

THE OFFICE OF THE OMBUDSMAN 2020-2021 ANNUAL REPORT



FLOOR 6. MOPOSO HOUSE, P.O. BOX 12610, MASERU 100,
WWW.OMBUDSMAN.ORG.LS

CONTENTS

EXECUTIVE SUMMARY	ii
FOREWORD.....	iii
SECTION 1	1
1.0 DUTIES, FUNCTIONS AND POWERS OF THE OMBUDSMAN.....	1
1.1 Duties.....	1
1.2 Powers of the Ombudsman	1
1.3 Limitations to the Ombudsman’s Investigative Powers	2
1.4 Processing of Complaints	3
SECTION 2	6
2.0 NUMBER OF COMPLAINTS INVESTIGATED 2020-2021	6
2.1 Performance in 2020/21	7
2.2 Responding to the coronavirus crisis and its impact on our work	10
SECTION 3	14
3.0 SELECTED CASES	14
3.1 OMB/2020/21/0045- TRAFFIC INSPECTORS GOT PAID FOR SEVEN YEARS FOR NOTHING 14	
3.2 OMB/2019/20/0168- OMBUDSMAN SAVES THE GOVERNMENT MORE THAN M27million.....	15
3.3 OMB/2017/18/0058- A PUBLIC SERVANT ACTING ALLOWANCE DENIED	16
3.4 OMB/2020/21/0166- UNLAWFUL DISMISSAL.....	17
3.5 OMB/2020/21/0012- FINANCIAL DECISION MADE LIFE IMPOSSIBLE	18
3.6 OMB/2020/2021/0037- DRIVER ASSIGNED SENIOR DUTIES WITHOUT BENEFITS	19
3.7 OMB/2019/20/0180- BRIGADIER GENERAL FORCED TO RETIRE.....	20
3.8 OMB/2020/21/0034- CONDEMNED ABUSIVE OF POWER.....	22
3.9 OMB/2020/21/0011- DECEASED BENEFICIARY DENIED TERMINAL BENEFITS, LITTLE DID THEY KNOW	25
3.10 OMB/2017/18/0077- LEAVE PAYMENT NOT APPROVED	28
SECTION 4	29
4.0 ADMINISTRATION REPORT	29
4.1 TRANSPORT- OFFICIAL VEHICLE TO THE OMBUDSMAN (VIP)	29
4.2 OFFICE FURNITURE AND EQUIPMENT	29
4.3 HUMAN RESOURCE	29
SECTION 5	32
5.0 ANNUAL FINANCIAL REPORT	32
5.1 REALLOCATION OF BUDGET TO COVID-19 (M651,500.00)	33

EXECUTIVE SUMMARY

The Office of the Ombudsman has been established by Section 135 (3) of the Lesotho Constitution read with Section 16 of the Ombudsman Act of 1996, and in terms of the Constitution and the Ombudsman Act, the Ombudsman is required to report annually to the Parliament about the activities of his/her Office. Therefore, it is my obligation to issue an annual report 2020/2021. The year 2020/2021 was a very challenging year, not only to Lesotho, but to the whole International Community, as a result of COVID 19 Pandemic. There were several restrictions and lockdowns in that year that affected the operations of the Office. However, I am pleased to inform the members of this August House, that despite the challenges that the Office faced, the Office managed to attend to and complete One Hundred and three (103) cases, this reporting year. The cases that had been attended to and completed the previous year were Ninety-Five (95). I am pleased to inform Members of Parliament, the Office still managed to give an outstanding performance, despite all the challenges the Office was faced with.

Additionally, as an effort to ensure quality service, the Office delivered the determinations in the cases expeditiously. Though there was higher rate of compliance by the Ministries and other agencies, there were some Ministries and agencies which failed to comply with the Ombudsman recommendations. As a result of non-compliance with the recommendations, Ombudsman submitted special reports to Parliament in respect of those cases. The Office also wrote several special reports to the Parliament. The Office is facing a major challenge of financial and human resources. The Office has six investigators who serve the whole country, and they are sometimes overwhelmed, because of too much workload placed on them. Budget constraints also negatively affect the operations of the Office, because the Office had to cancel some of the planned activities due to lack of financial resources.

FOREWORD

Covid-19 had negatively impacted on the Ombudsman planned activities such as public gatherings; public inquires as well as inspections. One could highlight that specifically the inspections of Correctional Institutions were highly affected by the prevailing circumstances, as the office could not inspect the facilities to find out whether the living conditions at the correctional facilities, followed the required international standards. The budget allocated to the office, was so small that the Office could not manage to carry out its planned activities that financial year. For instance, the Office could not procure protective clothing for the investigators to carry out the said inspections as planned. However, the Office was smart enough to come up with ways in which the public would continue to access the services and educated on the roles and functions of the office of the Ombudsman. The Office used social media platforms such as Facebook, different radio stations to disseminate information about the services offered by the office. The office further resorted to the use of office emails and telephones for complaints intake.

On the other hand, the Office the Ombudsman has for several years been challenged by lack of Human Resources and this was further exacerbated by vacant positions which had not been filled. One position in the investigations unit has not been filled to date and the transfer of the Chief Legal Officer has left a huge gap in the investigations unit and has therefore increased workload on each investigator, because her cases were reallocated to other investigators. on and a great impact on the caseload per investigator. In addition, during the ease of COVID19 restrictions, the office managed to hold complaints intake clinics in the Northern and Southern Region of Lesotho to address the police brutality issues against the public.

Finally, the office managed to submit proposed amendments to the Lesotho Constitution and the Ombudsman Act respectively, to the National Reforms Authority.

It gives me great pleasure to thank all ministries and agencies for appreciating the role of the Ombudsman in the constitutional democracy and for their cooperation and dedication in ensuring that the complaints are resolved fairly. Last but not least, I would like to thank all officers within the Ombudsman Office for their selfless efforts to ensure that the mandate of the office is carried out. I am mindful of their efforts and dedication to work; despite all the challenges the

office was faced with. However, I would like to urge all other ministries and agencies that do not comply with the Ombudsman recommendations to do so.

SECTION 1

1.0 DUTIES, FUNCTIONS AND POWERS OF THE OMBUDSMAN

1.1 Duties

The duties and functions of the Ombudsman as stipulated under section 135 of Constitution of Lesotho and section 7 of the Ombudsman Act 1996 are as follows:

- To receive and investigate complaints from aggrieved persons against Government agencies and statutory corporations and /or officials and employees of such agencies and organizations, and to recommend remedial action where a complaint is found to be justified.
- To initiate investigation where it is alleged, or it has come to his/her notice that there is an instance or threat of degradation, depletion, destruction or pollution of the natural resources, environment or ecosystem.

1.2 Powers of the Ombudsman

In order to carry out his duties and functions, the Ombudsman has been given, in terms of the Lesotho Constitution 1993 and Ombudsman Act 1996, powers to:

- To initiate investigations or inquiries upon a complaint or request, or on his/her own initiative if he/she deems that the public interest so requires.
- To summon and subpoena in writing and compel any person to appear before him and give evidence or explanation, and to produce any books, records or any documents in custody, possession or control of that person, which the Ombudsman may deem necessary in his/her investigation.

- To temporarily restrain a specified authority or officer thereof, from taking any action or doing anything connected with an investigation or inquiry which he considers likely to inconvenience or adversely affect conduct or the outcome of that investigation or inquiry, pending the final determination of that investigation or inquiry.
- To hold and conduct formal inquiry and hear evidence on the matter in question.
- To enter and inspect police, military or prison cells, government hospitals, asylums, or any other places or centres where any person is detained or kept, whether for safe custody or in terms of the law.
- To decline, initiate or proceed with an investigation where it appears to him/her that:
 - The subject matter of a complaint is trivial, frivolous or was not being made in good faith.
 - Where the complainant has no sufficient interest in the subject matter of a complaint.
 - Where the complainant has not exhausted all other available mechanisms of dealing his/her complaint.
 - Where a complaint relates to any action or a decision of which the complainant had had knowledge for more than a year and there are no special circumstances or reasons upon which the delay might be condoned.

1.3 Limitations to the Ombudsman's Investigative Powers

In terms of section 19 (1) of the Ombudsman Act 1996 the following offices are not subject to investigation by the Ombudsman:

- The King,
- Parliament,
- Cabinet,
- Courts of law,
- Statutory tribunals; and the Public Service Commission.

The Ombudsman may however investigate courts of law, statutory tribunals and the Public Service Commission for their failure to perform, or for unreasonable delay in the performance of their functions.

1.4 Processing of Complaints

In terms section 8 (1) of the Ombudsman Act 1996, the procedure for lodging complaints is as follows:

- **A complaint should be in writing and must contain the following:**
 - the substance of the allegation;
 - the name of the specified authority against whom the complaint is made;
 - the date on which the action or omission took place; and
 - Name and address of the complainant.

 - the complainant's signature, or if he/she is unable to sign his/her name, affix his mark duly witnessed or if unable to act for himself he can authorize an agent to represent him.

Notwithstanding provision for lodging complaints in writing, nothing shall preclude the Ombudsman from entertaining an oral complaint.

There are three ways by which complaints can be lodged to the Office of the Ombudsman and they are; walk-in, letter, fax and e-mail.

- **Walk-in:** Is where a complainant visits the Ombudsman and lodges his/her complaint in person. With walk-in, the complainant on arrival at the

Ombudsman Office reports at the reception and briefly informs the receptionist about his/her complaint and Ministry/Agency he/she is complaining about. Each investigator is assigned Ministries/Agencies which she/he deals with complaints from, and there is a list showing the Ministries/Agencies. The receptionist has this list and after briefly interviewing complainants, she quickly refers complainants to the relevant investigator.

The concerned investigator then interviews the complainant to record his/her personal details using a complaint questionnaire form and to ascertain whether the complaint is sustainable. If the complaint is sustainable, the complainant is requested to make his/her complaint in writing. The investigator then takes the complaint letter to the Computer Operator who registers the complaint both manually and electronically and forwards it to the Registry, which then opens a complaint file and gives it to the relevant investigator to deal with.

- **Letter:** letter complaints are dealt with in a similar manner to walk-ins except that they start at the Registry.

Other means of lodging complaints such as **e-mail** and **fax** are treated the same way as letter complaints.

As mentioned earlier, all complaints are recorded using the standard questionnaire. Based on the information received, complaints are examined to determine whether they are legitimate, within the jurisdiction of the Ombudsman or whether available internal remedies have been exhausted.

If the complaint does not satisfy any of the three conditions, it is not sustained. However, an explanation is always provided to the complainant and advised on what steps to take.

The Investigation

If a complaint is sustained, the Investigator writes to the Ministry/Department/Agency concerned bringing the same to its attention and invites its comments thereon. If no response is received within a period of two weeks, a reminder is sent to the ministry or agency. If within seven days, still no response is received, then the responsible officer is summoned to the office of the Ombudsman. If the officer referred to above disregards the Ombudsman's

summons, he/she may be prosecuted. Apart from that the Ombudsman may proceed to hear the matter and decide without hearing the agency's side of the story if it is in the interest of justice to do so. This, the Ombudsman does after advising the agency that he proposes to so proceed after a given period if the agency persists in its attitude.

If at the conclusion of the investigation the complaint is found to have substance, the Ombudsman makes a recommendation on remedial action and may stipulate the period within which the recommended action is to be taken.

If the Ombudsman's recommendation is not implemented within a stipulated time, then the Ombudsman submits a Special Report to Parliament in terms of the Ombudsman Act 1996. Be that as it may, Parliament does not take any steps to ensure that the Ombudsman recommendations are complied with by the ministries and agencies

SECTION 2

2.0 NUMBER OF COMPLAINTS INVESTIGATED 2020-2021

Table 1

Ministry/Agency	B+B1:B3 Brought Forward from (19/20)	Previous cases Closed (20/21)	Previous Years Carried Forward (21/22)	Received (20/21)	Sustained (20/21)	Not Sustained (20/21)	Closed (20/21)	Current Year Carried Forward (21/22)	T+1:36total Carried Forward (21/22)
CBL	0	0	0	3	1	2	1	0	0
SLB	1	1	0	1	1	0	1	0	0
Prime Min	1	0	1	2	2	0	0	2	3
IEC	1	0	1	1	1	0	0	1	2
WASCO	2	0	2	4	4	0	3	1	3
Energy	3	0	3	0	0	0	0	0	3
Soc. Dev.	4	1	3	1	1	0	0	1	4
Gender	2	1	1	1	0	1	0	0	1
Dev. Pln.	2	0	2	2	2	0	0	2	4
Small Business	2	1	1	3	3	0	2	1	2
Public Works	12	2	10	3	1	2	1	0	10
Public Service	6	0	6	4	3	1	1	2	8
Private	0	0	0	9	0	7	0	0	0
Labour	9	5	4	5	3	2	1	2	6
Justice and Law	18	3	15	11	6	5	1	3	18
Master of High Court	5	1	4	0	0	0	0	0	4
Foreign Affairs	2	0	2	3	3	0	0	3	5
LEC	5	1	4	3	2	1	0	2	6
Defense	10	1	9	5	5	0	1	4	13
Judiciary	9	2	7	9	4	5	1	3	10
LNIG	0	0	0	1	1	0	0	1	1
Forestry	3	1	2	3	3	0	0	3	5
Education	36	8	27	20	15	5	2	13	40
MAFS	25	7	18	11	8	3	2	6	24
Mining	1	0	1	0	0	0	0	0	1
Palace	1	0	1	0	0	0	0	0	1
Finance	37	3	34	7	7	0	2	5	39
LHDA	34	5	29	4	4	0	0	4	33
Tourism	0	0	0	0	0	0	0	0	0
DCEO	1	1	0	0	0	0	0	0	0
Police	16	6	10	4	1	3	0	1	6
Local Gov.	31	18	14	27	23	4	3	20	34
LHLDC	0	0	0	1	1	0	0	1	1
Water	2	1	0	1	1	0	0	1	1
Trade	2	1	1	0	0	0	0	0	1
Home Affairs	2	2	0	4	3	0	1	2	2
LNDC	1	1	0	0	0	0	0	0	0
Health	16	1	15	13	8	5	1	7	22
National Assembly	1	1	0	1	1	0	0	1	1
Communications	5	2	3	6	3	3	1	2	5
Metolong	2	1	1	2	2	0	0	2	3
Total	310	78	231	175	123	49	25	96	322

2.1 Performance in 2020/21

Table 1 above shows that out of three hundred and ten (310) cases brought forward from previous years into the year 2020/21, seventy-eight (78) cases were resolved while two hundred and thirty-one (231) cases were carried forward into 2021/22. In 2020/21, one hundred and seventy-five (175) were received; one hundred and twenty-three (123) cases were sustained and forty-nine (49) cases were not sustained or referred. Twenty-five (25) of the sustained cases were resolved and closed within 2020/21. A total of old and new cases carried forward into 2021/22 was three hundred and twenty-two (322). The total number of all cases (old and new) closed or resolved in 2020/21 was one hundred and three (103).

In total, we closed 103(2020/21) complaints compared with 95 last year and 135 in 2018/19. This total was a combination of the complaints carried over from previous years and new complaints recorded in 2020/21. We discovered a dip in number of resolved cases in 2019/20 from 135 to 95. A quick recovery from 95 to 103 was recorded in 2020/21. The Office has identified following factors as likely contributors to a dip in number of resolved cases in 2019/20.

- There has been individualized, inconsistent and sporadic approach to investigations of complaints; so, it is hoped that an adoption of a systemic approach through a procedure manual with timeframes will ease and speed – up the process of investigations and resolution of complaints.
- The Office of the Ombudsman is allocated a very limited budget and 70% of the budget goes to employee’s salaries, operating costs and rent. Thus leaving 30% to all other much needed office activities. More budget cuts were made by the Government to fight for COVID-19 Pandemic.

- There were several ministries and agencies which were uncooperative when it comes to inquiries from the Ombudsman. They either ignored correspondence from the Office or responded to the inquiries after a long time. This unfortunate behaviour led to a situation wherein it took long time for an investigator to resolve a complaint. This in turn caused a great damage to the credibility of the Office and demoralised staff.
- Lack of institutional memory, tampering or loss of documents and files by Ministries or Agencies. Document-losses is the tendency by the respondent Ministries and or Agencies to supply insufficient information or refuse to cooperate with the Office to give required information or evidence.
- The staff of the Office of the Ombudsman is recruited by the Public Service Commission (PSC) as they are civil servants. When there are vacancies in the Office, it takes a long time to fill such vacancies, and that failure negatively affects the operations of the Office
- Although the Ombudsman Offices' services are free, as far as transport costs are concerned, accessibility of the Office is still a serious challenge for people residing outside Maseru. For example, cases that could be resolved at district level are referred to the Ministries or Agencies headquarters in Maseru, and this causes unnecessary delays. Decentralisation of the Office is long overdue, because as long as the Office remains centralised here in Maseru, it remains inaccessible to the majority of people who need the services of the Office. The Ombudsman Office conscientiously addressed the reduction in 2019/20 resolved cases by producing a procedure manual, even though it is not yet completed. There was an increase in the level of compliance by Ministries and Agencies hence more determinations were made by the Office. Thus,

stimulating an increase in resolved cases from 95 to 103 in 2020/21 financial year.

Figure one below illustrates clearly received cases from previous years as compared to the current year. It is worth mentioning that days and months have been deliberately left out, to make the table simple and easy to understand. In 2019/20 there was a significant decrease of cases received from 185 to 160. To be exact the decrease was on March 2020 when the government-imposed restrictions, due to COVID-19 Pandemic. This meant that people could not move from their respective places to the Office to lodge their claims, hence this significant decrease in the number of cases received, during that financial year. On the other hand, in March 2021, when the restrictions were eased, there was a slight increase in a number of cases received from 160 cases to 175 cases.

Figure 1.

Figure shows an increase in cases received in the year 2020/21

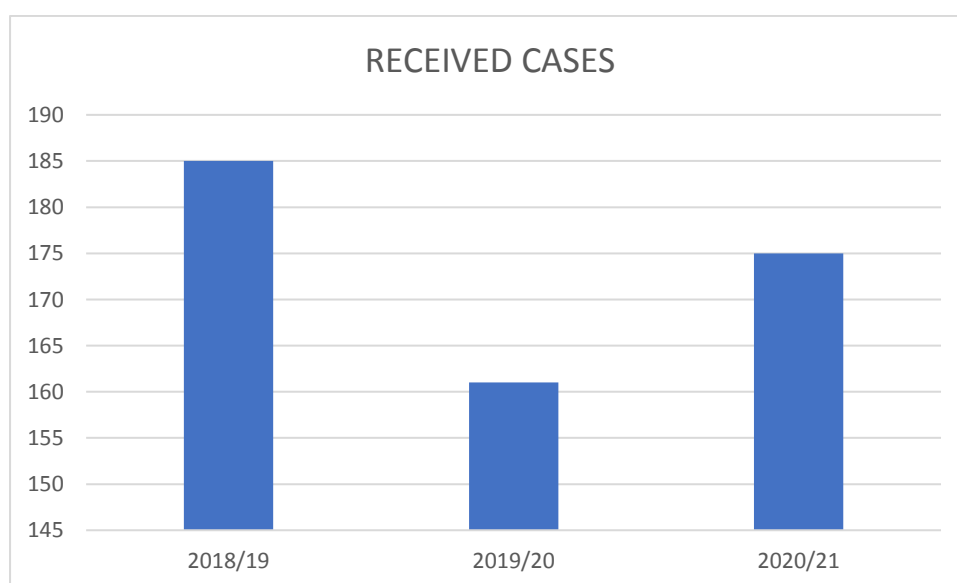


Figure 2

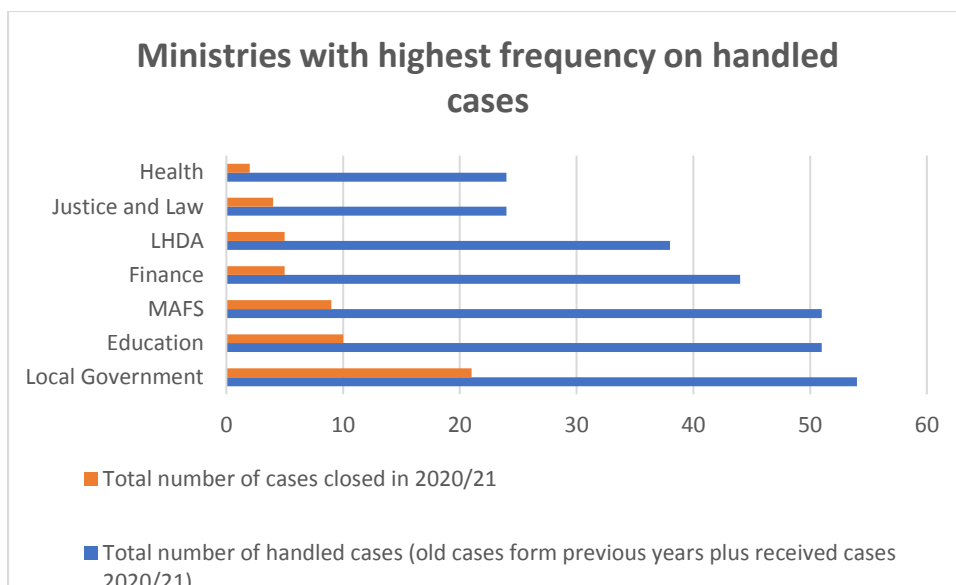


Figure 2 above shows total number of cases closed in 2020/21 against the total number of handled cases (old cases from previous years plus received cases in 2020/21). The figure also shows seven top Ministries with highest number of cases received by the Ombudsman. As shown by figure 2 above, most cases were received from the Ministry of Local Government, followed by Ministry of Education and Ministry of Agriculture and Food Security. Most of the received cases were on maladministration, followed by cases of injustice. According to the figure above most of the cases handled in 2020/21 were not resolved. Most of the budget allocated to the office of the Ombudsman by the government was cut to prioritize fight against COVID 19 Pandemic.

2.2 Responding to the coronavirus crisis and its impact on our work

In March 2020, due to the COVID-19 Pandemic and as a result of the restrictions in place at that material time, members of the public could not access the office, and this had huge impact on the operations of the Office. The end of this was that people were not able to lodge their grievances nor were heard. We communicated these changes to the complainants affected and published a notice on the website. Following the closure of our offices, arrangements were made to continue to receive complaints by post and e-mails. As a result of the closure of the Office, the following factors were identified for the Month of March 2020;

- Unallocated cases levels increased.
- Incoming number of cases was reduced.
- Number of cases completed decreased as a result of the restrictions in place at that material time.
- Cases received and sustained in 2019/20 financial year were decreased from 161 to 123 in 2020/21. On the other side cases closed in 2019/20 were also decreased from 43 to 25 in 2020/21.
- Cases over 12 months old (previous years cases) rose from 191 in 2019/20 financial year to 231 in 2020/21 financial year. Almost all employees were advised to work from home due to national lockdowns. Communication among staff was done through WHATSAPP group formed specifically for that purpose, was very helpful as all work-related issues were discussed through that platform.

Table2

DETERMINATIONS

	DETERMINATIONS	MINISTRIES/PARASTATALS	STATUS
1.	OMB/2018/19/0179	MAFS	COMPLIED
2.	OMB/2018/19/0174	MAFS	COMPLIED
3.	OMB/2008/0470	MAFS	COMPLIED
4.	OMB/2020/210034	MAFS	COMPLIED
5.	OMB/2014/0022	MAFS	COMPLIED
6.	OMB/2015/16/0099	MAFS	AWAITING COMPLIENCE
7.	OMB/1999/00021	FINACE	AWAITING COMPLIENCE
8.	OMB/2016/17/0058	MAFS	SPECIAL REPORT TO THE PARLIAMENT
9.	OMB/2015/16/0097	MAFS	SPECIAL REPORT TO THE PARLIAMENT
10.	OMB/2012/0110	MAFS	SPECIAL REPORT TO THE PARLIAMENT

11.	OMB/2008/0209	MAFS	SPECIAL REPORT TO THE PARLIAMENT
12.	OMB/2020/21/0011	MINISTRY OF HEALTH	COMPLIED
13.	OMB/2018/19/0151	MINISTRY OF JUSTICE	DISMISSED
14.	OMB/2019/20/0099	MINISTRY OF COMMUNICATIONS	AWAITING COMPLIANCE
15.	OMB/2020/21/0084	MINISTRY OF JUSTICE	DISMISSED
16.	OMB/2017/18/0058	MINISTRY OF LOCAL GOVERNMENT	COMPLIED
17.	OMB/2019/20/0112	MINISTRY OF LOCAL GOVERNMENT	AWAITING COMPLIANCE
18.	OMB2019/20/0130	MINISTRY OF LOCAL GOVERNMENT	SPECIAL REPORT TO THE PARLIAMENT
19.	OMB/2018/19/0179	POLICE	SPECIAL REPORT TO THE PARLIAMENT
20.	OMB/2020/21/0097	EDUCATION	DISMISSED
21.	OMB/2019/20/0170	EDUCATION	AWAITING COMPLIANCE
22.	OMB/2019/20/0074	EDUCATION	AWAITING COMPLIANCE
23.	OMB/2019/20/0180	DEFENCE	AWAITING COMPLIANCE
24.	OMB/2019/20/0135	EDUCATION	SPECIAL REPORT TO THE PARLIAMENT
25.	OMB/2020/21/0045	MINISTRY OF PUBLIC WORKS & TRANSPORT	COMPLIED
26.	OMB/2019/20/0168	MINISTRY OF GENDER, YOUTH AND SPORTS	DISMISSED
27.	OMB/2020/21/0012	CBL	DISMISSED
28.	OMB/2020/21/0057	PRIME MINISTER'S OFFICE (CABINET)	PARTIALLY COMPLIED
29.	OMB/2020/21/0101	WASCO	COMPLIED

The table above shows a number of determinations that were delivered by the Ombudsman in the reporting year. A total of twenty-nine determinations (29)

were delivered and five (5) cases could not be sustained and were therefore dismissed, and only nine (9) cases were complied with. This means that there is still a resistance for ministries and agencies to comply with Ombudsman`s determinations as eight (8) special reports were submitted to Parliament as per section 17(1)(a) Of the Ombudsman Act NO.9 of 1996, as they were not complied with. There were seven (7) cases in respect of which the time for compliance had not yet expired when this report was made.

SECTION 3

3.0 SELECTED CASES

3.1 OMB/2020/21/0045- TRAFFIC INSPECTORS GOT PAID FOR SEVEN YEARS FOR NOTHING

On the 23rd July 2020, the Ombudsman received a complaint by the twenty-three (23) traffic inspectors herein referred to as complainants. These inspectors were aggrieved that on or around the year 2013, they were instructed by the Chief Transport Inspector then, to stop from carrying out and executing their daily duties and functions as transport inspectors with immediate effect. The complainants stated that since the instruction in 2013, they had been trying to seek resolution on this matter to no avail. They further alleged that they had not been rendering any services to the government of Lesotho, but they continued to earn monthly salaries.

Upon receipt of the complaint, the Ombudsman wrote an invitation letter to the Principal Secretary to attend a meeting to be held on the 03rd September 2020. The Principal Secretary did not show up at the meeting thereby forcing the Ombudsman to reschedule once more for the 17th September 2020.

On the 17th September 2020, the meeting took place and all stakeholders were represented.

Based on the investigations by the Ombudsman and having found some evidence on the matter, he made a ruling on the 05th October 2020 that the oral instruction that was given by the Chief Inspector did not follow the law therefore was set aside. He further recommended the Ministry to lift the suspension that was imposed on the transport inspectors not to carry out their duties and functions within a month of receipt of his determination. Lastly, the Ombudsman recommended that the Ministry should ensure that the transport inspectors resume their statutory duties as such within a month of the report. On the 03rd November 2020, the transport inspectors informed the Ombudsman that their suspension was lifted therefore the matter was resolved and case closed.

3.2 OMB/2019/20/0168- OMBUDSMAN SAVES THE GOVERNMENT MORE THAN M27million

The Office of the Ombudsman received a complaint by Mr. X on behalf of X Geomatics Survey and Laboratory against the Ministry of Gender, Youth and Sports on the 11th December 2019. He claimed that the Ministry did not pay him for the services he offered. He indicated in his claim that he had offered topographic survey and cadastral survey services for the construction of Lepereng Stadium on the 18th April 2019 but had not been paid.

Upon receipt of the complaint, the Ombudsman wrote an inquiry letter to the Ministry on the 14th January 2020, but the Ministry failed to respond. On the 27th February 2020 the Ombudsman wrote another letter to the same Ministry requesting a meeting which was to be held on the 05th March 2020. The meeting took place on the 05th March 2020 as planned but was postponed to the 17th March 2020 on the grounds that some key people did not attend the meeting; being the Principal Secretary (PS) and Director Infrastructure.

The meeting took place on the 17th March 2020 with all stakeholders represented. It transpired that Mr. X did not have a contract or any document proving that he had provided the services to the Ministry he claimed to have provided. However, the PS alluded that the possibility could be that one of the contracted companies might have subcontracted him. Therefore, the PS promised to find out which company might have engaged Mr. X and try to connect him with them and discuss the payment.

However, the complainant came back to the Office of the Ombudsman several times reporting that he was still not being helped by the said Ministry as per the promise. He also indicated that he was also not in agreement with how the meeting transpired on the 17th March 2020.

On the 25th March 2020, the Ombudsman and his team had a meeting with the complainant where he gave new evidence on how the whole matter had been handled by the Ministry. Upon such information, the Ombudsman decided to conduct a formal inquiry as provided by the Ombudsman Act of 1996 section 9 thereof. An invitation letter for the formal public inquiry was written on the 31st August 2020, inviting the Ministry to attend the inquiry from the 7th to the 11th September 2020 at 9.00a.m. The complainant was accordingly informed.

On the 07th Day of September 2020, the inquiry continued as planned with all stakeholders' present, and the media was invited. In the inquiry it was discovered that the complainant was claiming M27, 768, 393.88 million from the Ministry.

Based on the evidence provided before him, the Ombudsman decided on the 26th October 2020, that the Ministry of Gender did not owe Mr. X any money, as the Ministry never engaged him for any services. The Ombudsman advised ministries to always ensure that there is adherence to the laws and regulations governing procurement of services in the public sector, so that there is no political interference with the procurement of goods and services.

3.3 OMB/2017/18/0058- A PUBLIC SERVANT ACTING ALLOWANCE DENIED.

The complainant approached the Office of the Ombudsman on the 24th of October 2017 complaining that he had acted in the Office of Procurement Manager from 1st June 2017 up to November 2017, but he had not been paid the acting allowance for the period he had acted in the said Office. Before resuming work in that Office, he had approached the Office of the Human Resource, demanding to be given a formal authority to act but the Human Resources Director directed him to resume work while awaiting necessary documentation. He continued serving in the said Office without any formal acting appointment having been approved.

Upon receiving the complaint, the Office of the Ombudsman wrote a letter to Local Government requesting their comments on the complaint. The Office received a response from the then Principal Secretary, and on his response, he had outlined that his Office was aware that indeed the complainant had acted as Procurement Manager. He therefore advised the Office of the Ombudsman that the complainant's file had been signed by the Minister and had been submitted to Public Service Commission. The said response from the Ministry was forwarded to the complainant. He however later came back to the Office disputing that his file had been submitted to the Commission. He further informed the Office of the Ombudsman that he had done his inquiries and found that his file had been stuck in the Office of the Minister for authorization.

The Ombudsman invited Principal Secretary to a meeting on the 29th October 2019 to discuss the complainant's case. The meeting was held as scheduled wherein the Ministry indicated that they were aware that they owed the complainant acting allowance for the mentioned period. They informed the meeting that it was their wish to pay the complainant the acting allowance, but the problem was that Public Service Commission, had taken a decision not to authorize retrospective acting appointments. The Ministry therefore asked the Office of the Ombudsman to decide on this matter. The Ombudsman agreed to their plea and delivered a determination. Based on his findings, the Ombudsman recommended that the complainant be paid the acting allowance he is entitled to for the period he acted in the Office of the Procurement Manager, and the payment should be made within three months of the issuance of the determination.

After some months, the complainant reported that he had been paid his acting allowance by the Ministry and the case was closed.

3.4 OMB/2020/21/0166- UNLAWFUL DISMISSAL

The Complainant approached the Office of the Ombudsman on the 12th of January 2021. He was employed by the Ministry of Home Affairs in 2015 but unfortunately his and other employees' contracts were terminated after six months of employment. They proceeded to DDPR with this matter, and it ruled in their favour. DDPR had ordered that Mr. PT and others be re- instated or be compensated for the remaining seven (7) months. The complainant became part of the team which had opted not to return to work but be compensated for the remaining months. He further explained that it had been four (4) years now since the ruling was issued but the Ministry had not complied with the DDPR's ruling.

Upon receipt of the complaint the Ombudsman wrote a letter of inquiry to the said Ministry on the 10th of March 2021 wherein he requested that they provide their side of the story on the matter, but the Ministry failed to respond. On the 31st of March 2021, the Ombudsman wrote another letter to the Ministry which invited them to the meeting to be held on the 14th of April 2021, but still the

Ministry failed to attend. On the 14th of April 2021, the Ombudsman issued summons to the Principal Secretary to appear before him on the 22nd of April 2021 at 10:00 hours in the forenoon. The Principal Secretary and his team did honor summons and came for the meeting. In the meeting, it transpired that the Ministry had resolved to re- instate the complainant and others. He further explained that Mr. P.T. and others had to sign the new contracts.

When contacted on the 20th April 2021, the complainant confirmed that he had already signed the contract. A week later the complainant informed the Ombudsman that he had resumed work and the case was closed.

3.5 OMB/2020/21/0012- FINANCIAL DECISION MADE LIFE IMPOSSIBLE

On the 5th day of June 2020, the Ombudsman received a complaint from Ms. M., who was a member of the Lesotho Mounted Police Service (LMPS). Her grievance was that the Central Bank of Lesotho had failed to intervene on the matter between herself and X Financial Institution she had a loan agreement with, which had to be repaid in a period of fifty-six (56) months.

Ms. M. informed the Ombudsman that she had approached the said financial institution with a request to lower her monthly installments as she was struggling to make ends meet with her net pay. X Financial Institution reportedly declined her plea, citing the fact that she was nearing her retirement (June 2022) and therefore calculations for her loan repayment were in such a way that it would be fully paid by the time she retired. Dissatisfied with the decision of the X Financial agency, she appealed to the Central Bank of Lesotho, as the regulator for intervention in the matter, but to no avail. She then escalated her complaint to the Office of the Ombudsman for intervention.

As an intervention, the Ombudsman contacted the Central Bank of Lesotho, to get their comments on the matter. The Ombudsman was referred to Financial Institutions (Credit Only and Deposit Taking Micro- Finance Institutions) Regulations, 2014 and Treasury Regulations, 2014, as tools that were in place to guide financial institutions. Specific to the complaint, Regulation 47(2) of the Treasury Regulations stipulates that “The Accountant General shall not process a deduction for third parties if the net amount that will become due to the employee after that deduction is less than half of the gross salary of the employee.”

Indeed, the Ombudsman established that the complainant's net pay was way lower than what was stipulated by Treasury Regulations. Therefore, the matter was referred to the Office of the Accountant General (AG) for intervention.

In a meeting that was held on the 30th of June 2020, the Office of the Accountant General informed the Ombudsman that even though the Treasury Regulations were enacted in 2014, there was no system in place to put them into practice, until in 2016 when Central Deductions Administration System (CDAS).

The Ombudsman having considered mainly that the complainant would be due for retirement in June 2022, it was in the best interests of the complainant to repay the loan and finish it off before going on retirement, because it would bring more financial hardships, if the loan was to be serviced with the complainants monthly pension. The Ombudsman further emphasized that the Office of the Accountant General should always ensure that Treasury Regulations are complied with by the Office of the Accountant General.

3.6 OMB/2020/2021/0037- DRIVER ASSIGNED SENIOR DUTIES WITHOUT BENEFITS

On the 9/06/2020 the Office of the Ombudsman was approached by TM, a driver, alleging that that the Ministry of Education and Training had assigned him to assist the Chairperson -TSD with senior chauffer duties but he was never told for how long, since that position still had a substantive holder. He stated that he had thought the arrangement would be for a short while but to his dismay it had taken three years. Prior to the complaint, he tried to get clarity and assistance from the Principal Secretary who then wrote to him, informing him that since the position still had a substantive holder, he cannot draw benefits associated with it. He further claimed that there were times when he took trips to South Africa for the Chairperson's errands but was never paid per diem even though he had claimed.

Upon receipt of the complaint the Ombudsman convened a meeting with the Ministry of Education and Training on the 11/08/2020. In that meeting the acting Principal Secretary and the Chief Legal officer were representing the Ministry. It was agreed that it was unfair for TM to work as a chauffeur without due benefits. They undertook to investigate the matter and revert to the Ombudsman with a solution. This did not happen until the new P.S was deployed to the Ministry.

The Ombudsman directed the new P.S to investigate the matter and he did not comply.

The Ombudsman`s investigations revealed that the complainant was deployed as a driver (Grade C) at the Ministry and he was assigned to assist the Chairperson -TSC with Senior Chauffer duties (grade F) until further notice without drawing any benefits associated with the position. It was also discovered that the complainant had sought compensation in a form of acting appointment as he felt he was entitled to such.

It was recommended that the Ministry of Education appoints Mr. TM on a special assignment as a Senior Chauffeur for the Chairperson retrospectively from 23rd October 2017, for three years and pay him salary and the benefits accrued to the Senior Chauffeur. This payment was to be affected within three months from the date of the determination.

The stipulated three months had lapsed, and the Ministry did not comply with the Ombudsman`s recommendations. The Ombudsman submitted a special report to the Parliament, as required by the law where the Ombudsman`s determination has not been complied with.

3.7 OMB/2019/20/0180- BRIGADIER GENERAL FORCED TO RETIRE

On or around the 20th January 2020, the Office of the Ombudsman received a complaint from the Retired Brigadier General. The gist of his complaint was that around the year 1994, he was sent on a forced retirement. He alleged that at the time of the forced retirement he was fifty-two years, thus had three years remaining before he could go on compulsory retirement. His complaint was that when his gratuity and pension were calculated, the period of three years that he would have served in the force, had it not been for this forced retirement, was not taken into account, therefore his gratuity and pension was still owing to date.

On receipt of the complaint, the office of the Ombudsman wrote to the Office of the Commander of the Lesotho Defense Force for their comments. On or around the 28th February 2020 the office of the Ombudsman received correspondence from the Commander of the Lesotho Defense Force. The Commander`s response was that the complainant had no merit because he had been duly granted his benefits after his retirement from the Force. The

Commander went further to state that his claim for the period 1994, 1995, and 1996 was not justified because he had already retired. On or around the 26th August 2020, the Office of the Ombudsman wrote a letter to the Office of the Commander- LDF, requesting for documents indicating how the calculations of the complainant's gratuity were made. On the 4th September 2020, the documents indicating the calculations of the gratuity were received.

Upon perusal of the said documents, it became very apparent that the calculations for the gratuity due to the complainant did not consider the period covering the years, 1994, 1995 and 1996 respectively and the salaries for the three years period.

The Ombudsman had found that the complainant was aged fifty-two years, when he was sent on a forced retirement. The Ombudsman also found that in terms of the law, the compulsory retirement in the Force was fifty-five years. The Ombudsman had found further that in this instance the complainant had three years remaining in service before he could go on compulsory retirement. However, when he was sent on forced retirement at the age of fifty- two years, the payment of his gratuity had not been calculated to include the period of three years he would have served in the Force and the salaries he would have earned had it not been for the forced retirement.

The investigations revealed that:

1. the complainant did not retire from the Force out of his own volition; therefore, the Lesotho Defense Force should have treated his retirement as if he was retiring at the compulsory age of retirement.
2. the prevailing circumstances, the complainant has been treated unfairly because it was not his choice to retire three years before his compulsory retirement was due, therefore failure to pay his salaries for the three years period and the gratuity covering the same period was a great injustice to him, which interfered with the complainant's proprietary rights.

On the 26th October 2020, the Ombudsman recommended that the Lesotho Defence Force should pay the complainant salaries for the period covering the years, 1994, 1995 and 1996 and gratuity respectively, and these were to be implemented within three months from the date of the determination.

However, there has not been any compliance up to date.

3.8 OMB/2020/21/0034- CONDEMNED ABUSIVE OF POWER

On the 13th July 2020 the Ombudsman received a complaint from Mr. K.M. and Mrs. 'M.H.Q. who alleged they were Examiners in the Ministry of Agriculture and Food Security (MAFS) and were aggrieved that they were charged for insubordination for having not examined the payment without proper documents.

On receiving and assessing the complaint the Ombudsman, on the 13th July 2020, issued a restraining order against MAFS suspending the intended disciplinary hearings against the complainants.

On the 16th July 2020, the meeting was held where all the stakeholders were invited

In the meeting Mr. K.M. explained that when he examined the payment voucher, he realized that it was a payment for goods procured through single sourcing process, but there was no explanation as to whether fertilizers could only be sourced from that particular supplier. They could not get an explanation from the accounts officer who had brought the voucher. At that time justification that was given was Covid-19 which did not make sense to the examiners because buying of fertilizers had always been done by MAFS even in the absence of corona virus. The examiners alleged they did not get a clear explanation as to which procedure was followed.

He explained that the documents which ought to have been attached to the payment voucher were GP 66 form, which would show the company that had been awarded tender and other companies that had tendered. It would also show whether there was money in the vote to pay for the purchase and the signature of the person who confirmed availability of funds and a copy of the requisition for quotations from different suppliers. But these documents were not availed to them as examiners. He said they were worried that they might process payment which was not justified.

Mrs. M.H.Q. interjected to inform the meeting that when they could not find clear explanation, they requested audience with PS who gave them verbal instruction to process the voucher for payment. The examiners said they then decided to approach PPAD for guidance. The Director thereof could not understand why MAFS opted for single sourcing approach. He then advised the examiners to request PS MAFS to give them a written instruction to go ahead

with the payment despite their concerns. They stated that they did go to the Principal Secretary, who did not issue out any written instructions.

At that time their immediate supervisor, the Finance Director, was not in office to give them direction. The payment was resubmitted to the examination office together with other two payments for examination. The two were also payments with respect to goods procured through single sourcing process. Still they did not process the payments.

On the 08th June 2020, the complainants decided to report the matter to Finance Director but before they could inform her, the SPO called Mr. K.M. and tried to justify why she opted for single sourcing by showing him some emails from other suppliers. There were series of meetings between PS's Office and complainants, until they were suspended for alleged insubordination.

On the 10th July 2020 they were served with letters inviting them to hearings which were set for the 14th July 2020. Among the charges leveled against them were that they failed to perform their duties and that they deliberately delayed the process of payment of suppliers. It was at this juncture that they decided to approach the Ombudsman for intervention.

During intervention, PPAD explained to the Ombudsman that single sourcing could be done on two conditions:

1. Where there is prove that there is only one proprietor who can supply e.g. having intellectual property rights.
2. Under emergency circumstances, definition of which was in the regulations.

He added that in terms of Procurement Regulations of 2007, single sourcing was referred to as waiver which had to be approved by the PS and the Minister of Finance. He stated further that in terms of Public Procurement Amendment Regulations of 2018, the tender panel was given powers to approve the contract award. Waiver can be approved if the tender panel was satisfied that proper procurement procedures were met.

During investigations, it was explained to the Ombudsman that SPO indicated that MAFS opted for single sourcing procedure in order to address the covid-19 pandemic emergency, but the open tender was never cancelled. She explained further that she did not go straight to the sole supplier, but she contacted five other suppliers according to the advice they obtained from the former Director

of PPAD. The five contacted suppliers were the producers of fertilizers. She stated that she communicated with them via e-mails as the office telephones were not being answered due to lockdown restrictions imposed in RSA. Only two suppliers had responded. According to SPO, there was no need to request for quotation, as the decision had been made to go through single sourcing procedure. She alluded to the fact that GP66 would only be used in open tender process. And it would have been signed by the Tender Panel. She said that for the purposes of single sourcing, the following were the requirements;

- Request of user
- Request of procurement to Tender Panel
- Approval by Tender Panel.

The DAG informed the Ombudsman that she met the complainants at the time they had gone to the office of the Accountant General (AG) to consult with her, but unfortunately the AG was not in office. She said according to the information they gave her, she realized that they were being prejudiced. She concluded when she realized how much time they were given to respond to the show cause letters. The complainants were before her on the 05th June 2020, the day they were served with the letters and they were given up to the 08th June 2020 to submit their responses, she said that was the shortest period ever given to a person to respond to such a letter. This was the same trend with the letters calling them for hearings. In her opinion that practice was not in accordance with the Public Service laws.

DAG emphasized that the case was about public funds where accountability and transparency were key to every transaction. She said the examiners were expected to certify that payment was correct and legitimate; and should have been provided with all the necessary documents, to enable to do their work efficiently and effectively. She further said SPO as secretary to the Tender Panel was supposed to advise the Panel to write and justify the type of single sourcing procedure they opted for. That would have shown transparency on their part. She said the examiners ought to have been shown the request commitment. She stressed that an Examiner is the right hand of the FD and the Chief Accounting Officer, to ensure that payments made are legitimate and correct and to do that there is a list of documents that they look into before they could approve a payment, and such documents should be provided as and when they were needed.

The Ombudsman asked the DPS to show the difference between a person who refused to do a job and a person who said he needed certain documents so that he could do the job and how that related to insubordination. The Ombudsman made a reference to the request by the complainants to PS to reduce his instruction for payment in writing, but to no avail, but nothing was done about his failure to issue out the written instructions, as that led to further delays for processing payment.

DPS in his response was adamant that the complainants' acts amounted to insubordination hence they deserved everything that came to them. He said by not approving the payment when PS verbally instructed them to do so, was tantamount to insubordination.

Following that meeting the Ombudsman having heard the evidence found that the examiners had done nothing wrong except to want to do their job diligently, which involved interrogating every payment before passing it for payment. It was their duty to examine and demand clarification including documents where necessary to make sure that the payment was legitimate. Their request for supporting documents amongst others, the copy of the contract, was a legitimate request sanctioned by Treasury Regulations especially regulation 24. (5) (a).

The Ombudsman therefore recommended that the purported disciplinary hearings and charges against the complainants be withdrawn and set aside as there were no reasonable and justifiable grounds for initiating them. He also recommended that the PS should make efforts to restore peace, harmony and cooperation between the Examination Office and the Procurement Section.

The Ministry fully complied with the Ombudsman's recommendations and the case was closed.

3.9 OMB/2020/21/0011- DECEASED BENEFICIARY DENIED TERMINAL BENEFITS, LITTLE DID THEY KNOW

On the 10th of June 2020, the Office of Ombudsman received a complaint from Mrs. M who was aggrieved that she had not been paid death gratuity of her late husband, Doctor T, who passed on in 2017 while serving at Sankatana Hospital. She added that the Ministry of Health claimed the deceased's death gratuity could not be processed, as he had not made any monthly contributions to the

Public Officers` Defined Contributions Pension Fund during his service. She added that during negotiations between the Ministry of Health and the Fund, it was recommended that the Ministry could pay contributions into the fund for him, so that he could be registered as a member of the Fund.

Upon receipt of the complaint the Ombudsman made an urgent request for the deceased file in order to establish whether he was supposed to have contributed into the Fund. It transpired during investigations that National Identity document indicated the birth date as the 8th October 1964, while information from the Human Resource Link indicated the birth date as the 7th March 1958. Public Officers` Defined Contribution Pension Fund Act, 2008, section 5 (1) provides that a public officer who was employed on permanent and pensionable terms and was aged 40 years or below at the commencement of the Act is a member and that membership is mandatory. When perusing his file his first appointment documentation indicated that he was born on the 8th October 1964. It is therefore a matter of common cause that at the commencement of this Act, the deceased was 44 years old. However, on or around 2009 the Public Officers Defined Contribution Pension Fund (Membership) Notice 2009 came into operation. This Notice provided for the classification and categorization of public officers. It provided that permanent and pensionable public officers aged between 41 years and 45 years, qualified for membership of the Fund. It became apparent that in terms of this Notice, the deceased qualified as a member of the Fund, therefore should have contributed into the Fund.

On the 24th June 2020 a meeting was held whereby the Human Resources Manager from the Ministry of Health, explained that the Ministry had made efforts to pay the complainant and had made a request to the Ministry of the Public Service that the deceased terminal benefits be paid through Pensions Proclamation of 1964 instead of Public Officers` