

Ombud Council

Ensuring an accessible and trusted
financial sector ombud system

ANNUAL PERFORMANCE PLAN 2023-24

EXECUTIVE AUTHORITY STATEMENT BY THE MINISTER OF FINANCE

I am pleased to acknowledge the Annual Performance Plan of the Ombud Council for the 2023/24 financial year. The Ombud Council is established by the Financial Sector Regulation Act, 2017, as the oversight body for the financial sector ombud system. Its role is to ensure an accessible, effective, independent, and fair ombud system for financial customers.

The Ombud Council commenced operations in May 2021, with very limited resources and hardly any infrastructure. Although the Council has done remarkably well to meet all of its core statutory commitments to date, it has relied on interim funding mechanisms and operational support from the Financial Sector Conduct Authority through a shared services agreement.

The 2023/24 financial year will mark the Ombud Council's listing as a Schedule 3A public entity under the Public Finance Management Act. This will coincide with the expected commencement of the Financial Sector and Deposit Insurance Levies Act, 2022, as well as the funding arrangements in Chapter 16 of the Financial Sector Regulation Act, in April 2023.

This will ensure that the Ombud Council can implement its legislated levy-based funding model and start acquiring the resources it needs to fulfill its mandate independently.

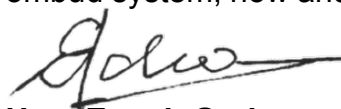
The Ombud Council's first Strategic Plan, covering the 2023/24 to 2024/25 period and published in tandem with

this Performance Plan, articulates five strategic priorities. These are: Building and capacitating the Council; Enhancing coverage and effectiveness of the ombud system; Supporting financial inclusion initiatives; Proactively contributing to policy and regulatory reform of the ombud system; Monitoring the performance of ombud schemes.

To support the first phase of implementing these priorities, this Annual Performance Plan appropriately comprises two overarching programmes of work: An internally focused Administration programme, with outputs aimed at capacitating the Ombud Council and ensuring that it is sustainably financed and well governed; and an externally focused Regulation and Oversight programme, with several sub-programmes to implement the Council's core statutory functions. The Regulation and Oversight programme also includes the Ombud Council's commitment to supporting the development and implementation of significant policy reforms of the ombud system planned by National Treasury.

I confirm my support to the Ombud Council and its Board and wish them every success as they embark on this journey of fully operationalising the Council's important consumer-protection mandate and capacitating itself to do so.

Achievement of the targets in this Annual Performance Plan will greatly contribute to the effectiveness of the ombud system, now and into the future.



Hon. Enoch Godongwana
MINISTER OF FINANCE

REMARKS FROM THE CHAIRPERSON OF THE BOARD

I am pleased to present the Ombud Council's Annual Performance Plan for 2023/24, confirming the goals the Council is committed to achieving for the financial year, to support the outcomes set out in our Strategic Plan for 2023/24 to 2024/25.

The Ombud Council commenced operations in late May 2021, when an Interim Chief Ombud was appointed, making the Council's board quorate. However, it is only with the recent passage of the Financial Sector and Deposit Insurance Levies Act (assented to in late 2022 and expected to commence in April 2023) that the Council can be formally listed as a public entity under Schedule 3A of the Public Finance Management Act (PFMA) for the upcoming financial year. This Annual Performance Plan, together with the Strategic Plan that informs it, are therefore the first such planning documents that the Ombud Council is formally submitting to the National Treasury and to Parliament as required by the PFMA.

This Plan details the specific deliverables required in the course of the year to achieve the Council's two-pronged set of strategic priorities: On the one hand, these priorities are aimed at capacitating the Council and ensuring it is well governed and sustainably funded; and on the other hand at ensuring delivery of key aspects of its mandate - with plans for improving the coverage and co-ordination of the ombud system; enhancing its visibility and accessibility; facilitating positive regulatory reform; and holding ombud schemes to account by overseeing their conduct.

The Plan comprises a bold set of commitments for the still fledgling organisation to move toward its vision of ensuring that a known, trusted and easily accessible ombud system exists for all in the financial sector, and to capacitate itself to do so.

Although I present this Plan in my capacity as Acting Chairperson of the Ombud Council's board and will resume my role as Deputy Chairperson when Ms. Silindile Kubheka takes over the Chairperson's reins on 1 February 2023, I am sure Ms. Kubheka, and my other fellow board members, will join me in wishing the Chief Ombud and her team every success in their endeavours and in pledging our support.



Silindile Kubheka
CHAIRPERSON
Board of the Ombud Council

OVERVIEW FROM THE CHIEF OMBUD

It gives me great pleasure to present the Annual Performance Plan of the Ombud Council for financial year 2023/24. This Performance Plan, together with the Council's two-year Strategic Plan for 2023/24 to 2024/25, will be the first set of planning documents to be tabled in Parliament by the Ombud Council. This Plan gives effect to the first phase of our Strategic Plan.

Although the Ombud Council was established under the Financial Sector Regulation Act in late 2020, it only began operations in May 2021 with the appointment of my predecessor, Ms. Eileen Meyer, as Interim Chief Ombud. Although the Council is still in the very early stages of its organisational development, it nevertheless successfully used its statutory powers to meet key statutory obligations under Ms. Meyer's leadership and the valuable guidance of its board and its two governance committees, an Audit and Risk Committee; and an HR and Remuneration Committee.

As elaborated in our Strategic Plan, the Ombud Council's priorities are to: (i) Build a well-governed, sufficiently capacitated institution; (ii) Enhance the jurisdictional coverage, effectiveness, and co-ordination of the ombud system; (iii) Promote financial inclusion by supporting initiatives to boost the visibility of ombud services; (iv) proactively contribute to positive reform of the ombud system; and (v) effectively monitor ombud scheme performance. In line with these priorities, this Performance Plan comprises two main programmes of action: An internally focused Administration programme

aimed at adequately capacitating the Council and ensuring effective governance and financial management frameworks; and an outwardly focused Regulation and Oversight programme entailing delivery of the Council's statutorily mandated regulatory and supervisory functions.

