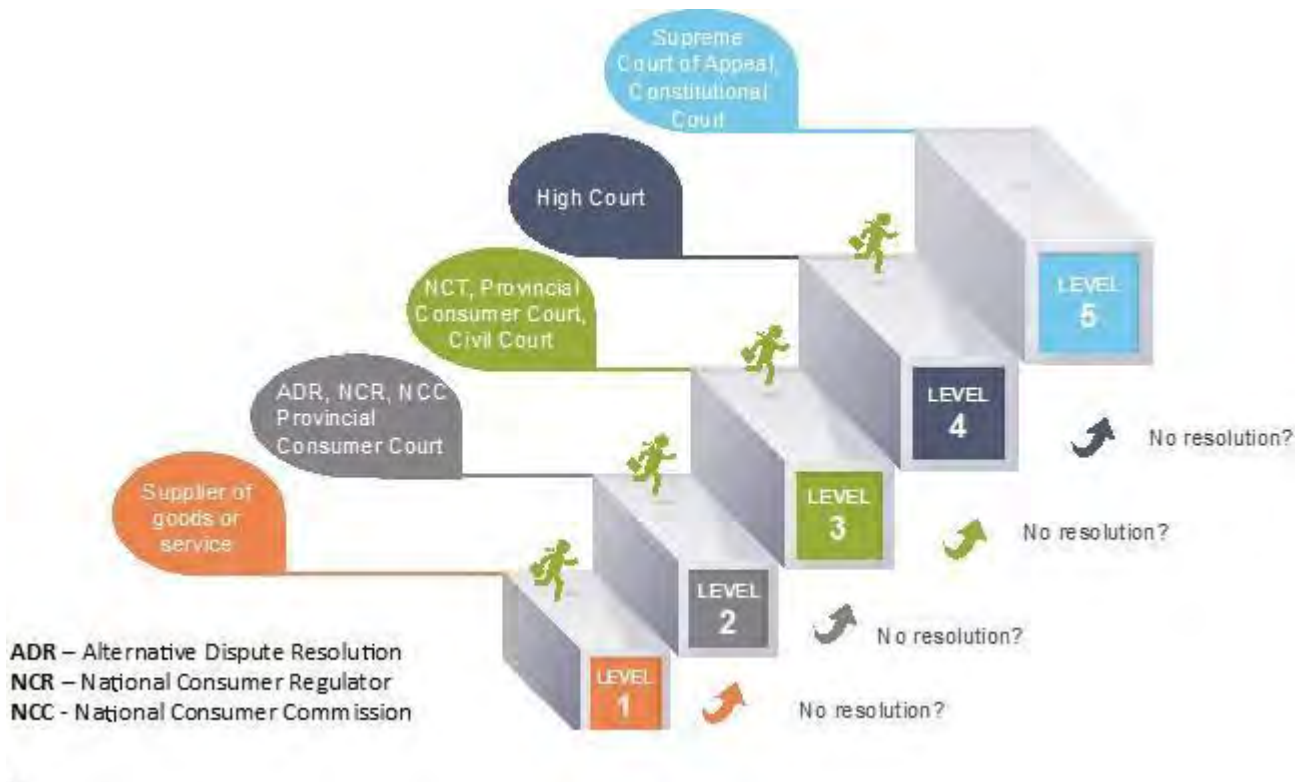


Figure 1: The Five Levels for Consumer Dispute Resolution

1.4. Relevant Court Rulings

The mandate of the Tribunal was not impacted by any court rulings during 2020 and 2021. On 25 June 2021 the Supreme Court of Appeal handed down a judgment in the matter of **Lewis Stores (Pty) Ltd and Summit Financial Partners and others**. The judgment allowed the Tribunal to adjudicate on leave to refer applications in chambers as opposed to in an open forum. The Tribunal’s shift towards adjudicating on leave to refer matters in chambers in line with the aforesaid Court ruling has resulted in a reduction of adjudication costs and other file processing efficiencies.

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 remain 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 remain 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. Treating others in ways that promote dignity and sense of self-worth.
Reliability	<ul style="list-style-type: none"> 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:

- As a result of the COVID-19 pandemic, it was not possible to conduct a traditional workshop. During July and August 2021, 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 **August 2021**, the employees of the NCT were **collectively engaged** in a Risk Management workshop which was attended by the Audit & Risk Committee members to align behind 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, Act No 35 of 2005;

- the passing of the National Credit Amendment Act, Act No 7 of 2019;
- the need for alignment with all relevant legislation; and
- 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.

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 foundation, that enables an organisation to detect continuous change early, interpret the potential consequences and formulate effective responses to ensure long term survival and success. Strategic foresight should allow an organisation to detect and interpret weak signals on change and to trigger the appropriate reactions

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 2021, the National Treasury Supplementary Budget Review 2021, the Presidency Strategic Plan, **the dtic** Annual Performance Plan and various media releases.

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 Micro Soft Teams.

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 grow by approximately 4% and 6% in 2021 with a significant impact on low-income households. The IMF concludes ‘*The adverse impact on low- income households is particularly acute, imperilling 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 fully administered to the majority of citizens. 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 2021** sets out the Global Risk Landscape, including both the **Likelihood** and **Impact** of Global Risks, as follows:



Figure 3: WEF Top 10 Risks

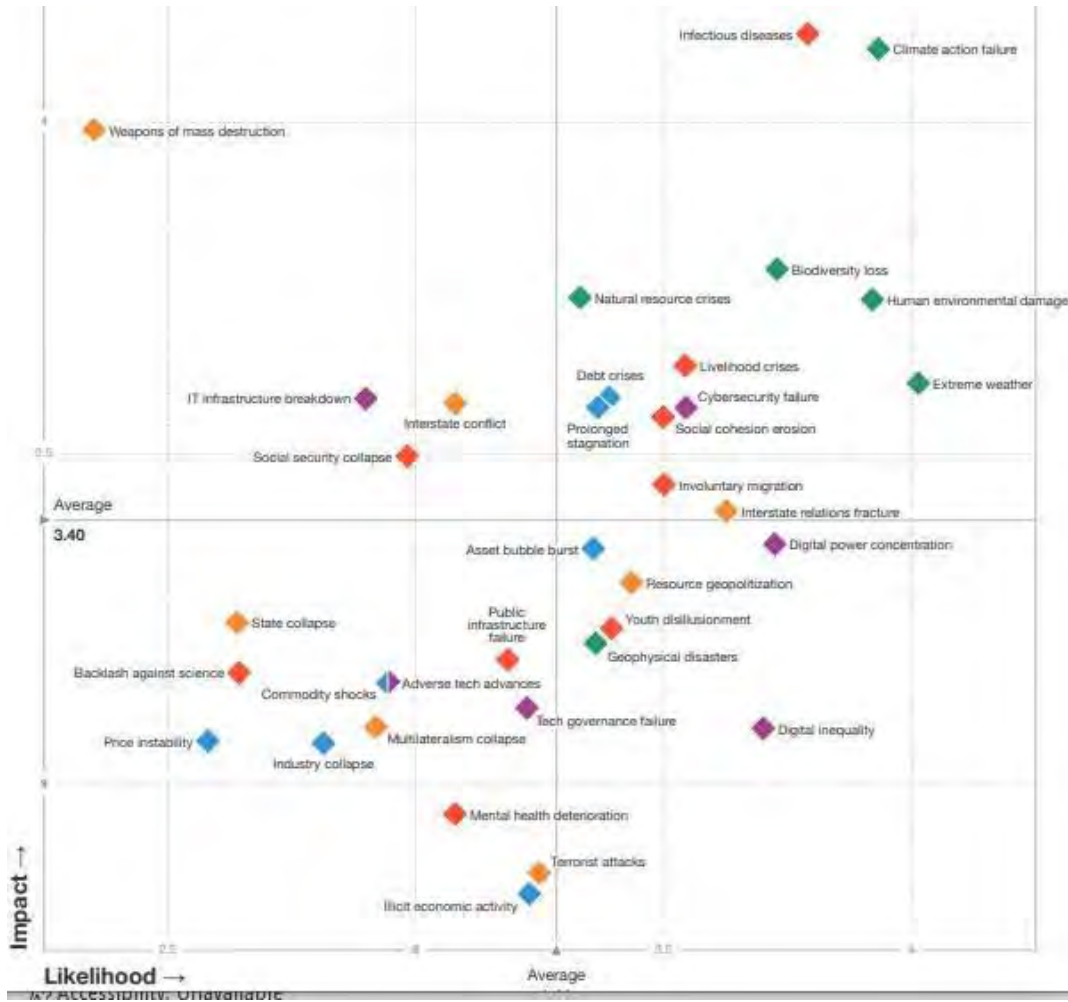


Figure 4: Global Risks

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 5: High Level PESTLE Impact Map

PESTLE IMPACT MAP 2021 – NEGATIVE & POSITIVE

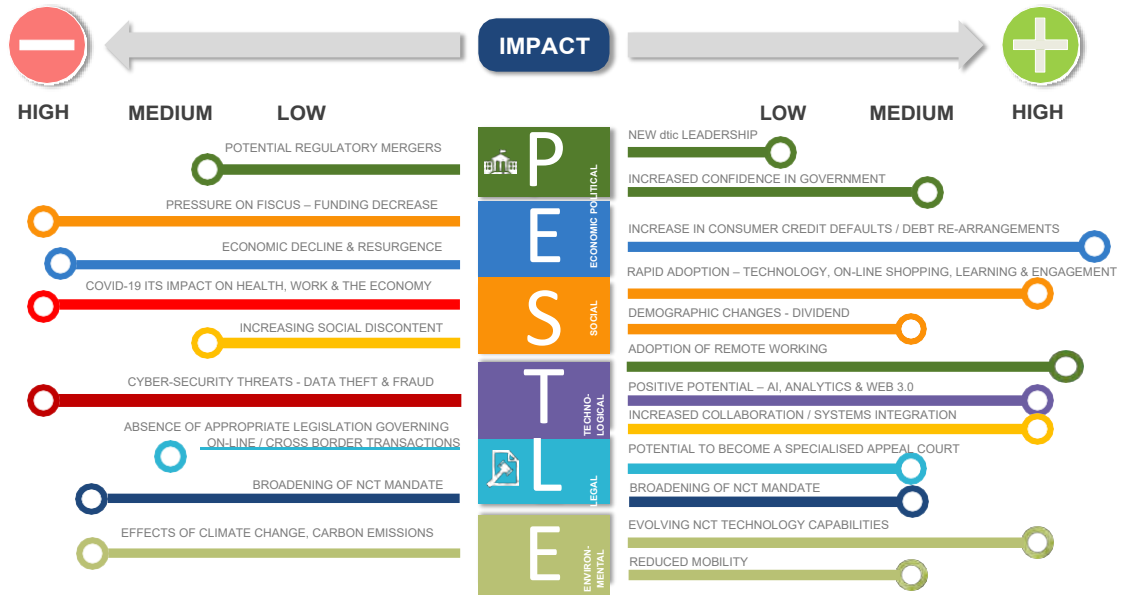


Table 5: Political & Technological aspects

Political	Technological
<ul style="list-style-type: none"> ▪ A perception of challenges within the ruling party. ▪ Perceptions created about public sector corruption, ethics and procurement practices. ▪ Ongoing service deliver 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 and emerging Fifth Industrial Revolution’ – robotics, nanotechnology & ‘Internet of Things’. Need to reskill and upskill our people to ensure that they remain relevant to NCT’s requirements.

<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"> ▪ The positive potential of the rise of ‘big data’, predictive analytics, artificial intelligence as well as intelligent forecasting and reporting tools. ▪ 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 plus 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 architecture.
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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	Legal / Ethics
<ul style="list-style-type: none"> ▪ Real economic growth is expected to contract by - 4.46% in 2021 as a result of restrictions on economic activity to contain the spread of the CORONA-19 virus. ▪ 2021 Credit Agency downgrades and weak investor confidence compound economic challenges. ▪ 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. ▪ 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 below 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% 	<ul style="list-style-type: none"> ▪ More laws, increasing moral prescription rather than reliance on ethics or moral guidance. ▪ POPIA in force. ▪ Legislation requiring human oversight of technology. ▪ Need to ensure due legal process in on-line adjudications. ▪ Strong regulatory environment causing a shift in levels of compliance – less reckless lending. ▪ Rise of concerns regarding the ethical use of algorithms.

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
- 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.

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

- Low interest rates and a consumer stressed economy are the likely sources of the expansion of the consumer credit market. However, indications are that over the planning period interest rates will spike whilst economic recovery will lag behind. This will likely create financial pressure for consumers in the credit market, which could result in exponential growth in applications for debt review in the future whilst under current situation with interest rates low, applications for debt review should remain stable with slow growth
- 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 and 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. ▪ 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. ▪ Reduced mobility benefits the environment ▪ Potential of future “climate shocks” to the economy ▪ Rise in environmentally friendly practices - need to minimise NCTs carbon footprint ▪ Potential future costs of acid leaching and mine rehabilitation. ▪ Increasing resource scarcity – water & electricity.

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.

The pandemic has initiated technologically stimulated solutions in the adjudication of non-DRA applications. The Tribunal as going concern now adjudicates on non-DRA cases virtually on Microsoft teams and only by exception is hearings being held in the offices of the Tribunal. The adoption of this digital intervention by relevant stakeholders has allowed the Tribunal to substantially improve its cost efficiencies as many variable expenses associated with non-virtual hearings have been eliminated. The ease of adoption has created an opportunity for the Tribunal to explore other technologically driven innovations aimed at improving overall financial and non-financial performance despite financial austerity.

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 pro- actively. 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

The Tribunal has a mandate to adjudicate on cases before it that it is empowered to adjudicate on. The number and complexity of cases filed at the Tribunal is a key determining factor on the resources and capabilities required to effectively discharge its adjudication mandate. This makes case load projections critical to effective and efficient functioning of the Tribunal.

Historically, the volume of cases filed at the Tribunal was subject to year-on-year exponential growth, however in the last few years the number of cases filed at the Tribunal has been relatively stable.

Whilst we project caseload based on historical caseload data and macro-economic indicators, the medium to long term impact of the pandemic on Tribunal case load is uncertain as the world moves towards a new normal. The analysis of the economic environment does however suggest that growth in debt review applications is a likely consequence of the national measures implemented to provide consumers with short-term financial relief to financially survive the pandemic such as the repurchase rate dropping to its lowest value in more than two decades.

The Tribunal's projections for caseload will be closely monitored in conjunction with a rapidly changing external environment to ensure projections made are robust, relevant, and

agile.

Projections exclude the debt relief intervention matters as regulations have not yet been developed. These applications are initiated by the National Credit Regulator, and the Tribunal will be guided by them with regard to projections.

The table below provides a projection of case numbers based on previous financial years, macro-economic indicators and the consumer credit industry:

Table 8: Projection of case numbers

Type of case	2018 / 19	2019/20	2020/21	2021/2 forecast	2022/23 forecast	2023/24 forecast	2024/25 forecast
Debt re-arrangement agreements	24 717	28 173 (+14%)	27 968 (-1%)	28 000 (0%)	28 000 (0%)	30 000 (+7%)	30 000 (0%)
Non-debt re-arrangement matters	167	255 (+53%)	250 (-2%)	250 (0%)	250 (0%)	250 (0%)	250 (0%)
Total number of filings	24 884	28 428	28 218	28 250	28 250	30 250	30 250

The implications of the NCT’s situational analysis have 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. ▪ 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 – nine years in succession. ▪ non-DRA adjudications being conducted virtually have significantly reduced costs ▪ 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. ▪ Competent leadership team with the ability to be innovative and adaptable. ▪ Employees who live out values. 	<ul style="list-style-type: none"> ▪ Non-DRA Legacy data not readily available online. ▪ Financial constraints. ▪ Inadequate communication of process changes. ▪ Employee turnover in critical units. ▪ Lack of specialised internal ICT support capacity on aspects such as Business Intelligence. ▪ Capacity of employees to upskill and reskill in response to changing demands for skills, particularly with digital analytics. ▪ Funding challenges including decreasing budgetary allocations. ▪ Requirement for high level of oversight over written quality of TM judgements (Perusing judgments before releasing them for issuing). ▪ Lack of internal communication – across departments and levels

- 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.
- 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.
- Focused structure with clearly defined work areas and accountabilities.
- Able to mobilise resources to achieve fast results – e.g., eradication of backlog.

Table 10: List of Opportunities and Threats

Opportunities	Threats
<ul style="list-style-type: none"> ▪ 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. ▪ 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. ▪ 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. ▪ Support 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. 	<ul style="list-style-type: none"> ▪ Uncertainty with regard to the pace of increase in future caseload. ▪ High compliance costs pertaining to audits and governance committee fees ratio to income as well as resource requirements. ▪ Length of time required to make changes to enabling legislation. ▪ Potential for key employees to contract COVID-19, impacting leadership continuity and reducing institutional expertise and wisdom. ▪ ICT security threats and safeguarding of public information - vulnerability to cyber-terrorism and ransomware.

- | | |
|---|--|
| <ul style="list-style-type: none"> ▪ Engage with parliamentary stakeholders – build personal relationships (e.g., meet with Portfolio Committee). ▪ 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. | |
|---|--|

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. A vaccine has been rolled in the country;
- 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.

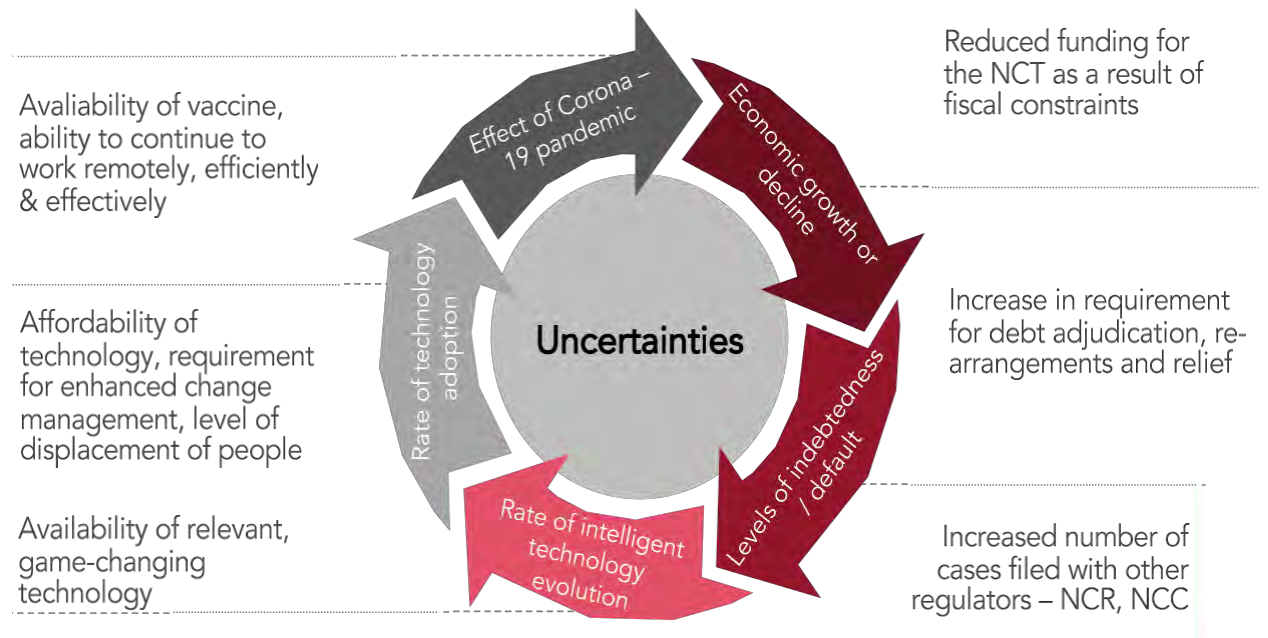


Figure 6: Key Uncertainties

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.

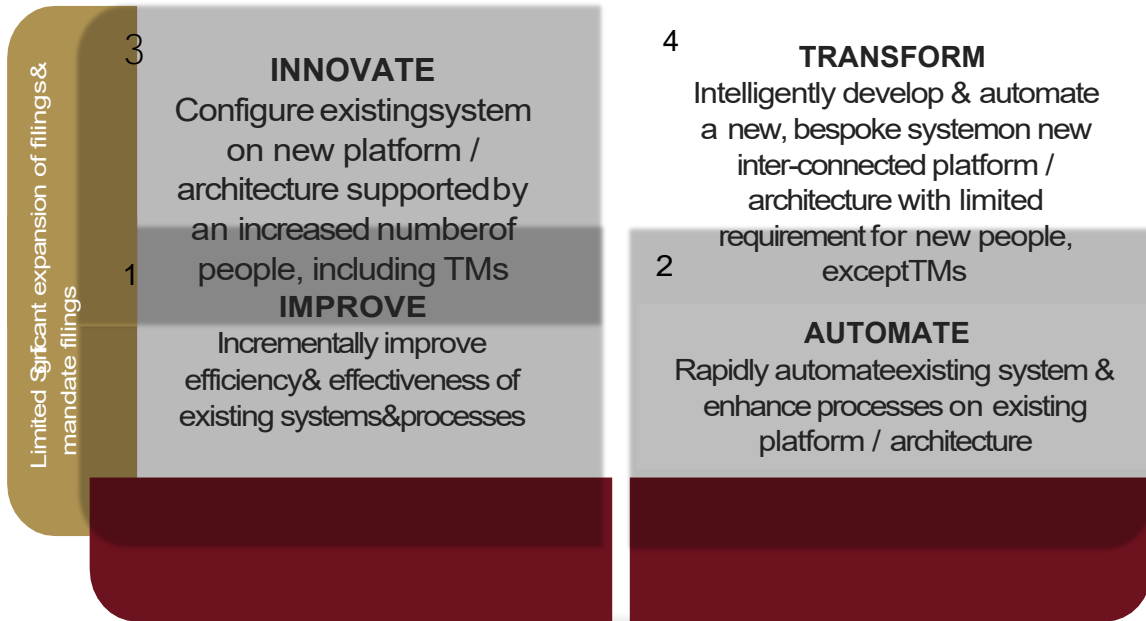


Figure 7: NCT Scenarios

In **Scenario 1 – IMPROVE** – the NCT has a limited expansion of its filings and mandate. 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 BUT 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 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 through the Debt Relief legislation and will be 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.

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 8: 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 Branch (CCRB) 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.

5.2. Operational structure

The **current** operational structure of the NCT was initially included in the 2020/21 APP and was approved by the dtic. 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 theregulations 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.

In order to address these issues with the level of attention that they deserve, the Tribunal continues to develop an innovative Organisation Design to address its 5-year future strategy. In this evolving organisational environment, we have also factored in the elements of re-skilling, upskilling and talent acquisition.

The **key driver** with regard to the number and type of resources required remains the NCT's **caseload** and the level of automation of its systems. The organisational design of the NCT has therefore been **formulated** 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 organisational design 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 employees and interns. 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 enables 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 **seventeen** (Full-Time Chairperson, three Full-Time Tribunal Members and **thirteen** 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 primary duty of the **Registrar's office** is to manage the flow of cases from inception to finalisation. This duty is discharge by the two functions with the unit namely the records management and the case management. The records management function ensures that all records case or non-case related records are complete and easily accessible. The case management function ensures that all cases filed with the Tribunal complies with the Rules

of the Tribunal prior to forwarding same for adjudication. The office of the Registrar whilst engaging in the content within a case, it performs an administrative function which supports Tribunal adjudication. The administrative nature of the unit provides a clear divide between the responsibilities of the unit and the adjudication responsibilities of the Tribunal. Tribunal Members are then 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 responsible for adjudication with performance measures in place to ensure high quality and expeditious adjudication. Currently they adjudicate on two categories of cases namely, **non-DRA's and DRA's. Debt Intervention Applications (DIAs)** will become a third category within the planning period with the promulgation of the regulations to the amended National Credit Act.

DRAs are applications filed by debt counsellors to confirm an agreed debt repayment arrangement. The adjudication required by the Tribunal is to confirm this arrangement but to still ensure that the arrangement made, and the contents of the arrangement can sustain judicial muster. Due to the high volume of these applications the adjudication is supported by the decision support system.

Non-DRAs, are by their very nature, are resource intensive highly complex. There has also been a consistent increase the volume of non-DRAs filed at the Tribunal. To ensure non-DRA demand is met it has been proposed that the scope of the pre-hearing process to be expanded to allow for Tribunal Members to mediate proceedings subject to the litigants consenting to this. Irrespective of the outcome of mediation, engaging in this process would instigate costs and processing benefits to the Tribunal. In instances where it is successful, matters could be disposed of a matter prior to argument on an application. This allows for cost and capacity efficiencies. In instances where mediation is unsuccessful, the information generated through the process would limit the need for postponements and adjournments which also yields costs, capacity and efficiency benefits.

Whilst the decision support functionalities exist in DRA's only, the adoption of digital enablement in non-DRAs does provide an opportunity to consider elements of decision support in non-DRA cases. However, the decision support functionality will in the current planning period be limited to assisting in the flow or cases and transferring of case related information as the adjudication process is highly complex requiring high levels of human

intelligence to engage in a matter. This cannot be easily replicated within the planning period. The benefits of developing a decision support within the case flow process will be processing consistencies and cost reductions. Organisation performance will improve.

Other forms of technological innovations in the adjudication process can include automated precedent selection, statute selection and regulation identification which can increase speed and quality of Tribunal decisions. Refinements and further developments can be identified in the longer term.

- **Registrar's Office**

Resources and capabilities required at the Registrar's office is dependent on caseload. Whilst caseload can be influenced by prevailing economic conditions and other externally driven factors, changes to the Tribunal's mandate also impacts caseload. The NCAA expanding the mandate of the Tribunal with the introduction of DIA's will increase the types, complexities and volumes of applications the Registrar's office will need to deal with. Projections of an increase in its usual case load due to the factors addressed within this document will have the same impact on the Registrar's office.

To proactively manage likely increases in caseload the NCT will require specialisation, processing synergies and integration, technology-enabled case flow, agile caseload forecasting techniques 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 2022/23 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.

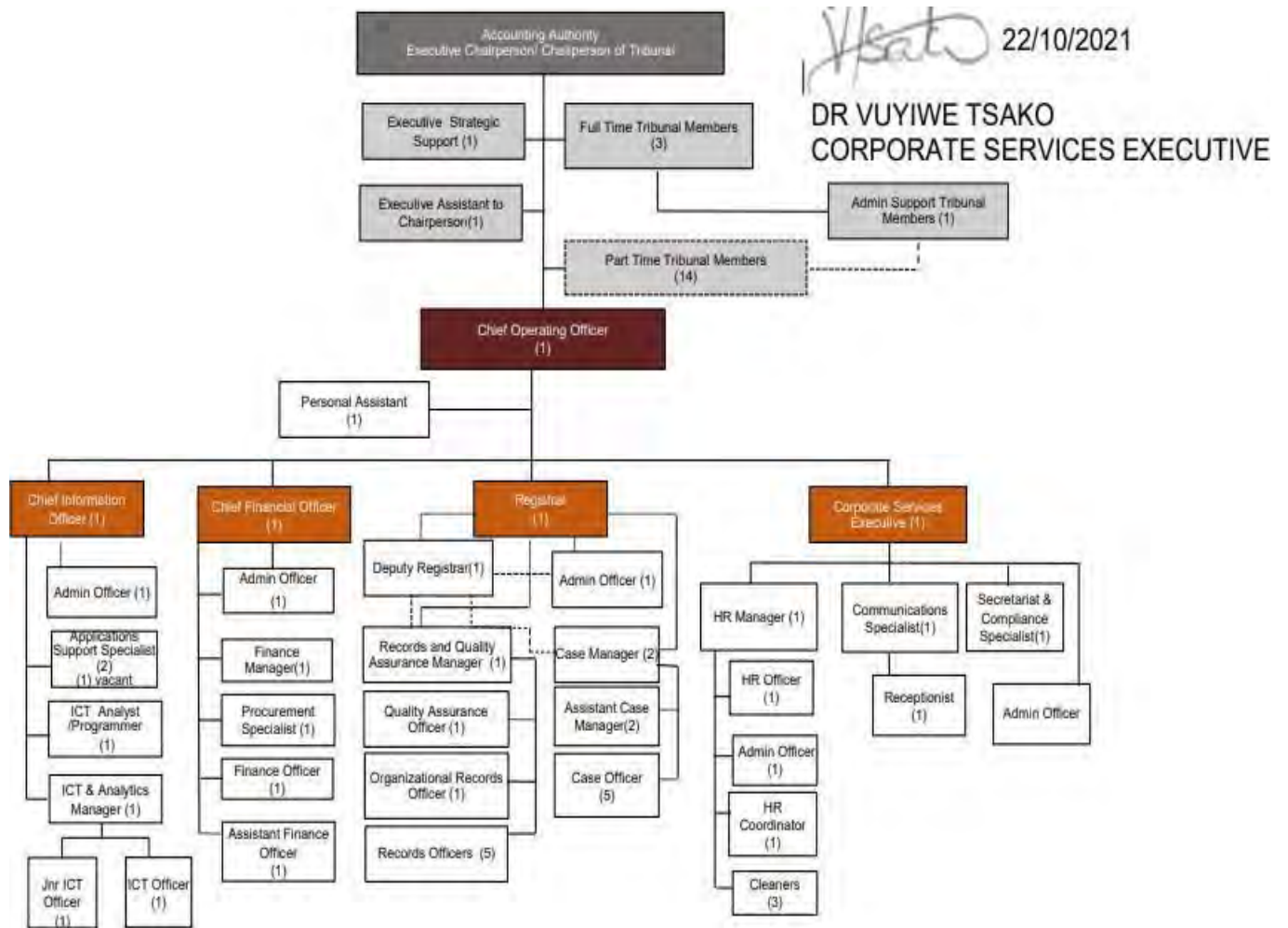


Figure 9: NCT High Level Organisational Structure 2020/21

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 2022/23 – 2024/25. 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.
- ensure that the NCT does not have a debtor's accounts.

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 continues to be a respected Business Partner that contributesto 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 2020/21, supported by other business units, in particular the unqualified audit on the financial statements. This is the ninth year in a row that the NCT has received a clean audit; and
- The development of a **highly competent** and professional Finance team.

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, and in particular, the National Treasury as well as 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.; 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.

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

The Tribunal will continue to provide the services stipulated in this annual performance plan and build administrative and adjudicative capability to enhance service delivery. The Tribunal's business operations consist of three programmes, namely, Adjudication, Administration and Digital Enablement. The key programme pertains to the Adjudication function while the Digital Enablement function and the Administration function provide support to ensure overall organisational efficiency.

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.

It must be noted that following the Adjustment Budget process, the **dtic** had reduced the 2020/21 grant allocation of the NCT by R6.2 million (11.3%).

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 required

(R)	Actual	Actual	Actual	Forecast	Budget	Budget	Budget
	2018/19	2019/20	2020/21	Baseline 2021/22	2022/23	2023/24	2024/25
Grant allocation	52 688 000	56 639 000	47 492 000	53 515 000	54 756 000	55 295 000	57 778 000
Roll-over funds	-	-	-	8 964 000	-	-	-
Filing fees and service charges	4 871 929	8 210 129	9 541 513	14 000 000	14 840 000	15 730 000	17 000 000
Sundry income and proceeds from insurance	-	159 269	531 165	1 400 000	350 000	-	-
Interest and other income	1 087 516	1 452 364	1 268 818	648 345	676 000	717 000	760 000
Total income	58 647 445	66 460 762	58 833 496	78 527 345	70 622 000	71 742 000	75 538 000
Expenditure	64 812 546	58 037 085	50 958 006	78 527 345	70 622 000	71 742 000	75 538 000
Compensation of employees	38 105 710	37 481 746	33 479 347	42 704 188	45 266 440	47 982 426	50 861 372
Goods and services	24 944 287	20 109 227	17 272 035	23 543 157	24 405 560	23 352 179	24 176 628
Capital expenses	1 762 549	446 112	206 624	12 280 000	950 000	407 395	500 000
Surplus / (Deficit)	-6 165 101	8 423 677	7 875 490	0	0	0	0
Reconciling items (non-cash items and capex)	-465 385	-1 328 662	-2 726 857	0	0	0	0
Statement of Financial Performance	-6 630 486	7 095 015	5 148 633				

Table 12: Budget per programme

R'000	Actual	Actual	Actual	Forecast	Budget	Budget	Budget
	2018/19	2019/20	2020/21	Baseline 2021/22	2022/23	2023/24	2024/25
Budget per programme							
Programme 1: Adjudication	32 095	26 232	23 810	29 110	31 569	33 090	34 696
Programme 2: Administration	33 089	31 805	28 237	48 331	37 902	37 432	39 549
Programme 3: Digital Enablement				1 086	1 151	1 220	1 293
	65 184	58 037	52 047	78 527	70 622	71 742	75 538

6.4. Projections of revenue and expenditure

The income from grants has already been as referenced in 6.2 above. Income from filing fees is dependent on the number of cases filed with the NCT.

The filing fee per debt re-arrangement matter has increased from R400.00 to R500.00 in 2021/22, where after it will be adjusted with an increase of 7,5% annually.

Based on the current data available, it is anticipated that over the medium term, at least 28 000 Debt Rearrangement matters (DRA's) and 250 Non-Debt Rearrangement matters (Non DRA's) will be filed annually. Approximately R47.5 million of revenue is anticipated to be generated over the medium-term period from filing fee income pertaining to the DRA matters. The anticipated revenue to be generated from filing fees will increase from R14.8 million in 2022/23 to R15.7 million in 2023/24 and to R17 million in 2024/25.

The revenue generated by the Tribunal in the form of filing fees is nominal and constitutes approximately 21 per cent of the total anticipated income per annum. The Tribunal is therefore sustained and dependent on funding from Government.

Zero-based Budgeting

NCT has a very lean budget due to grant income being paid back in the previous periods. NCT only incurs the bear necessary costs that enable it to carry out its mandate. The Zero-based budgeting principle was applied, however there were no expense streams that are omitted during this exercise.

Spending reviews efficiency gains

One of the milestones achieved during the period of review was the innovation brought

about by a Tribunal Member in the expeditious adjudication of the DRA cases from 40 matters per day per Tribunal member to 80 cases per day per Tribunal member. This resulted in significant strides in efficiencies and finalising matters quicker than the required turn-around times.

Interest income (from investing surplus funds) has been maintained at the prevailing current interest rates.

Due to the Tribunal being a professional organisation and the labour-intensive nature of the Tribunal's work, the spending on compensation of employees constitutes more than 64% of the annual budget.

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.

This budget does not include the implementation of the NCAA. This will only commence once the regulations pertaining to the NCAA have been published. The NCT will have to capacitate itself (appointment of additional staff & tribunal members) when these regulations are published & there will be an increase in Information Technology Costs and IT Capital Expenditure. An estimated budget of R 40 million will be required to implement the provisions of the National Credit Amendment Act.

6.5. Capital expenditure projects

The majority of the NCT's capital expenditure relates to the procurement of ICT assets aligned to the ICT strategy. This includes the system design as well as 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 13: Materiality implications on estimated budget

Item	% Used	2018/29	2019/20	2020/21	2021/22	2022/23	2022/23	2024/25
Budget excluding capex		63 049 997	57 590 973	50 751 382	66 247 345	69 672 000	71 334 605	75 038 000
Materiality	0.60%	378 300	345 546	304 508	397 484	418 032	428 008	450 228

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.

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. No other significant liability items are noted at the NCT.

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)

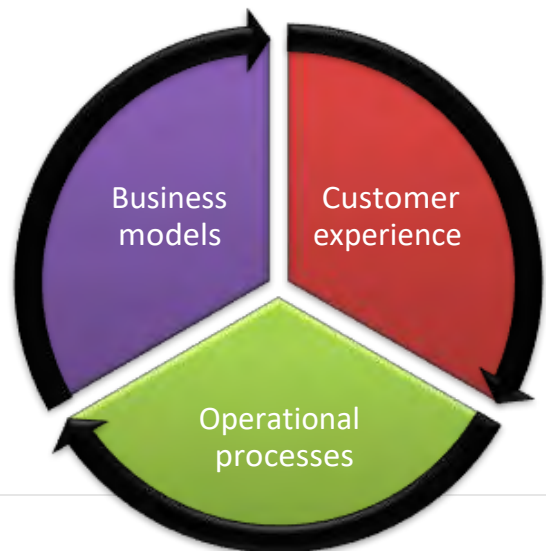


Figure 10: The Digital Strategy / Transformation

The Digital 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 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**
 - Partially automated office administration
 - Automation of Case management processes
 - Creation of Electronic Case Management Database
 - Improved data quality & administrative efficiency
 - Electronic templates
- **Phase 2 – Outward focus (Completed)**
 - E-filing – electronic ingestion of data, automated filing focused on reduced risk, stakeholder responsiveness, accuracy & organizational efficiency
 - E-Registration of remote files on the system
 - E-payments of filing fees
- **Phase 3 - Future focus (in progress)**
 - Intelligent automation & enablement
 - Adoption of cloud technologies
 - Use of AI and Data Analytics for further efficiency gains



Figure 11: The NCT's Digital Evolution

Over the **past five years** the NCT has implemented **Phase 1 and 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 applications, 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 678 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 **250 000 records** have been captured and stored in the NCT’s database since capturing commenced on 1 April 2015. This provides a rich repository of information to be sorted and mined 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) with the introduction of the e-registrations, e-filing and e-payments systems.

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. In addition, a system has now been implemented for Tribunal hearings of both opposed and unopposed matters to take place virtually thus obviating the need for Tribunal members or parties to physically travel which provides for significant time and cost savings being realized.

Phase 3 case management implementation will be extended once the National Credit Amendment Act rules and regulations have been released 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 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** signal an assumption that the NCT may have to adapt its strategy in order to stay within its budget. The NCT believes that 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.

- 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 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; 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:

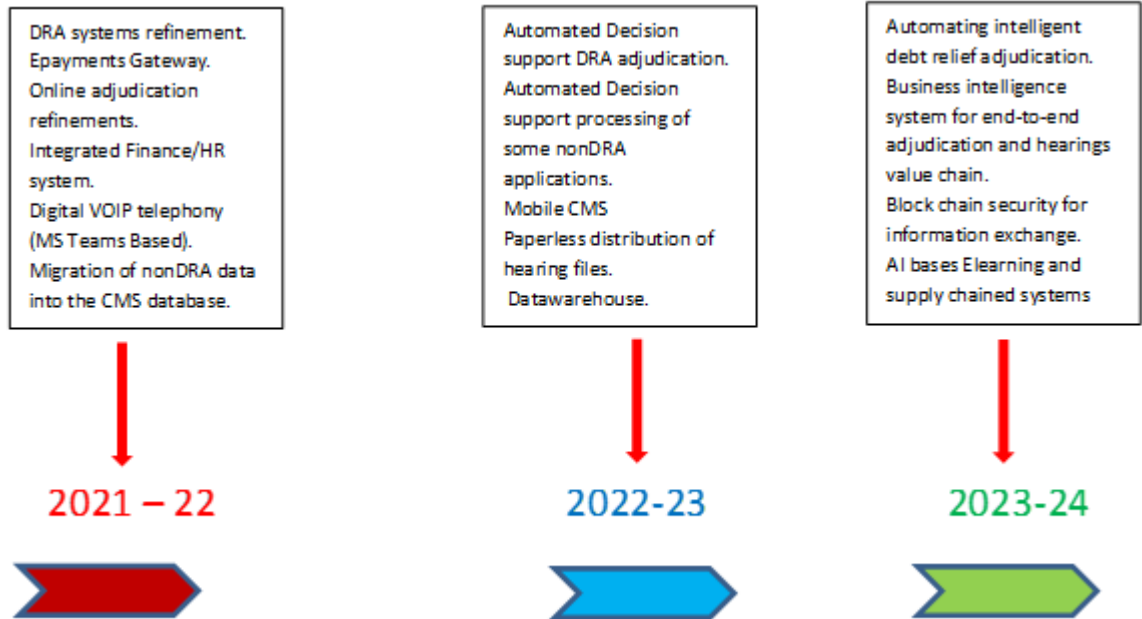


Figure 12: Digital Strategy Roadmap

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>To this end, configured version of the CMS and DSS will be developed to support the integration of Debt Relief applications into in the NCT’s workload.</p> <p>An e-payment gateway has been developed</p> <p>A data warehouse will be developed</p> <p>Multi-model access and communication across channels, apps, mobile devices and physical will have been introduced by 2020/21</p> <p>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.</p> <p>Development plans in line with ICT competencies developed for each person. Recruitment based on new competencies commences.</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 2022/23 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.</p> <p>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</p> <p>Blockchain will have been introduced as a tool to ensure data security and integrity</p> <p>Work will start on scoping out and specifying AI, Analytics and other tools for piloting and implementing by 2022/23.</p> <p>Work will have commenced on developing and implementing the necessary algorithms to ensure that intelligent decision making can be effectively supported.</p> <p>A data quality assurance system will be developed and implemented.</p> <p>An ICT business analytics manager position will be established to support the development of intelligent analytics and automation.</p>	<p>NCT staff all digitally competent in line with requirements of an intelligent workplace.</p>

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

Table 15: Digital Goal Alignment

NCT GOAL	DIGITAL GOAL	DIGITAL OUTPUT
To effectively and efficiently manage and adjudicate on matters brought to the NCT	Deliver a data warehouse equipped with applied business analytics tools Deliver a Customer Interface / Experience that is engaging, customer-centric and value-adding	Digital transformed into intelligence
	Deliver a fully automated DRA system by 2021	Re-engineer all Customer interfaces to improve Customer Experience
	Deliver a full decision support system for non- DRA matters by 2023/24	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	<ul style="list-style-type: none"> - Social media - YouTube - Partners
	Challenge conventional thinking about regulation and encourage regulatory convergence where appropriate	<ul style="list-style-type: none"> - 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	<ul style="list-style-type: none"> - 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	<ul style="list-style-type: none"> - 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	<ul style="list-style-type: none"> - People with the digital skills required to augment their work
	Develop leadership competency in the potential applications of disruptive technology	<ul style="list-style-type: none"> - Business ownership of digital transformation
To ensure effective and efficient organisational management	Configure systems and processes to deliver on required Debt Intervention adjudications	<ul style="list-style-type: none"> - CMS available as required to administer debt Intervention adjudications
	Collaborate with other consumer protection agencies to ensure a seamless data architecture	<ul style="list-style-type: none"> - Leverage costs & efficiencies across agencies
	Develop leadership competency in the potential applications of disruptive technology	<ul style="list-style-type: none"> - 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 itspeople.

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 their 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 Facilities Management and Communications. The traditional objective of Corporate 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.

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 deliver 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 deliver relevant support transactional services cost-efficiently and effectively 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:

- To ensure that the NCT has the 'right people in the right place at the right time' to deliver on its strategy and mandate;
- To promote and safeguard the reputation of the NCT; and
- 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 continue 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 assessed and reviewed its service delivery against the HR Maturity model, which provides for five levels of maturity for each element of the HR value chain, as depicted below:

Levels of maturity	Generic characteristics
Level 0: Entry level / Ad Hoc Performance	No documented HRM&D artifacts* No evidence of consistent HRM&D practices
Level 1: Fundamental / Defined / Consistent	HRM&D artifacts defined and documented There is evidence of consistency / defined patterns of doing things Some evidence is found of good HRM&D practice
Level 2: Fundamental / Reportable & aligned	A certain level of awareness around HRM&D artifacts exists HRM&D artifacts reflect compliance to regulations The content of HRM&D artifacts are aligned to good functional HR Practice Basic data and operational transactional reporting available
Level 3: Institutional / Managed	HRM&D artifacts are reviewed in consultation with appropriately constituted forums HRM&D Artifacts are socialised amongst relevant stakeholders HRM&D data is interpreted and analysed to provide intelligence HRM&D intelligence is used to initiate corrective and preventative action HRM&D Functional integration (From planning to Exit Management) HRM&D intelligence is used to compare with internal and external benchmarks / targets
Level 4: Transformational and strategic HR	Organisational functions are integrated and strategies are formulated through HR and capacity management Strategies are integrated and formulated through wisdom obtained from being a learning organisation The organisation is in equilibrium with it's community, its partners, the environment Full professionalisation is evident, Batho Pele is the way it is, employees are in service of their community Continuous improvement culture using HRM&D intelligence and feedback from stakeholders

HRM&D artefacts include, but are not limited to:

- Policies
- Procedures
- Strategy documents
- Plans
- Forms and templates

Figure 13: HR Maturing Model

The following elements of the HR Value chain are explained in detail:



Figure 14: HR Value Chain



Table 16: Human Resources Goals

HR ELEMENT	LEVEL CURRENT ASSESSMENT (2021/22)	LEVEL 2022/23	LEVEL 2023/24	LEVEL 2024/25
SOURCING AND PLACEMENT	3	4	4	4
LABOUR RELATIONS	3	4	4	4
EXIT MANAGEMENT	3	4	4	4
CAPACITY BUILDING	2	3	4	4
EMPLOYEE HEALTH AND WELLNESS	2	3	4	4
PERFORMANCE MANAGEMENT	2	3	4	4
ORGANISATIONAL CULTURE	1	3	4	4
TALENT MANAGEMENT	1	3	4	4
REMUNERATION AND REWARDS	1	3	4	4
LEAVE MANAGEMENT	2	3	4	4
STRATEGIC HRM AND DEVELOPMENT PLANNING	1	3	4	4
HR INFORMATION SYSTEM MANAGEMENT	1	3	4	4
HR ADMINISTRATION	2	3	4	4

To address the above-mentioned challenges and to arrive at the ideal states, the NCT must ensure that the overall human resources strategy is linked to the overall NCT objectives and assist in delivering according to the mandate.

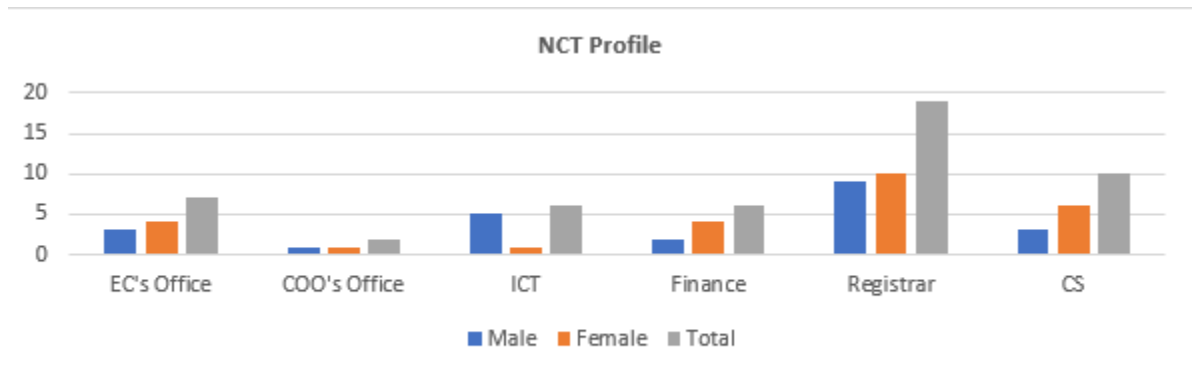
NCT INTEGRATED TALENT MANAGEMENT STRATEGY



Figure 15: NCT Integrated Talent Management Strategy

Our talent management strategy simple stated, is about:

- keeping critical skills and high performers on board for as long as possible;
- developing high-potentials for retention and succession needs;
- transferring skills and knowledge to enable retention of institutional knowledge;
- acquiring talent from external sources, if unavailable internally, also through innovative means.



NCT Profile: 2021/22

Figure 16: NCT Profile 2021/22

10.2. Communications Strategy

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.’*

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.

The Goals of Communication are:

The NCT’s Strategic Goals were derived from an extensive assessment of the internal and external 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 refined and reshaped to define critical strategic tasks that the NCT will need to focus on over the next three years.

The following Strategic Goals will be pursued by the NCT over the next 3 years, i.e., 2021/22 to 2023/24 and will receive a clear focus in this Annual Performance Plan and yearly Business Plan. They are aligned with 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 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.

Over the period of this Strategy, the NCT will in line with the strategy, develop costed communication plan that will address the following key pillars:

Media engagement - all communication with the news media – including media releases, advisories, statements, interviews, conferences and briefings, letters to the editor, opinion pieces (“op eds”), technical announcements and other information or material given to news media representatives

Social media - create relevant content and respond to issues emerging in real time. Social media refers to channels that can include blogs, wiki's and social networks such as Facebook, Twitter, YouTube, Instagram, Tumblr and LinkedIn;

Website management as a communication tool– update the NCT website with relevant information

Media monitoring - monitor international, national and regional print, broadcast and online media, maintain or adjust the communication response as needed and summaries all relevant media coverage;

Marketing campaigns – identification and segmentation of target audiences; suggestions on relevant content and messaging; and determination of the appropriate medium for the intended audience;

Corporate identity – in terms of corporate identity and branding guidelines (2005)

Public relations – to include events, exhibitions and trade shows

Internal communications - to create a conducive working environment where all employees are informed, understand a common vision and are inspired to work towards

the same organisational goals and to establish a culture that is built on the values and principles of Batho Pele through intranet, notice/bulletin boards • newsletters/magazines • letters/ Circulars, team-building • group meetings • employee-attitude surveys • focus groups, social events • audio recordings • social media • general staff meetings;
Research - a research plan that will incorporate communication research, content research, public opinion research

Stakeholder engagement and research

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.

Table 17: Key pillars for Risk and Compliance Management

Compliance management	Facilitates and monitor compliance with applicable laws and adopted, non-binding rules, codes, standards and applicable tools in a way that supports the tribunal in being ethical and a good corporate citizen
Internal audit	Ensure that our assurance services and functions enable an effective control environment, and that these support the integrity of information for internal decision-making and of the organisation’s external reports.
Secretariat services	Ensure that the tribunal provides effective and efficient secretariat services and follow up on the implementation of resolutions
Risk management	Ensures that the risk management function supports the tribunal in setting and achieving its strategic objectives, through ensuring that institutional arrangements are in place and functional that supports the identification, assessment and treatment of risks

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 18: 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
ICT / Registry	Changing details in system or impacting case processes – external or internal threat – changing data, postponing cases, creating default judgements	Orange
Adjudication	Bribery – bribing Tribunal Members to go in a particular direction with a decision	Green
Adjudication	Creating fraudulent consent orders – by forging signatures at Motion Court sessions	Green
Adjudication	Fraudulent claims by Tribunal Members for preparation	Orange
Adjudication / Registry	Non-DRA judgements in Word could be manipulated and changed (e.g., changing the admin fee)	Orange
Adjudication	TMs colluding or involving additional TMs in discussing potential adjudicative findings	Orange
NCT	Gifts or sponsorships not disclosed	Green

Procurement / Finance	Bid rigging - disclosing tender details to favour a supplier	
Finance	Abusing petty cash	
Procurement / Finance	Taking a % to ensure that a supplier is paid quickly	
NCT	Working from home but not actually working	

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-DRAs 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 employees 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.

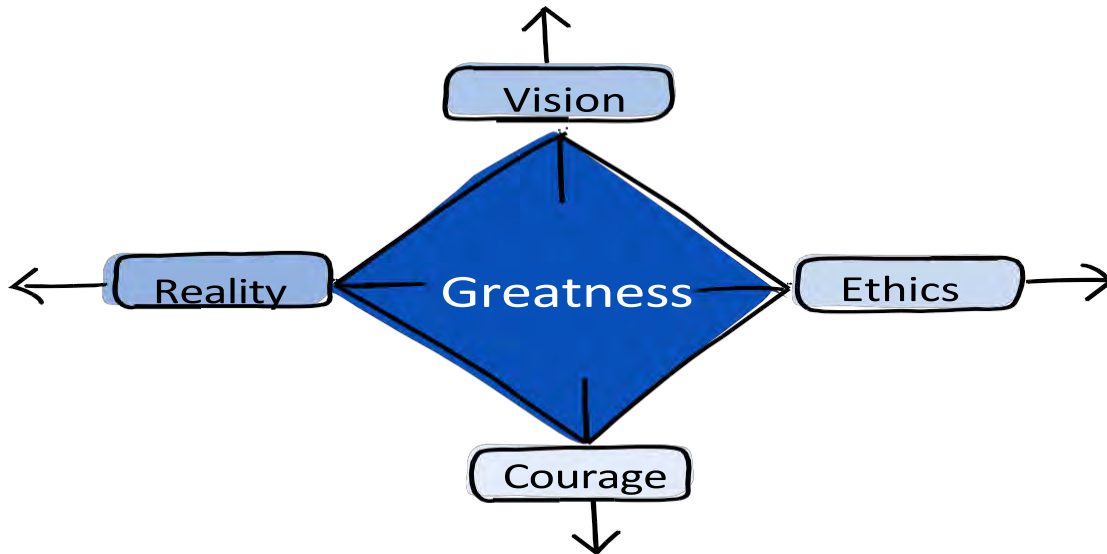


Figure 17: The Koestenbaum Diamond

12. Compliance with Broad-Based Black Economic Empowerment Act

The NCT is committed to the broader BBBEE transformation agenda of SA. As part of its commitment and contribution towards achieving the respective transformation agenda, the NCT has implemented the Broad Based Black Economic Empowerment Act (The Act).

In ensuring that the NCT subscribes to the provisions of the Act, it has a dedicated BBBEE Committee which meets regularly to ensure that the BBBEE strategy and plan is being implemented. In terms of the implementation plan there are set targets in place to ensure that we significantly contribute to the respective elements of the scorecard. There is a concerted effort and focus on Employment equity measures in relation to people with disabilities, black females; skills development initiatives that are meant to benefit mainly black people, procurement and enterprise development and socio-economic interventions, all are meant to ensure that we are significantly contributed to achieving the broader SA transformation agenda.

In relation to BBBEE elements of the scorecard, it should be noted that the NCT is a creature of statute and is defined as a Section 3A Public Entity. Therefore, the NCT has a very specific mandate, which means that the Ownership element of BBBEE is not applicable to the NCT. The NCT equally ensures that it complies to the yearly BBBEE audit and verification process to obtain its BBBEE status.

The Management element continues to pose a challenge as the way the NCT is structured, technically does not have a Board of Directors with voting rights. However, various auditors refer to SANAS regulations and insist on measuring this element.

While the above challenges are still to be addressed, the NCT continues with its commitment and is currently in progress with its BBBEE audit and verification process.

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

The NCT continues to assess its strategy on its interventions relating to women, youth and people with disabilities. The NCT has set specific targets to be met in order to ensure that women are prioritized not just for employment but also for skills development programs. The NCT sets annual targets in relation to youth who are brought into the NCT as interns and are provided with experience and equipped with portable skills to be ready to take on employment within the broader economy. Where possible, the NCT prioritises the absorption of interns into permanent positions as and when there are available.

The NCT encourages people with disabilities to apply for vacancies that come up from time to time and as such has created disabled friendly workplace which is able to accommodate specific types of disabilities, such as people on wheelchairs. The NCT continually reviews the workplace and the provision of appropriate tools to be able to accommodate additional disabilities. This is however highly dependent on the budget that is issued by the Shareholder. As part of its commitment to employing people with disabilities and providing appropriate and relevant work experience, the NCT has committed to employ at least three interns with disabilities for the financial year 2021/22.

Table 19: Women, Youth & People with Disabilities

Women	Youth	People with Disabilities
<ul style="list-style-type: none"> -First preference for employment and in relation to the NCT EE targets a requirement for a minimum of 45% of employees to be female. - Focus on the appointment of Black female employees in Senior Management. - Exposing Black female students through a Workplace shadowing program. - B-BBEE procurement spend from Empowering Suppliers that are at least 30% black women-owned based on the applicable B-BBEE Procurement Recognition Levels as a percentage of Total Measured Procurement Spend. - Black Females attending Management /Leadership training. - First preference granted to Black female employees in terms of the NCT’s Study Assistance scheme. 	<ul style="list-style-type: none"> - Internship and skills development programs are offered to contingent employees with a 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. - Appointment of interns as part of the skills development program. - Absorbing black interns into permanent roles where possible. - Exposing Black students through workplace shadowing programs. - Delivering guest lectures at Identified previously black institutions of learning. <p>The number of scholarships/ bursaries/ registration support provided for master’s and PhD Students doing research on Consumer Credit Regulation. (Previously Disadvantaged Universities around the country).</p>	<ul style="list-style-type: none"> -Preference is given in the employment of people with disabilities. -Preference is granted in the hiring or providing study assistance to students who are living with disabilities. -The Access Strategy will focus on the development of competent personnel and sensitization to provide services for persons with disabilities requiring augmentative communication and to those with learning and intellectual disabilities, not just in materials and facilities, but also in the attitudes of staff in dealing with and assisting during court proceedings (free from stereotype or other impediments, with full respect for their dignity and worth as individuals, and with full, effective and timely accommodation).

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'

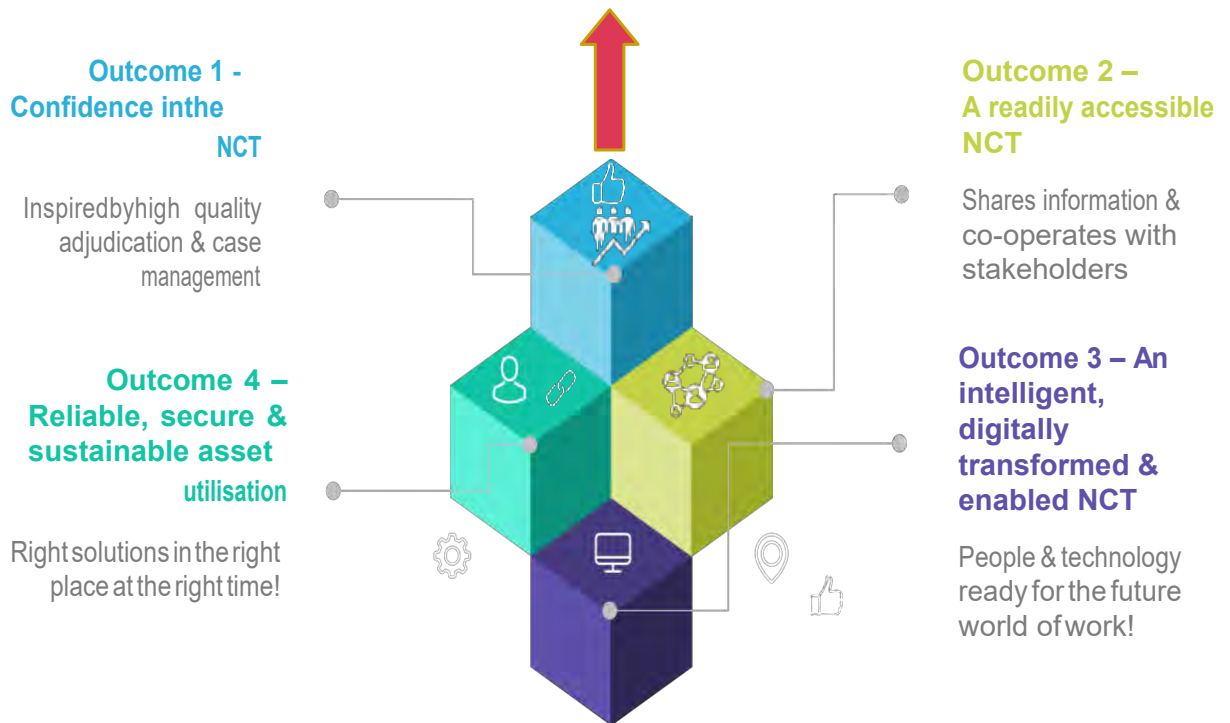


Figure 18: Aligning NCT Outcomes with Impact

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 and fairness in consumer and credit transaction in South Africa’

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

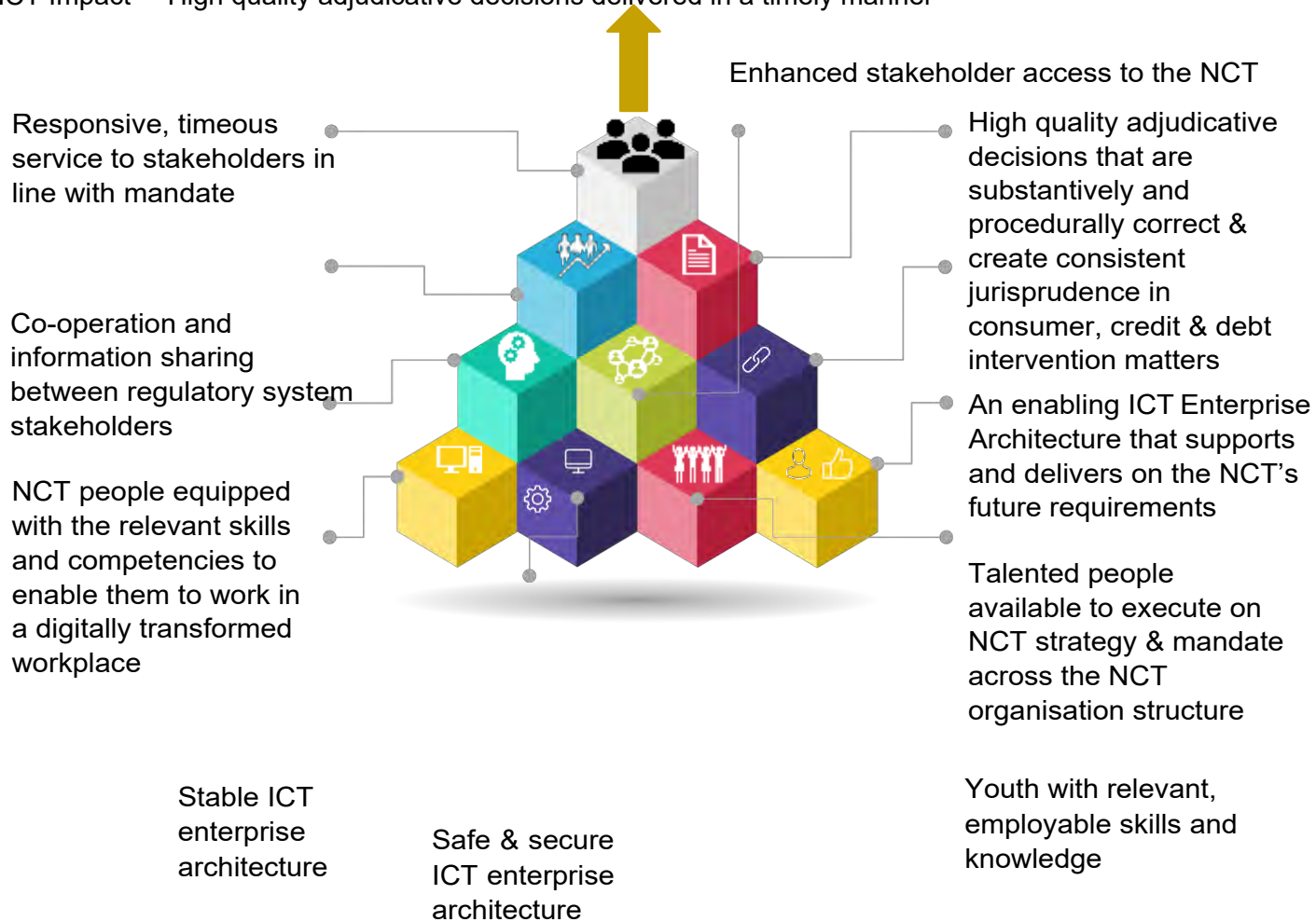


Figure 19: Outputs

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 2022/2023 – 2024/2025. When read in conjunction with the Strategic Plan 2022/2023 – 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 Outcomes, outputs, performance indicators and targets

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

Table 20: Indicator Table Programme 1 - Adjudication

Joint Indicator	Indicator (Key area)	Outcome	Outputs	Output Indicators	Annual Targets						
					Audited Performance			Estimated performance	MTEF Period		
					2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25
Delivery/Capable State (Joint KPI 3)	Addressing red tape and compliance in internal processes, including targets on turnaround times (key performance area 5)	Stakeholder confidence in the NCT – inspired by high quality adjudication and case management	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	69.78 days	69.55 days	64.18 days	65 days	60 days	55 days	50 days
				Average number of days from date of close of pleadings of non-DRA	10.39 days	15.03 days	5.31days	15 days	15 days	15 days	15 days

Joint Indicator	Indicator (Key area)	Outcome	Outputs	Output Indicators	Annual Targets						
					Audited Performance			Estimated performance	MTEF Period		
					2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25
				to date of							
				Average number of days from date of final adjudication of non-DRA to date of	17.44 days	12.41 days	8.86 days	20 days	20 days	20 days	20 days
			High quality adjudicative decisions that create consistent jurisprudence in consumer, credit and debt Intervention	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

Joint Indicator	Indicator (Key area)	Outcome	Outputs	Output Indicators	Annual Targets						
					Audited Performance			Estimated performance	MTEF Period		
					2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25
Transformation (Joint KPI 2)	Integrated Delivery: entities to identify and implement measures to integrate their work with that of other public institutions in the 52 districts (Key performance area 6)	A readily accessible NCT that shares information and co-operates with stakeholders	Co-operation & information sharing on permissible matters	Number of structured interactions and engagements with external stakeholders including events,	26	27	41	20	20	20	20

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 21: 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	60 days	60 days	60 days	60 days	60 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	15 days	15 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	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. Program resource consideration

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 judgments. These areas in which the NCT focuses on 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 a budget required to invest in the necessary technology. Currently 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 22: 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>	<p>a) An accelerated development programme 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>
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>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.</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 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>	<ul style="list-style-type: none"> 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. c) The NCT is investigating better ways of more accurately forecasting future caseload, including engagement with Debt Counsellors regarding their ‘forward load’ of cases. d) The NCT is investigating better ways of more accurately forecasting future caseload, including engagement with Debt Counsellors regarding their ‘forward load’ of cases. e) 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 f) The NCT is collaborating with the NCR in the drafting of regulations and effective adjudication processes to optimise the DIA application and adjudication process.
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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 23: Indicator Table Programme 2 – Administration

Joint Indicator	Indicator (Key area)	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
Delivery/ Capable State (Joint KPI 3)	Building the entity staffing and governance capacity and quick response (key performance area 1)	Reliable, secure, and sustainable asset utilisation	Talented people available to execute on NCT strategy & mandate across the NCT organisation structure	% Of filled positions in approved organisation structure with right skills.	89%	92.65%	93.83%	89.56%	85%	95%	95%	95%

Joint Indicator	Indicator (Key area)	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	2024/25
Transformation (Joint KPI 2)	BEE promotion and review (black industrialists, women, youth) Key performance area 1		Youth with employable skills & knowledge	Number of interns Employed through structured opportunities created for youth	8	7	7	6	6	8	8	8
				Stable ICT enterprise	% systems availability during business hours	99.1%	98%	98%	98%	98%	98%	98%
Industrialisation (Joint KPI 1)	Green economy initiatives (Key performance area 6)		Safe & secure ICT enterprise architecture	% Of identified CMS mission critical ICT systems and	-	-	-	100%	100%	100%	100%	100%



Joint Indicator	Indicator (Key area)	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	2024/25
				user guide components & functions fully documented								
				Number of designated security assessment interventions implemented	-	-	1 external and 1 internal penetration test completed and project action plan developed	1 external and 1 internal penetration test completed and project action plan developed	1 external and 1 internal penetration test completed and project action plan developed	1 external and 1 internal penetration test completed and project action plan developed	1 external and 1 internal penetration test completed and project action plan developed	1 external and 1 internal penetration test completed and project action plan developed
N/A	N/A		Optimal use of financial resources	% of trade debtors over filing fee revenue	N/A	N/A	N/A	N/A	N/A	Trade debtors to be 1.5% or less of filing fee revenue	Trade debtors to be 1% or less of filing fee revenue	Trade debtors to be 0,5% or less of filing fee



Joint Indicator	Indicator (Key area)	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	2024/25	
													revenue
Delivery/ Capable State (Joint KPI 3)	Building the entity staffing and governance capacity and quick response (key performance area 1)		HRM Maturity level achieved in relation to all elements of the HR value chain as per the HR Strategy	Percentage achievement of HR Maturity levels as per the HR Strategy	N/A	N/A	N/A	N/A	N/A	Level 3 (100%)	Level 3 (100%)	Level 4 (100%)	
Transformation (Joint KPI 2)	Worker empowerment		Annual training plans developed	% Implementation of annual training plan	N/A	N/A	N/A	N/A	N/A	80%	90%	100%	

Joint Indicator	Indicator (Key area)	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	2024/25	
	ent measures/outcome (Key performance measure 2)		and implemented										
	BEE promotion and review (key performance measure 1)		BBBEE Annual implementation plan developed and implemented to address areas such as management control, skills development, employment	% Implementation of the annual BBBEE implementation plan	N/A	N/A	N/A	N/A	N/A	80%	90%	100%	



Joint Indicator	Indicator (Key area)	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	2024/25	
			nt equity, enterprise development and socio-economic development										
	Integrated Deliveries to identify and implement measures to integrate their work with that of	To contribute to an efficient and effective Consumer Regulatory Environment	Communication strategy and implementation plan developed and implemented	% Implementation of the annual communication plan	N/A	N/A	N/A	N/A	N/A	95%	98%	98%	

Joint Indicator	Indicator (Key area)	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	2024/25	
	other public institutions in the 52 districts (Key performance area 6)												
Delivery/ Capable state (Joint KPI 3)	Review of legislation and regulations affecting an entity to identify possible	To ensure effective and efficient Organisational Management	Development of compliance checklist/ universe to ensure compliance with applicable laws.	% compliance with the core applicable laws (PFMA, NCA, CPA, POPIA)	N/A	N/A	N/A	N/A	N/A	100%	100%	100%	

Joint Indicator	Indicator (Key area)	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	2024/25	
	le reforms to improve the ease of use to external users and create more agile institutions (key performance area 6)												
Industrialisation (Joint KPI 1)	Africa and Global Export		to participate and export knowledge	Number of engagement on Consumer Protection	N/A	N/A	N/A	N/A	N/A	4	4	4	

Joint Indicator	Indicator (Key area)	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	2024/25	
	s (key performance area 5)		and know how to the African Dialogue on Consumer Protection initiatives	issues with relevant stakeholders in Africa									
N/A	N/A		Risk register reviewed and appropriate	% of agreed risk mitigation plans implemented	N/A	N/A	N/A	N/A	N/A	100%	100%	100%	

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

Output Indicator	Annual Target	Q1	Q2	Q3	Q4
% of filled positions in approved organisation structure with right skills	95%	95%	95%	95%	95%
Number of interns employed through structured opportunities created for youth development	8	-	-	-	8
Number of engagement with stakeholders in Africa around developments in Consumer Protection issues	4	1	1	1	1
% 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%	100% of Mobile application system	100% of E-payments gateway system	100% of Manual filings/E-purse integration system	100% of Tribunal Member billing system
Number of designated security assessment interventions implemented	2 (1 internal and 1 external) penetration tests completed & project action plan developed.	N/A	N/A	2	N/A
% of trade debtors over filing fee revenue	Trade debtors to be 1.5% or less of filing fee revenue	Trade debtors to be 1.5% or less of filing fee revenue	Trade debtors to be 1.5% or less of filing fee revenue	Trade debtors to be 1.5% or less of filing fee revenue	Trade debtors to be 1.5% or less of filing fee revenue
Percentage achievement of HR Maturity level as per the HR Strategy	Level 3 100%	-	-	-	Level 3 100%
% implementation of annual training plans	80%	20%	20%	20%	20%
% implementation of the annual BBEE implementation plan	80%	80%	80%	80%	80%
% implementation of the annual communication plan	100%	100%	100%	100%	100%
% compliance with the core applicable laws(PFMA, NCA, CPA, POPIA)	100%	100%	100%	100%	100%
% of agreed risk mitigation plans implemented	100%	100%	100%	100%	100%

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 can 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 79, the Corporate Services strategy is to be found on Page 82 and the strategy for Human Resources is to be found on Page 86. 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 25: Updated Risks & Mitigation

Key Risks	Description	Action to Mitigate Risk
<p>Lack of systems continuity in the event of a corruption of files and / or the exit of current internal developers</p> <p>Inadequate user adoption – as a consequence of a lack of programmatic, change enabled approach to the implementation of projects.</p>	<p>Current ICT systems and applications documentation needs to be continuously updated. This addresses the risk 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 more seamless to train up users on the system</p>	<p>a) System should be fully documented, starting with the Mission-Critical functionality</p>
	<p>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.</p>	<p>a) A programmatic approach to project management has been introduced.</p> <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 26: Indicator Table Programme 3 – Digital Enablement

Joint Indicator	Indicator (Key area)	Outcome	Outputs	Output Indicators	Annual Targets						
					Audited Performance			Estimated performance	MTEF Period		
					2018/19	2019/20	2020/21		2021/22	2022/23	2023/24
Delivery/Capable state Joint KPI 3	Integration of work and mandates across relevant dtic-institutions (Key performance indicator 3)	An intelligent, digital ly 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	Digital strategy developed	Not Applicable as this kpi was not on the 2019/ 20 organisat ional scorecard.	Identified system components & applications implemented.	Online Adjudication system, Epurple, Gateway and Mobile CMS configured	DRI system configured & implemented timeously to meet debt intervention caseload subject to promulgation of the NCA Regulations	Intelligent TM Decision Support System implemented for DRAs caseload	Intelligent TM Decision Support System implemented for Non DRAs caseload



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 27: 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. These quarterly targets assume the NCAA rules and regulations will have been finalised and gazetted by end Q4 FY2021-22 otherwise they will be not applicable.	Identified system components & applications implemented.	DRI Application design specifications completed.	DRI programming modifications made to the CMS system to cater for NCAA applications.	DRI CMS application modifications duly tested	DRI system fully user acceptance tested and put live into production

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 28: 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	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.	f) The NCT had previously submitted applications for funding and awaiting a response for the approval of a business case that details the benefits to be realised by digital enablement and transformation.

<p>payment has been made.</p>		<p>g) The NCT continues to collaborate with other dtic regulators to maximise synergies, share costs and ensure the seamless, secure transfer of data across systems, minimising the need for re-capture.</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>User adoption of new digitally enabled systems</p>	<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.</p>
<p>Redundancies because of employees displaced by new technology and / or technologically enabled systems</p>	<p>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.</p>	<p>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.</p>

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 2022/23 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.

The previous year “J-KPIs” have been regrouped into three over-arching joint/integrated outputs that address the dtic portfolio contribution to outcomes (inclusive growth, jobs, combating poverty, dealing with inequality) as follows:

They are:

Industrialisation: building dynamic firms through a combination of efforts in partnership with the private sector, focusing on opportunities to grow in the domestic market (through localisation-promotion policies, sector partnerships, beneficiation, promoting the green economy and fostering higher levels of investment); fostering higher levels of African economic integration through the African Continental Free Trade Area (AfCFTA) and building a wider export market for SA-products; with supply-side reforms to build competitiveness.

Transformation: Building economic inclusion through transformation programmes in three broad areas: first addressing structural challenges to growth through active competition policies, particularly where the concentration levels in markets limit new entrants and small and medium businesses; second, policies that promote spatial transformation, enabling more balanced growth between rural and urban and between provinces; and third, strengthening the inclusive/transformation in the quality of growth, including broadening ownership and more inclusive corporate governance models.

Delivery/Capable State: Building a new culture of partnership in the economy, characterized by greater responsiveness and nimbleness by the Department and entities, which includes reviewing internal processes and legislation/regulations that make it harder for small businesses and investors to grow their businesses (and replacing these with smart regulation that achieves key public policies in the least bureaucratic manner possible).

Industrialisation comprises of the following seven areas, and the APPs/Corporate Plans of entities should have KPIs that identifies, within the legal mandate of an institution, what it will be undertaking for the year and what the ‘output’ that will be in the KPIs will be. These areas are:

1. Sector Partnerships: Master Plans (there are nine)
2. Localisation outcomes
3. Beneficiation initiatives
4. Covid industrial production
5. African and Global Exports
6. Green economy initiatives
7. Investment expansion/promotion

Transformation now contains the following seven areas, and the APPs/Corporate Plans of entities should have KPIs that identifies, within the legal mandate of an institution, what it will be undertaking for the year and what the ‘output’ that will be in the KPIs will be. These areas are:

1. BEE promotion and review (black industrialists, women, youth)
2. Worker empowerment measures/outcomes, where appropriate.
3. Structure of economy: addressing economic concentration and/or SME promotion
4. Township economy: measures to promote opportunities in the Township economy
5. District Model Reporting: key outputs and outcomes of an entity to be reported in the framework of the 52 spatial units, to the extent possible. Such reports to also include work that may affect SEZs and Industrial Parks, where relevant



6. Integrated Delivery: entities to identify and implement measures to integrate their work with that of other public institutions in the 52 districts.

Delivery/Capable State now contains the following seven areas, and the APPs/Corporate Plans of entities should have KPIs that identifies, within the legal mandate of an institution, what it will be undertaking for the year and what the 'output' that will be in the KPIs will be. These areas are:

1. Building the entity staffing and governance capacity and quick response
2. Shared services with the dtic or between entities
3. Integration of work and mandates across relevant dtic-institutions
4. Rationalising functions between the department and entities:
5. Addressing red tape and compliance in internal processes, including targets on turnaround times
6. Review of legislation and regulations affecting an entity to identify possible reforms to improve the ease of use to external users and create more agile institutions
7. Coordinating with other parts of the state to ensuring effective outcomes on mandates and the industrialisation/transformation agenda:

NB: The NCT has incorporated the joint KPIs into the main APP

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 36: NCT Alignment with 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 utilization</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>	<p>-In today’s world, a capable state must embrace the transformational power of technology and embark upon programs 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.</p> <p>-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.</p> <p>-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.</p> <p>-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.</p> <p>-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.</p>



		<p>-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.</p>
<p>Confidence in the NCT, inspired by high-quality adjudication & case management</p>	<p>Priority 2: Economic Transformation & Job Creation</p>	<p>-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 the 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 the condition such an environment.</p> <p>-Certainty and predictability are also important prerequisites 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.</p> <p>-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.</p> <p>-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’.</p> <p>-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.</p> <p>-Job creation can only be facilitated through the provision of</p>



<p>Reliable, secure & sustainable asset utilisation</p> <p>An intelligent, digitally transformed and enabled NCT</p>		<p>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.</p> <p>-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>
<p>Reliable, secure & sustainable asset utilization</p> <p>A readily accessible NCT – shares information & co-operation with stakeholders</p>	<p>Priority 3: Education, Health &Skills</p>	<p>-Employment opportunities for women, people with disabilities and historically disadvantaged individuals are created through the NCT’s intern program and contingent resources pool. This enjoys a specific focus in Goal 4 – ‘To ensure effective and efficient organizational management and in the Outcome – ‘Talented people available to execute on NCT strategy & mandate across NCT organizational structure’.</p> <p>-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 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 Industrial revolution and to mitigate the effect of the 4th Industrial revolution on their own jobs within the NCT.</p> <p>-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.</p> <p>-Debt management training and retirement fund preparation training are to be compulsory courses for all newly appointed NCT employees.</p>

<p>Reliable, secure & sustainable asset utilisation</p>		<p>-Training in employee wellness and OHS awareness in the workplace are provided for NCT employees.</p> <p>-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.</p> <p>-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>
<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>Reliable, secure & sustainable asset utilisation</p>	<p>Priority 4: Consolidating the social wage through reliable and quality basic services.</p>	<p>-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.</p> <p>-Access to services is also an important element in service delivery.</p> <p>-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 because of systems downtime or if citizen's 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>
<p>A readily accessible NCT – shares information & co-operates with stakeholders</p>	<p>Priority 5: Spatial integration, human settlements & local government</p>	<p>-Spatial fragmentation and integration occur both in a geographic form as well as in whether 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.</p> <p>-The NCT's outreach programmes incorporated within the Access Strategy aim to bridge both the geographical and digital divide that exists within our society.</p> <p>-The NCT also works to support Provincial consumer and credit adjudication bodies to ensure that they understand the NCT's role, mandate, adjudicative processes and outcomes.</p>



<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>Reliable, secure & sustainable asset utilization.</p>	<p>Priority 6: Social cohesion & safe communities.</p>	<p>-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.</p> <p>-Social cohesion cannot be achieved if citizens are marginalized or excluded. The NCT's focus on access seeks to enhance the social cohesion and inclusion of previously disadvantaged communities.</p> <p>-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.</p>
<p>A readily accessible NCT – shares information & co-operates with stakeholders.</p>	<p>Priority 7: A better Africa & world</p>	<p>-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 learned as well as to contribute to harmonised consumer/credit legislation / regulatory environment. Resource constraints restrict the NCT from formally translating this into a clear Outcome within the Strategy.</p>

Part D: Technical Indicator Descriptions (TID)

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

Output indicator 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	<p>The case spreadsheet, case files and the case management system.</p> <p>Each DRA filed by hand, by fax, by personal delivery, by email or by system filing, reflects a date stamp either physically or digitally imprinted. The stamps indicate date of receipt of the application and the date of issuing of the order. These dates on system filed matters are contained within the case management system itself.</p> <p>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.</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 up to and including 31 December, 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</p>

	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.
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 (where applicable)	Not Applicable
Spatial transformation (where applicable)	Not applicable
Desired performance	Performance below target of 65 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	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

	<p>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. If 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>
<p>Method of calculation</p>	<p><u>Calculation of Baseline:</u></p> <p>The baseline is calculated based on the estimated turnaround for each application received from 1 April up to and including 31 December, utilising the calculation method below.</p> <p><u>Calculation of Performance Score:</u></p> <p>The turnaround for each application received is calculated from the date of the first 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 first 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>

	The calculation is based on business days – it excludes weekends, public holidays, and the period during which the Tribunal is officially closed.
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> 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> 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 of 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 Supreme Court of Appeal
Definition	Rulings made by the Tribunal which were brought to the Supreme Court of Appeal for Review

Source of Data	Tribunal Rulings/Judgements lodged in the Supreme Court on review
Method of Calculation	Number of Tribunal Judgements overturned on review at the Supreme Court
Means of verification	Judgements issued by the Supreme 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, agenda, and proof of attendance. This may include video recordings and 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 4: 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 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 workdays 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 95% is desired with positions being filled within 4 months of vacancy date. The ideal would be an annual target of between 95% and 98% 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 5: 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 6: 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) Virtual Private Network services 6) VIP ESS 7) Exclaim 8) E-service 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 2022/23 Financial year, the systems should perform to a minimum baseline 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	Systems 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 more than 98% inside of business hours.
Indicator responsibility	Chief Information Officer.

Output 7: 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 identified Mission Critical CMS components are fully documented and signed off by the CIO these include 1) The CMS mobile application 2) The CMS E-payments Gateway system. 3) The manual filings and E-purse integration system. 4) The Tribunal member billing system.
Source of Data	Mission-critical aspects of the system have been identified. For 2022/2023, data sources will be the following components fully documented 1) CMS Mobile Application documentation (Q1), 2) CMS E-payments Gateway documentation (Q2), 3) manual filings integration with E-purse documentation (Q3) 4) CMS Tribunal Member billing system documentation (Q4) at
Method of Calculation	Q1, CMS Mobile Application code, data and user documentation completed and signed off by the CIO. Q2 CMS E-payments Gateway code, data and user documentation completed and signed off by the CIO, Q3 Manual filings integration code, data and user documentation completed and signed off by the CIO. Q4 CMS Tribunal member billing system code, data and user documentation completed and signed off by the CIO.
Means of verification	Signed off by the CIO code, data and user documentation for the 4 identified CMS components listed above in the definition section of this TID.
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 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 the external and internal 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 8: Optimal use of financial resources

Indicator Title 11	% of trade debtors over filing fee revenue
Definition	To ensure all revenue due to the NCT is collected in a timely manner
Source of data	The filling fees reconciliation and the trade debtors listing and general ledger
Method of calculation	Trade debtors / Filing Fee revenue
Means of verification	Quarterly management accounts and audited annual financial statements
Assumptions	All manual filings cases are confirmed with the finance unit before a case number is issued. This will ensure that trade debtors are kept to a minimal.
Calculation type	Cumulative (year to date)
Reporting cycle	Annual
Disaggregation of beneficiaries (where applicable)	Not Applicable
Spatial transformation (where applicable)	Not Applicable
Desired performance	Trade debtors to be 1.5% or less of filing fee revenue – 2022/2023 Trade debtors to be 1.0% or less of filing fee revenue – 2023/2024 Trade debtors to be 0.5% or less of filing fee revenue – 2024/2025
Indicator responsibility	Chief Financial Officer

Outcome 4: To ensure effective and efficient Organisational Management.

Output 9: An integrated and developmental HRM functions that respond to the needs of the tribunal and leading with excellence

Indicator Title 12	Percentage achievement of HR Maturity level as per the HR Strategy
Definition	Indicator measures the maturity of Human Resources function as per the HR Strategy and the proposed areas of improvement to reach the desired maturity level, i.e., Level 3
Source of Data	Human resources management strategy that contains an assessment report of each element of the HR value chain and the proposed measures to reach to the desired level 3
Method of Calculation	<p><u>Calculation of Baseline:</u></p> <p>The baseline is calculated based on the assessment report of each element of the HR value chain</p> <p><u>Calculation of Performance Score:</u></p> <p>Proposed areas of improvement in the HR strategy contains specific deliverables to be implemented to reach the desired level 3 of maturity</p>
Means of Verification	Reports and evidence on the implementation of each deliverable
Assumptions	NONE
Calculation Type	Cumulative (year-end)
Reporting cycle	Annually
Disaggregation of beneficiaries	Not Applicable

Indicator Title 13	% Implementation of annual training plan
Definition	The NCT conducted a skills audit and subsequent training plans were developed for the three-year period. The purpose is to ensure that the NCT has capacitated employees that are able to deliver according to the NCT mandate.
Source of Data	Training plan
Method of Calculation	<p><u>Calculation of Baseline:</u> The baseline is calculated based on the training plan for the financial year</p> <p><u>Calculation of Performance Score:</u> Number of trainings attended in terms of the annual training plan against the number of training programmes identified in training plan.</p>
Means of Verification	Reports and evidence on the implementation of each training intervention
Assumptions	NONE
Calculation Type	Cumulative (year-end)
Reporting cycle	Quarterly – consolidated annually
Disaggregation of beneficiaries	Not Applicable

Indicator Title 14	% Implementation of the annual BBBEE implementation plan
Definition	The NCT has developed a BBBEE implementation plan in line with its BBBEE strategy for implementation to ensure that the NCT reaches it desired level of compliance.
Source of Data	BBBEE Implementation plan

Method of Calculation	<p><u>Calculation of Baseline:</u> The baseline is calculated based on the BBBEE implementation plan</p> <p><u>Calculation of Performance Score:</u> Number of BBBEE activities achieved as per the BBBEE implementation plan.</p>
Means of Verification	Reports and evidence on the implementation of each deliverable
Assumptions	NONE
Calculation Type	Cumulative (year-end)
Reporting cycle	Quarterly – consolidated annually
Disaggregation of beneficiaries	Not Applicable

Goal:3 To contribute to effective and accessible Consumer regulation and adjudication

Output10: Communication and stakeholder engagement

Indicator Title 15	% Implementation of the annual communication plan
Definition	The NCT has approved a communication strategy and in the process of developing the communication plan for implementation in the next financial year. The Communication Plan will consist of key performance indicators and the timelines that are meant to achieve the strategy objectives.
Source of Data	Communication plan and report on implementation
Method of Calculation	<p><u>Calculation of Baseline:</u> The baseline is calculated based on the activities of the communication plan</p> <p><u>Calculation of Performance Score:</u> Number of communication activities achieved as per the annual communication plan.</p>
Means of Verification	Reports and evidence on the implementation of each deliverable
Assumptions	NONE
Calculation Type	Cumulative (year-end)
Reporting cycle	Quarterly – consolidated annually

Disaggregation of beneficiaries	Not Applicable
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Output 11: Compliance and risk management

Indicator Title 16	% Compliance with the applicable laws, rules, standards and applicable tools- as per the compliance checklist/ universe activities
Definition	The NCT has compliance checklist in place, which is captured in the EXCLAIM compliance system. Each item in the checklist is owned by the respective Business Unit head/ manager. Implementation of the respective provision of the law is required as per the checklist and to be reported on.
Source of Data	Compliance check list and monthly compliance reports compiled by Compliance officer with Portfolio of Evidence file
Method of Calculation	<p><u>Calculation of Baseline:</u> The baseline is calculated based on the assessment report of each element of the HR value chain</p> <p><u>Calculation of Performance Score:</u> Each business unit is expected to implement a plan and submit a report to the SCS with a portfolio of evidence for review. Based on the report received, it would be possible to determine if the compliance targets have been achieved.</p>
Means of Verification	Reports and evidence on the implementation of each deliverable
Assumptions	NONE
Calculation Type	Cumulative (year-end)
Reporting cycle	Quarterly – consolidated annually
Disaggregation of beneficiaries	Not Applicable

Indicator Title 17	% compliance with risk mitigation plans as per the risk register
Definition	And clear timelines of the achievement of those risk mitigation plans. The purpose is to ensure compliance with the stated timelines
Source of Data	Risk register and monthly risk reports
Method of Calculation	<p><u>Calculation of Baseline:</u> The baseline is calculated based on the risk mitigation plans identified in the risk register.</p> <p><u>Calculation of Performance Score:</u> The monthly risk reports indicate implementation of risk mitigation plan identified and this should be supported by relevant evidence. Further report to the Audit and Risk Committee to ensure clearance / review of the risk once it has been proven that controls are implemented.</p>
Means of Verification	Reports and evidence on the implementation of management control
Assumptions	NONE
Calculation Type	Cumulative (year- end)
Reporting cycle	Quarterly – consolidated annually
Disaggregation of beneficiaries	Not Applicable

Goal 3: To digitally enable and transform the NCT.

Output 12: An enabling ICT Enterprise Architecture that supports and delivers on the NCT's future requirements.

Indicator Title 18	Identified mission-critical ICT components & applications successfully implemented
Definition	Indicator measures whether the DRI 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.
Method of Calculation	For 2022/2023, the DRI system will need to be developed and configured in line with the business specifications as derived from the gazetted rules and regulations. System performs in line with the requirements of the business specifications.
Means of verification	The compliance with the user acceptance test specifications.
Data limitations	Milestones for 2022 / 23 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 informed by the gazetted NCAA rules and regulations determined for target system to be developed. Until the rules and regulations have been developed quarterly measurements for this KPI cannot be identified and therefore whilst this position is maintained the TID will be not applicable at the end of successive quarters for 2022/23. However due to the strategic nature of this initiative and it being led by the dtic who may at some point during the financial year gazette the rules and regulations
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	Chief Information Officer.



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/ 0100060484

Email: Registry@thenct.org.za

Fax: 012 663 5693