Since its inception, the Ombud Council has partnered with the Financial Sector Conduct Authority (FSCA) under a shared services agreement, which provided a launch pad to manage the Council's daily operations in the absence of its own resources and infrastructure. Much of the Administration programme in the upcoming financial year will be devoted to enabling the Ombud Council to function independently of this arrangement. I take this opportunity to thank the FSCA for their invaluable support to date. Another key deliverable of this Programme will be to ensure that the Council has the necessary governance and financial management systems in place to comply with its Public Finance Management Act obligations, which will kick in with the Council's expected PFMA listing at the start of the financial year.

The Regulation and Oversight programme, as the name suggests, targets delivery of the Ombud Council's core regulatory and supervisory functions. This entails implementing processes for ongoing, active supervision of ombud scheme conduct; using the Council's rule-making and information gathering powers to improve the jurisdictional coverage of the ombud system and streamline ombud schemes' complaint handling and reporting processes. The programme also entails supporting initiatives to increase consumer

awareness of ombud scheme services; and proactively supporting the development and implementation of National Treasury led reform of the ombud system to facilitate a well managed transition to the new framework.

Successful delivery of this Annual Performance Plan will ensure that the Ombud Council plays its part in building a more equitable and responsive financial system for all South Africans.



Ms. Leanne Jackson
CHIEF OMBUD
Ombud Council

Sign Off:

It is hereby certified that this Annual Performance Plan:

- **Was developed by the management of the Ombud Council;**
- **Takes into account all the relevant policies, legislation, and other mandates for which the Ombud Council is responsible, as well as pending regulatory reforms;**
- **Accurately reflects the outcomes and outputs which the Ombud Council will endeavour to achieve over the period 2023/24.**



Siphwiwe Dube

Senior Manager: Operations



Leanne Jackson

Chief Ombud

Approved by:



Silindile Kubheka

Chairperson

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GLOSSARY OF TERMS AND ABBREVIATIONS

BIP	Business Implementation Plan of the Ombud Council.
Board	The Board of the Ombud Council, established by s.179 of the FSR Act.
COFI Bill	Conduct of Financial Institutions Bill, expected to be tabled in Parliament during 2023.
Council; or Ombud Council	The Ombud Council.
FSCA	Financial Sector Conduct Authority.
FSR Act	Financial Sector Regulation Act, 2017.
Levies Acts	The Financial Sector and Deposit Insurance Levies Act, 2022; and the Financial Sector and Deposit Insurance (Administration) and Deposit Insurance Premiums Act, 2022.
Ombud Schemes	Industry ombud schemes and statutory ombud schemes, as defined in the FSR Act.
PFMA	Public Finance Management Act, 1999.
World Bank Diagnostic	Report by the World Bank Group titled " <i>South Africa: Financial Ombud System Diagnostic</i> " (June 2021), commissioned by the National Treasury and the FSCA.

PART A: OUR MANDATE

1. THE RELEVANT LEGISLATIVE AND POLICY MANDATES

The **main objective** of the Council, per section 176 of the FSR Act, is to assist in ensuring that financial customers have access to, and are able to use affordable, effective, independent, and fair alternative dispute resolution processes for complaints about financial institutions in relation to financial products and services. Chapter 14 of the FSR Act establishes the Council and confers oversight, enforcement, and regulatory powers on it in relation to financial sector statutory and industry ombuds.

The FSR Act establishes a "Twin Peaks" system of financial regulation by establishing various regulatory authorities and structures to, among other objectives, ensure the protection and promotion of rights set out in the Constitution (particularly Chapter 2), for financial consumers. The Council is defined in the FSR Act as a **financial sector body** as well as a **national public entity** for purposes of the PFMA. It also operates within the larger body of financial sector laws.

2. INSTITUTIONAL POLICIES AND STRATEGIES

Financial Sector Policy context

This is the first Annual Performance Plan for the Ombud Council to be tabled in Parliament. It is the performance framework for the implementation of the Council's two-year Strategic Plan for 2023/24 – 2024/25 covering the remainder of the current legislative period.

The Ombud Council is a product of financial sector policy position statements such as "*A safer financial sector to serve South Africa better*" (2011) and "*A Known and Trusted Ombud System*" (2017). These National Treasury publications respectively set out the overall Twin Peaks regulatory framework for the financial sector (including the role of the ombud system within that framework); and put forward policy proposals for the financial sector ombud system in particular. They were supplemented by the World

Bank Diagnostic study. The recommendations emanating from this study will have far-reaching implications for the ombud environment and will impact on the strategy of the Ombud Council over the next two to five years. Furthermore, the reform of the overall financial consumer protection framework through the ongoing evolution of the Twin Peaks legislative framework, particularly the proposed overarching COFI Bill will influence the strategy of the Ombud Council in the future. In addition, the Levies Acts will drive the Council's levy-based funding model.

The above policy developments may change the strategic objectives of the Ombud Council in the future and the shape of future Annual Performance Plans. Nonetheless, the following strategic priorities of the Ombud Council are supportive of the National Development Plan (NDP) goal of enabling participation by all in the financial sector and contributing to economic inclusion. They speak to MTSF Priority 2 covering economic inclusion and job creation. The Ombud Council aims to play a transformational role in promoting accessibility for financial customers to the ombud system and strengthening the overall financial consumer protection framework through contributing to financial literacy and taking a rights-based approach to fair treatment by financial institutions.

3. OMBUD COUNCIL STRATEGIC PRIORITIES

Against the above policy background, the Council has adopted the following five strategic priorities and related intended strategic outcomes, which together form the basis of its two-year Strategic Plan. This Annual Performance Plan focuses on implementation of the first phase of that Plan.

Table 1: Strategic Priorities and intended Outcomes.

Strategic Priorities	Intended Outcomes
Build a well-governed institution sufficiently capacitated to perform its functions efficiently and effectively.	<ul style="list-style-type: none"> • Adequate capacity and capability in place to perform statutory functions. • Effective governance framework exists. • Sustainable funding is ensured. • Financial management system and controls exist.
Enhance the coverage and effectiveness of the ombud system by addressing jurisdictional gaps and overlaps and promoting coordination and alignment of scheme processes.	<ul style="list-style-type: none"> • Jurisdictional gaps, overlaps and inconsistencies between scheme processes reduced. • Inconsistencies between ombud scheme reporting processes reduced.
Support financial inclusion initiatives undertaken by ombud schemes and other regulators to create consumer awareness of the services offered by ombud schemes.	<ul style="list-style-type: none"> • Enhanced consumer awareness of ombud services through OC support of awareness and education initiatives by stakeholders.
Contribute to reform of the ombud system through proactive participation in regulatory and policy reform and transition projects.	<ul style="list-style-type: none"> • The implementation of regulatory and institutional reform of the ombud system is well managed.
Effectively monitor the performance and compliance of ombud schemes in line with the Ombud Council's statutory objective (s. 176 of FSR Act).	<ul style="list-style-type: none"> • An effective supervision framework is in place to identify non-compliance or poor performance of ombud schemes.

4. UPDATES TO RELEVANT COURT RULINGS

The Ombud Council is not aware of any court rulings that impact on its operations.

PART B: STRATEGIC FOCUS

5. SITUATIONAL ANALYSIS

- **External environment analysis**

Political Environment

The Ombud Council's immediate political environment, under the policy direction of the Minister of Finance and the National Treasury, is stable. Notwithstanding regulatory reforms discussed in the Strategic Plan of 2023/24 - 2024/25, the overall policy goals and priorities for the financial sector, particularly in relation to the financial consumer protection sphere of which the Council forms a part, are clear.

Economic Environment

SA's economic growth has stagnated, and economic forecasts indicate a long way to recovery. The level of unemployment, poverty, and inequality are unacceptably high. The economic ramifications of the Covid 19 lockdowns still linger, while productivity losses due to the frequent Eskom load shedding increasingly take their toll. These factors exacerbate already low levels of financial inclusion, while many South Africans (particularly individuals and small businesses) who do participate in the formal financial sector by utilising the products and services of licensed financial institutions, are over-indebted and struggling to make ends meet. In this challenging economic environment, protection of financial customers against unfair treatment by financial institutions becomes particularly important.

Social Environment

The economic situation outlined above has negative social consequences, which particularly impact lower income and less sophisticated financial customers. This highlights the imperative for ombud schemes to have processes in place that are accessible, suitable, and empathetic for vulnerable complainants. Customer outreach and consumer education initiatives by ombud schemes and the FSCA, and the Ombud Council's facilitation of these, is also important in this context. Nonetheless, many

consumers are becoming increasingly aware and assertive of their rights to fair treatment by financial institutions, supported by active media scrutiny. Social media platforms have become a powerful tool for consumers to voice dissatisfaction with the conduct of financial institutions. South Africa's high levels of crime and social unrest also play out in the financial sector, impacting the ombud system. Both financial customers and financial institutions are victims of fraud, with "scams" becoming increasingly sophisticated. A high proportion of complaints to the Ombud for Banking Services, for example, are fraud related and insurance industry bodies report ever increasing numbers of fraudulent claims. This requires careful application of equity principles by ombud schemes, to impartially balance the need for financial institutions to protect their customers while also limiting their own exposure to criminal activity.

Technology Environment

Technological "FinTech" developments mean ongoing innovation in financial product and service design. Just as the regulatory framework needs to evolve to be able to effectively regulate these products and services, the ombud system needs to evolve to be able to deal with the new types of complaints they give rise to. This has implications for the scope of the jurisdiction of current schemes, and hence the Ombud Council's jurisdictional rule-making and designation powers. Technological advancement also gives rise to new consumer risks, with the prevalence of "scams" relating to crypto assets, online foreign exchange dealing platforms, "phishing", and other cyber-crime activities increasing significantly. The FSCA's recent recognition of crypto assets as financial products for purposes of the Financial Advisory and Intermediary Services Act, 2002 means that the FAIS Ombud now has jurisdiction to deal with complaints relating to advice on and selling of these products and needs to build the necessary capacity. The ombud system is currently not fully equipped to deal with these types of complaints, and the Ombud Council will need to promote appropriate enhancements.

Environmental Issues

Although the Ombud Council is not materially directly impacted by environmental issues, they have indirect impacts - particularly in relation to the insurance sector.

Examples of environmental factors that lead to spikes in insurance claims and thus complaint volumes include climate change related extreme weather events; energy supply challenges, such as Eskom load shedding leading to equipment damage and business interruption claims; and of course health events, with the COVID pandemic massively increasing death and health insurance claims in the life insurance sector, and business interruption claims in the non-life sector – effects which are still being felt.

Legal Environment

The Ombud Council, and the ombud schemes it oversees, find themselves amid far-reaching regulatory reforms expected to directly impact their roles and processes, and thus the Ombud Council's strategy. New legislation is expected like the COFI Bill, related changes to the FSR Act, and reforms proposed in the World Bank Diagnostic - all of which will impact the Ombud Council. This dimension is discussed further in our Strategic Plan of 2023/24 – 2024/25 and highlighted under point 2 of this document.

In anticipation of consolidation of the ombud system based on the World Bank Diagnostic recommendations, four of the current five industry ombud schemes have embarked on a process of voluntary amalgamation. The Ombud Council is supportive of the project, as it supports the Council's statutory functions of promoting co-ordination between the activities of ombuds and resolving jurisdictional overlaps between schemes (s.177(1)(b) and (g) of FSR Act). The voluntary amalgamation is expected to be implemented during the period of implementation of this Annual Performance Plan and will entail the use of the Ombud Council's designation and rule-making powers – see the sub-programme on reform of the ombud system under Programme 2: Regulation and Oversight.

- **Internal environment analysis**

The Board of the Ombud Council was established in November 2020 and became quorate in May 2021 with the appointment of a Chief Ombud on a part-time basis to

'kick-start" the operationalisation of the Council. The Minister of Finance has appointed a skilled board to guide the strategic direction of the Ombud Council in this critical phase of establishment. A permanent Chief Ombud is in place since November 2022 with continued support from a Senior Manager: Operations as a secondee from the National Treasury. It remains essential for the Ombud Council to implement a fit for purpose organisational structure and staff establishment.

The Ombud Council has a shared services agreement (Memorandum of Agreement - MoA) with the FSCA to provide various corporate services to the Council until such time as it is internally capacitated. Services provided under the agreement include human resource management, financial management, and procurement support. This MoA expires during the third quarter of this APP period, and a key focus of the Council's planning is reducing reliance on the FSCA's operational support.

A staff establishment of five people is proposed for the Council in the first phase of the Strategic Plan 2023/24-2024/25 of which one has been filled, viz., the Chief Ombud. The other four will be recruited in the 2023/24 financial year, increasing to six people in the following financial year.

In terms of the FSR Act, the Council's operations are funded through the imposition of levies, payable by financial institutions. The Council is also empowered to collect fees for the performance of specific functions. Chapter 16 of the FSR Act, which enables the Ombud Council's financial processes, is expected to come into operation on 1 April 2023, to coincide with the expected commencement of the Levies Acts. The commencement of the Levies Acts is also a prerequisite for the Ombud Council to be formally listed as a national public entity under Schedule 3A of the PFMA.

In light of delays in processing the Levies Acts, the Council was during its first two years of operation (financial years 2021/22 and 2022/23) allocated funding of R10 million for each year, as a ring-fenced component of FSCA funds derived from administrative penalties, to fund its operationalisation. The National Treasury has subsequently confirmed that funding of R13 million per year will be allocated to the

Council under the upcoming budget appropriation, for each year of the current MTEF period (viz. 2023/24 to 2025/26), as contingency funding until levy collections under the Levies Acts are fully operationalised. Once this occurs, which is expected to be during the 2023/24 financial year, fiscal funding will no longer be required, and appropriate budget adjustments can be made. (See further detail in paragraph 7 below, "Programme resource considerations".)

• **SWOT**

Considering the analyses of the internal and external environment set out in paragraphs 5.1 and 5.2, the Ombud Council has assessed its Strengths, Weaknesses, Opportunities and Threats as follows:

Strengths	Weaknesses
<ul style="list-style-type: none"> • Breadth, depth and diversity of skills and experience in the board and executive. • Reciprocal trust relationship with ombud schemes • Access to FSCA support services to assist with establishment (MOA) • Quality of relationships and engagement with National Treasury enables proactive participation in policy development • Demonstrable commitment to good governance (even before PFMA listing) 	<ul style="list-style-type: none"> • Bridging funding from fiscus not ideal funding model to ensure impartiality. • Current limited staff complement and delays in filling vacancies • Dependency on the FSCA i.r.o. the MoA (shared services agreement), plus FSCA resource constraints • Not yet PFMA listed, hampers setting up infrastructure and processes
Opportunities	Threats
<ul style="list-style-type: none"> • WB Diagnostic recommendations (with and without related NT reforms) provide opportunities for the Council to improve scheme performance 	<ul style="list-style-type: none"> • Financial institutions challenge perceived inappropriate (untested) levy model

<ul style="list-style-type: none"> • Broader market conduct regulatory reforms create opportunities to improve coverage of the ombud system. • The expected consolidation of ombud schemes enables the Council to redefine its role and scope to ensure it is fit for purpose • The Ombud Council could contribute to financial consumer education, protection, and inclusion through support to the initiatives of the ombud schemes and other regulators. • The opportunity to develop a more appropriate levy model 	<ul style="list-style-type: none"> • Uncertainty regarding Ombud Council's future powers and role pending implementation of new regulatory model • Difficulty attracting staff with the right combination of skills and experience, particularly in a rapidly changing environment • Governance and compliance burden disproportionate to scale of Ombud Council operations. • Stakeholders misunderstand Council's role, for e.g., see it as the appeal mechanism for ombud rulings.
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Section C below provides detail of the Ombud Council's planned work programmes. The Regulation and Oversight sub-programmes, aside from ensuring delivery of the Council's core mandate, are also aimed at exploiting several of the opportunities noted in the SWOT analysis, particularly by participating in the developing structural reforms of the ombud system and by supporting stakeholder consumer outreach initiatives.

The current shared services arrangement (MOA) between the Ombud Council and the FSCA is positioned as both a strength and a weakness. The MOA has and continues to enable the Council to make further progress in carrying out its core functions than would have been possible without this support. On the other hand, the FSCA's own performance commitments and resource constraints mean that support to the Ombud Council competes with other FSCA priorities. The Council's approach will be to leverage the FSCA support as efficiently as possible for so long as the MOA remains in place, to enable it to build the necessary capacity - particularly through the FSCA's human resources, procurement, and ICT advisory support - to become self-sufficient as soon as possible.

The Ombud Council's anticipated PFMA listing in the 2023/24 year will further facilitate setting up infrastructure and processes. The Council will engage with the relevant

public entity oversight structures in the National Treasury to ensure that the Ombud Council designs its governance and control environment to meet its PFMA obligations in a manner that will, as far as possible, be proportionate to its scale and risks.

PART C: MEASURING OUR PERFORMANCE

6. INSTITUTIONAL PROGRAMME PERFORMANCE INFORMATION

The performance of the Council for the 2023/24 financial year will be managed through two programmes: Administration Management; and Regulation & Oversight. The Regulation & Oversight programme in turn comprises four sub-programmes.

Programme 1: Administration

The purpose of this programme is for the Ombud Council to meet its overall governance objective as per section 178 of the FSR Act - specifically, to deliver support services to the institution and towards performance and the delivery of services by other programmes in an efficient and effective way. This programme is currently supported by an MoA between the Council and the FSCA.

This programme therefore supports the Council's internally focused strategic priority to build a well-governed institution, sufficiently capacitated to perform its functions efficiently and effectively. More specifically, the Administration Management programme prioritises the following as an enabler to deliver on its mandate:

- **Capacity and capability: To fill staff vacancies. to ensure that the Council is capacitated to deliver its mandate.**
- **Finances: To ensure sustainable levy-based funding for the Council and implement efficient and responsible financial management systems and controls.**

This programme will also be underpinned by appropriate operational plans to ensure an effective Board and Committee governance framework, and the procurement of adequate outsourced business support services to enable the Ombud Council to deliver on its mandate.

ANNUAL PERFORMANCE PLAN

Performance Indicators and Targets 2023-24: Programme 1

Outcome	Output	Output indicator	Annual Targets					MTEF
			2023/24	Q1 Apr – Jun	Q2 July - Sept	Q3 Oct - Dec	Q4 Jan – Mar	2024/25
Programme 1: ADMINISTRATION								
Purpose - To deliver support services to the institution and towards performance and the delivery of services by other programmes. This programme is currently supported by a Shared Services Agreement (MoA) with the Financial Sector Conduct Authority (FSCA)								
1. Adequate capacity and capability in place to perform statutory functions.	1.1. 4 vacant positions filled.	1.1. Number of vacant staff positions filled.	4 vacant positions filled.	1	2	N/A	1	1
	1.2. Employment Equity targets achieved.	1.2. Total staff establishment percentage achievement of EE quarterly targets reflects at least 51% Female and 49% Male 92% Black (including Coloured and Indian) representation and 8% White	51% Female 49% Male 2% Disability 92% Black representation. 8% White representation	51% Female 49% Male 2% Disability 92% Black representation. 8% White representation	51% Female 49% Male 2% Disability 92% Black representation. 8% White representation	51% Female 49% Male 2% Disability 92% Black representation. 8% White representation	51% Female 49% Male 2% Disability 92% Black representation. 8% White representation	At least 50% female and 50% Male 90% Black representation and 10% White representation
2. Sustainable funding is ensured.	2.1. Levy collection process operationalised as per Levies Act.	2.1. Levy collection process implemented.	Levy collection process agreed with FSCA and implemented.	Levy collection process agreed with FSCA and approved.	Levy collection implemented.	Levy collection implemented.	Levy collection implemented.	Levy collection implemented.

ANNUAL PERFORMANCE PLAN 2023/24

Outcome	Output	Output indicator	Annual Targets					MTEF
			2023/24	Q1 Apr – Jun	Q2 July - Sept	Q3 Oct - Dec	Q4 Jan – Mar	2024/25
3. Financial management system and controls exist.	3.1. Clean audit achieved for FY 2023/24 (to be confirmed in FY 2024/25).	4.1. Clean audit as per Auditor-General report.	Clean audit.	N/A	N/A	N/A	N/A	Clean audit for 2023/24 confirmed. Maintain clean audit opinion.

Programme 2: Regulation and Oversight

The purpose of this programme is to perform regulatory and supervisory functions in line the Ombud Council's statutory mandate to ensure that financial customers have access to and can use affordable, effective, independent and fair alternative dispute resolution processes. It entails operationalising the Ombud Council's core regulatory, supervisory and enforcement functions and also aims to promote consumer awareness of the ombud system and to proactively contribute to meaningful structural reform of the system in the interest of financial customers. Indirectly, this programme will contribute to the Medium-Term Strategic Framework's Priority 2 which addresses economic inclusion and job creation.

This programme will comprise four sub-programmes:

Sub-programme 2.1: Jurisdiction and co-ordination.

This sub-programme will focus on the following specific Ombud Council functions:

- **Managing jurisdiction of ombud schemes: Using rule-making and designation powers to resolve jurisdictional gaps and overlaps in the ombud system, to ensure adequate scheme coverage.**
- **Promoting co-operation and co-ordination of scheme activities: Using rule-making and information gathering powers to reduce inconsistencies between scheme complaint handling and reporting processes, to enhance the efficiency of the ombud system.**

Sub-programme 2.2: Financial inclusion and consumer awareness.

The purpose of this sub-programme is to collaborate with stakeholders to promote consumer awareness of the ombud system and, in so doing, to support financial inclusion. The sub-programme aims to deliver the Ombud Council's mandates to promote public awareness of ombuds and their services; to publicise ombud schemes; and to support financial inclusion.

Sub-programme 2.3: Reform of the ombud system.

Under this sub-programme the Ombud Council will facilitate reforms of the ombud system, being led by the National Treasury and informed by the World Bank Diagnostic recommendations, to help ensure that the system better supports the Ombud Council's statutory objective. This will entail ongoing proactive participation in reform and transition projects, to help ensure that the reform is well managed.

Sub-programme 2.4: Ombud system oversight.

The purpose of this sub-programme is to exercise oversight over ombud systems, in line with the Council's mandate to monitor scheme performance and compliance, using the Council's statutory supervision powers.

Performance Indicators and Targets 2023-24: Programme 2

Outcome	Output	Output indicator	Annual Targets					2024/25
			2023/24	Q1 April – Jun	Q2 July – Sept	Q3 Oct – Dec	Q4 Jan – Mar	
Programme 2: REGULATION AND OVERSIGHT								
Purpose - To perform regulatory and supervisory functions and deliver on the statutory mandate								
Subprogramme 2.1: Jurisdiction and co-ordination - To use statutory powers to deliver on mandate to clarify jurisdiction and promote co-ordination in ombud system								
4. Jurisdictional gaps, overlaps and inconsistencies between scheme processes reduced.	4.1. Regulatory Plan setting out the nature, type and timelines for Rules to be made in the course of the year, with milestones for each quarter.	4.1. Regulatory Plan finalised.	Finalised Regulatory Plan.	Finalised Regulatory Plan.	N/A	N/A	N/A	Updated Regulatory Plan.
	4.2. Ombud Council Rules made in accordance with Regulatory Plan milestones.	4.2. % of Regulatory Plan milestones achieved.	Achievement of 80% of Regulatory Plan milestones.	N/A	80% of Regulatory Plan targets for the quarter achieved.	80% of Regulatory Plan targets for the quarter achieved	80% of Regulatory Plan targets for the quarter achieved	Achievement of 80% of updated Regulatory Plan milestones.
5. Develop consistent ombud scheme reporting processes .	5.1. Finalised reporting framework for industry ombud schemes, including aligned requirements for complaint	5.1. Finalised reporting framework communicated to industry schemes.	Reporting framework with aligned reporting requirements finalised for industry ombud schemes.	Consultation with industry schemes on draft new reporting framework completed.	Reporting framework for industry schemes finalised and communicated.	N/A	N/A	Industry scheme reports submitted in accordance with reporting framework.

Outcome	Output	Output indicator	Annual Targets					2024/25
			2023/24	Q1 April – Jun	Q2 July – Sept	Q3 Oct – Dec	Q4 Jan – Mar	
	categorisation and statistics.							
Subprogramme 2.2: Financial inclusion and consumer awareness – To collaborate with stakeholders to promote consumer awareness of the ombud system to support financial inclusion, to deliver on mandate per s.177(1)(d) and (g).								
6. Enhanced consumer awareness of ombud services through Ombud Council support of awareness and education initiatives by stakeholders.	6.1. Agreed Stakeholder Engagement Plan setting out Council participation in awareness and education activities.	6.1. Stakeholder Engagement Plan agreed with FSCA and ombud schemes.	Stakeholder Engagement Plan agreed with FSCA and ombud schemes. .	Consultation with FSCA and ombud schemes on Stakeholder Engagement Plan.	Stakeholder Engagement Plan agreed with FSCA and ombud schemes.	N/A	N/A	Stakeholder Engagement Plan revised
Subprogramme 2.3: Reform of the ombud system – To facilitate reform of the ombud system to better support the Ombud Council's statutory objective								
7. The implementation of regulatory and institutional reform of the ombud system is well managed.	7.1. Technical and regulatory inputs into stakeholder engagements on regulatory, policy and structural reform of the ombud system.	7.1. Technical and regulatory inputs produced.	Technical and regulatory inputs submitted to stakeholders.	Technical and regulatory inputs submitted to stakeholders.	Technical and regulatory inputs submitted to stakeholders.	Technical and regulatory inputs submitted to stakeholders.	Technical and regulatory inputs submitted to stakeholders.	Technical and regulatory inputs submitted to stakeholders.
	7.2. Responses to stakeholder requests for technical and regulatory inputs into proposals on regulatory, policy or	7.2. % of stakeholder requests for input responded to within 60 days.	100% of requests for input responded to within 60 days.	100%	100%	100%	100%	100%

Outcome	Output	Output indicator	Annual Targets					2024/25
			2023/24	Q1 April – Jun	Q2 July – Sept	Q3 Oct – Dec	Q4 Jan – Mar	
	structural reform of the ombud system.							
Subprogramme 2.4: Ombud system oversight – to exercise oversight over ombud schemes to deliver on mandate to monitor the performance of ombud schemes (s. 177(1)(h) of FSR Act								
8. An effective supervision framework is in place to identify non-compliance or poor performance of ombud schemes.	8.1. 4 on-site inspections conducted.	8.1. Number of on-site inspections conducted.	4 on-site inspections.	1x on-site inspection	1x on-site inspection	1x on-site inspection	1x on-site inspection	On-site inspections conducted as per updated Supervision Plan.

7. PROGRAMME RESOURCE CONSIDERATIONS

In terms of the FSR Act, the Council's operations are primarily funded through the imposition of levies, payable by financial institutions. Please see paragraph 5.2 above (Internal environment analysis") for more detail on the Council's funding position.

The resource allocation set out below is based on the MTEF Budget submitted to the National Treasury in July 2022. This Budget is based on the Ombud Council's expected levy income (based on the prescribed formulae in the Levies Act), totaling R22 million for 2023/24 with a CPI inflation-linked increase for 2024/25. It therefore does not take account of the R13 million per year contingency fiscal funding referred to in paragraph 5.2 above, which was confirmed in December 2022. As noted in paragraph 5.2, this contingency funding will no longer be required once levy income collection is operationalised, and appropriate budget adjustments can then be made.

It is important to note that this is the first formal budget (supporting the first Annual Performance Plan) for the Ombud Council under PFMA and FSR Act prescripts, as the Council's PFMA listing and the commencement of Chapter 16 of the FSR Act (which governs the Council's funding model) are only expected to occur at the start of the 2023/24 financial year. As a result, the Ombud Council has no prior year baselines to inform this budget.

The resource allocation below is therefore based on the Council's best estimates of the resources required at this early stage of its development, with a view to building the necessary capacity for independent operation. It is difficult at this stage to accurately predict all of the Council's resource requirements, or the timing and costs of procuring them, given the current lack of resources and the fluid legislative framework. The appropriateness of the prescribed levy formula, which underpins this budget and which the Ombud Council did not have an opportunity to influence, is also new and untested¹. It is therefore likely that adjustments to these budget items will

¹ As explained in our Strategic Plan for 2023/24 to 2024/25, the Ombud Council will have an opportunity to apply to the Minister of Finance for changes to its levy model in future years, through a legislative process, should it deem this necessary.

be required over the financial year and the adjustments and MTEF period, to reflect the Ombud Council's actual experience in achieving the goals set out in this Annual Performance Plan and its Strategic Plan.

Table 2: Resource allocation table:

Item Rand thousands ('000)	2023/24 approved budget			Explanation of allocation
	Total	Programme 1	Programme 2	
Compensation of employees	8,594	5,244	3,350	Aligned to personnel allocations below.
Administrative fees	1,510	1,510	-	All administrative costs related to travel agency, personnel agency fees, bank charges, etc. have been allocated to Programme 1.
Advertising	350	350	-	Recruitment advertising, tenders, RFP's and for creating awareness of the Council through media channels are allocated to Programme 1.
Consumer Education	2,000		2,000	Supporting consumer education and awareness initiatives in Programme 2 for
Audit costs: External	818	818	-	Payment to AG and / or private auditors for external audit are allocated to Programme 1, in line with the PFMA listing.
Catering	50	50		Providing of catering services for meetings with external guests allocated in Programme 1
Communication (G&S)	251	251	-	Data and telephone charges are allocated to Programme 1.
Computer services	500	500	-	Website development, ICT system development and software licenses are allocated to Programme 1.
Consultants: Business and advisory services	4,399	3,199	1,200	Includes Board members' remuneration and contracting consulting services for Council work. Anticipated services for Programme 1 relate to corporate services such as HR and board secretariat support; those for Programme 2 relate to regulatory and enforcement support.

Item Rand thousands ('000)	2023/24 approved budget			Explanation of allocation
	Total	Programme 1	Programme 2	
Legal services (G&S)	500	200	300	Hiring of legal firms for legal advice. Legal advice for Programme 1 would relate to the Council's internal affairs, while advice for Programme 2 would relate to its regulatory and oversight activities.
Consumables: Stationery, printing, and office supplies	60	60	-	Purchasing of Stationery and printing paper and cartridges for the office, allocated to Programme 1.
Operating leases	1,010	1,010	-	Leases for office space and printing machines, allocated to Programme 1.
Travel and subsistence	290	130	160	Travelling for staff and other official business of the Council will be required for performing internal functions such as for e.g., attendance of Board meetings or workshops under Programme 1; but primarily for regulatory & oversight activities such as on-site inspections, ombud scheme meetings, awareness activities, and other stakeholder engagements under Programme 2.
Training and development	300	300		Costs for training of staff and board members is allocated to Programme 1,
Operating payments	50	50	-	Courier services, printing of publication, resettlement costs, etc., allocated to programme 1.
Venues and facilities	100	50	50	Conference venues may be required for both Programmes.
Total	20,782	13,747	7,035	

Personnel Information				
Executive Management	1	-	-	The Chief Ombud is responsible for delivery of both Programmes.
Senior Management	2	1	1	Heads of Operations and Regulation & Oversight to be appointed to take responsibility for delivery of Programmes 1 and 2 respectively.

Middle management	1	1	-	A Finance Manager will be appointed, allocated to Programme 1.
Junior Managers	1	1	-	An Executive assistant will primarily support the delivery of Programme 1.

Notes:

In light of the fact that the Ombud Council is a very small organisation in the early stages of development, and 2023/24 is the first year in which it is reporting under the PFMA, please note the following:

- **No information is provided regarding changes or trends in budget allocations. Figures are provided for the 2023/24 budget only.**
- **Although the above table presents our best estimate of the basis on which resources will be allocated between Programmes 1 and 2, the early stage of development of the Council's processes and infrastructure, makes clear demarcation difficult.**
- **Although Programme 2 (Regulation & Oversight) is split into four sub-programmes for performance reporting purposes (see paragraph 6 above), the budget allocation for Programme 2 has not been further broken down into sub-programmes. The very small staff complement and early stages of development of the Council's financial management processes provide limited scope to allocate dedicated resources to specific sub-programmes at this stage.**

8. KEY RISKS

In line with the risk management process, the Council has identified, assessed, and put measures in place to reduce the impact and probability of the risk to an acceptable level.

Table 3: Overview of Ombud Council strategic risks.

Strategic Objective	Business Risk	Risk Mitigation
Build a well-governed institution sufficiently capacitated to perform	Funding risk: Delays in operationalising levy collection processes.	Engagement with FSCA to agree and implement levy collection processes.

Strategic Objective	Business Risk	Risk Mitigation
its functions efficiently and effectively.	Prolonged dependency on fiscal bridging funding creates perception of compromised independence.	Appropriate budget adjustments to reduce reliance on fiscal funding.
	ICT infrastructure risk: Rudimentary ICT structure with no central infrastructure or governance framework. Dependence on short-term outsourced support.	Appointment of service provider to develop, implement and support an appropriate (virtual) ICT framework.
	Cyber security risk: Current cyber security controls rudimentary.	Engage ICT expert to ensure frameworks are in place, procure security systems that reduce risk and potential impact of a cyber breach.
	Organisational structure risk: Lack of dedicated own resources and recruitment delays resulting in overdependence on outsourced support; and on current key resources (key person risk).	Seeking approval for extension of secondment of Senior Manager from NT. MoA with FSCA extended until October 2023 for support services. Recruitment for key positions has commenced.
	Board governance risk: The simultaneous expiry of the tenure of the majority of the board members could impact continuity.	Engage with National Treasury to ensure timeous, preferably staggered, future board appointments.
Enhance the coverage and effectiveness of the ombud system by addressing jurisdictional gaps and overlaps and promoting coordination and alignment of scheme processes.	Mandate risk: Jurisdictional gaps in ombud system due to changes in scope of broader financial sector conduct framework under COFI Bill.	Keeping abreast of NT and FSCA COFI developments to assess opportunities for improving coverage through designations and rule-making.
Contribute to reform of the ombud system through proactive participation in regulatory and policy reform and transition projects.	Unfocussed ombud system. Lack of clarity on policy response and transition plan for ombud system reform compromises focus and commitment of schemes.	Work closely with NT to support development of policy response, design of new legislation, and transition planning. Support voluntary industry scheme amalgamation process in lead-up to more comprehensive reform.

9. INFRASTRUCTURE PROJECTS

The Council does not have any infrastructure projects.

10. PUBLIC PRIVATE PARTNERSHIPS

The Council does not have any Public Private Partnerships.

PART D – TECHNICAL INDICATOR DESCRIPTIONS

PROGRAMME 1: ADMINISTRATION

Indicator Title	1.1. Number of vacant staff positions filled.
Definition	Number of vacant positions filled according to staff establishment structure in Strategic Plan.
Source of Data	(a) Strategic Plan. (b) Signed employment contracts.
Method of Calculation	Simple count.
Assumptions	(a) Being able to source applicants with the necessary skills and experience in a rapidly evolving regulatory environment. (b) Efficient HR support from FSCA in terms of MOA.
Disaggregation of Beneficiaries	N/A
Spatial Transformation	N/A
Desired Performance	4 vacant positions filled by the end of the 2023/24 financial year.
Indicator Responsibility	Chief Ombud.

Indicator Title	1.2. Employment Equity targets achieved
Definition	Section 20 of the Employment Equity Act requires that a designated employer prepares and implements an Employment Equity Plan which will achieve reasonable progress towards employment equity. An Employment Equity Plan must state the objectives to be achieved for each year of the plan should and this includes numerical targets that need to be achieved per designated group.
Source of Data	Human Resources records.
Method of Calculation	Simple count expressed as percentage. Note: Chief Ombud's appointment is outside management or the Board's control (Ministerial appointment).
Assumptions	(a) Being able to source applicants with the necessary skills in thw applicable demographic.

	(b) Practically difficulty in achieving specific percentages in light of Ombud Council's small staff complement will be acknowledged.
Disaggregation of Beneficiaries	N/A
Spatial Transformation	N/A
Desired Performance	51% Female 49% Male 2% Disability 92% Black representation. 8% White representation
Indicator Responsibility	Chief Ombud.

Indicator Title	2.1. Levy collection process implemented.
Definition	A process for collection of levies payable to the Ombud Council must be implemented in accordance with the Levies Act.
Source of Data	(a) Documented levy collection process. (b) Financial records of levies collected and credited to Ombud Council bank account.
Method of Calculation	N/A
Assumptions	(a) PFMA listing completed. (b) Efficient financial management support from FSCA in terms of MOA.
Disaggregation of Beneficiaries	N/A
Spatial Transformation	N/A
Desired Performance	Levy collection process agreed with FSCA and implemented in full compliance with Levies Act.
Indicator Responsibility	Chief Ombud.

Indicator Title	3.1. Clean audit as per Auditor-General report.
Definition	Achievement of an unqualified audit opinion.
Source of Data	Auditor-General audit report.
Method of Calculation	N/A.

Assumptions	Efficient audit and financial management support from FSCA in terms of MOA.
Disaggregation of Beneficiaries	N/A
Spatial Transformation	N/A
Desired Performance	Unqualified audit opinion for 2023/24 financial year (per A-G report to be received during following financial year).
Indicator Responsibility	Board Chairperson.

PROGRAMME 2: REGULATION AND OVERSIGHT

SUB-PROGRAMME 2.1: Jurisdiction and co-ordination

Indicator Title	4.1. Regulatory Plan finalised.
Definition	A Regulatory Plan setting out the nature, type and Timelines for Ombud Council Rules to be made in the course of the year, with milestones for each quarter.
Source of Data	Regulatory Plan signed off by Chief Ombud and noted by the Board. Board minutes.
Method of Calculation	N/A
Assumptions	That National Treasury policy reforms do not result in the making of OC Rules being unnecessary or inappropriate.
Disaggregation of Beneficiaries	N/A
Spatial Transformation	N/A
Desired Performance	Regulatory Plan finalised during Q1.
Indicator Responsibility	Chief Ombud.

Indicator Title	4.2.. % of Regulatory Plan milestones achieved.
Definition	Ombud Council Rules to be developed according to a Regulatory Plan, setting out the nature, type, and timelines for Rules to be made, with milestones for each quarter.

Source of Data	(a) Documented Regulatory Plan. (b) Records of achievement of Regulatory Plan milestones (As applicable: Proposals and drafts circulated for informal consultation; Drafts published on OC website for formal consultation; Drafts submitted to Parliament; Finalised Rules published on OC website).
Method of Calculation	Number of Regulatory Plan milestones achieved divided by milestones targeted, expressed as a %.
Assumptions	That the process is not unduly delayed by stakeholders (for e.g., delayed Parliamentary processes; delayed caused by industry scheme amalgamation progress).
Disaggregation of Beneficiaries	N/A
Spatial Transformation	N/A
Desired Performance	80% achievement of Regulatory Plan milestones from Q2 onwards.
Indicator Responsibility	Chief Ombud.

Indicator Title	5.1. Finalised reporting framework communicated to schemes.
Definition	Ombud Council will develop, consult on, and finalise new reporting requirements for industry ombud schemes.
Source of Data	(a) Records of consultation with industry schemes on draft reporting requirements. (b) Records of finalised reporting framework communicated to schemes.
Method of Calculation	N/A
Assumptions	(a) Industry scheme amalgamation progress will not unduly delay process. (b) Schemes will be reasonably co-operative and responsive.
Disaggregation of Beneficiaries	N/A
Spatial Transformation	N/A
Desired Performance	Reporting framework finalised and communicated to schemes during Q2; New reporting requirements implemented during 2024/25 financial year.
Indicator Responsibility	Chief Ombud.

SUB-PROGRAMME 2.2: Financial inclusion and consumer awareness

Indicator Title	6.1. Stakeholder Engagement Plan agreed with FSCA and ombud schemes.
Definition	The Ombud Council will agree a Stakeholder Engagement Plan with the FSCA and ombud schemes, setting out details of the Council's participation in consumer awareness and education activities conducted by the FSCA and the schemes.
Source of Data	(a) Records of consultation with FSCA and ombud schemes regarding participation in awareness and education activities. (b) Stakeholder Engagement Plan, signed off by FSCA and schemes.
Method of Calculation	N/A
Assumptions	(a) FSCA and schemes have their own plans for consumer and awareness activities. (b) FSCA and schemes will be reasonably co-operative and responsive.
Disaggregation of Beneficiaries	N/A
Spatial Transformation	N/A
Desired Performance	Stakeholder Engagement Plan finalised and agreed during Q2.
Indicator Responsibility	Chief Ombud.

SUB-PROGRAMME 2.3: Reform of the ombud system

Indicator Title	7.1. Technical and regulatory inputs produced.
Definition	The Ombud Council will make technical and regulatory inputs into stakeholder engagements on regulatory, policy and structural reform of the ombud system. Relevant stakeholders may include but are not limited to: The NT, FSCA, NCR, World Bank Group, ombud scheme amalgamation team, individual ombud schemes, financial sector industry bodies, consumer bodies.
Source of Data	Records of - (a) Participation in stakeholder engagements and forums.

	(b) Inputs on policy proposals. (c) Inputs on transition proposals. (d) Inputs on scheme amalgamation proposals. (e) Inputs on current or draft legislation or regulatory instruments. (f) Other relevant inputs.
Method of Calculation	N/A
Assumptions	Relevant stakeholders will be co-operative and consultative.
Disaggregation of Beneficiaries	N/A
Spatial Transformation	N/A
Desired Performance	Relevant inputs provided on an ongoing basis.
Indicator Responsibility	Chief Ombud.

Indicator Title	7.2. % of stakeholder requests for input responded to within 60 days.
Definition	The Ombud Council will respond to all stakeholder requests for technical and regulatory inputs into proposals on regulatory, policy or structural reform of the ombud system within at most 60 days of request. Relevant stakeholders may include but are not limited to: The NT, FSCA, NCR, World Bank Group, ombud scheme amalgamation team, individual ombud schemes, financial sector industry bodies, consumer bodies.
Source of Data	(a) Records and dates of stakeholder requests for input. (b) Records and dates of Ombud Council inputs in response to requests for input.
Method of Calculation	(a) Number of business days from date of request for input to date of response. (b) Number of responses provided within 60 business days, divided by number of requests, expressed as a %.
Assumptions	Relevant stakeholders will be co-operative and consultative.
Disaggregation of Beneficiaries	N/A
Spatial Transformation	N/A
Desired Performance	100% of input requests responded to within 60 days or less.
Indicator Responsibility	Chief Ombud.

SUB-PROGRAMME 2.4: Ombud system oversight

Indicator Title	8.1. Number of on-site inspections conducted.
Definition	Number of on-site supervisory inspections completed according to a Supervision Plan.
Source of Data	(a) Supervision Plan. (b) Documented post-inspection reports.
Method of Calculation	Simple count.
Assumptions	(a) Co-operation from ombud schemes identified for inspection. (b) Industry scheme amalgamation process may influence number and timing of inspections.
Disaggregation of Beneficiaries	N/A
Spatial Transformation	N/A
Desired Performance	One inspection per quarter.
Indicator Responsibility	Chief Ombud.

Ombud Council

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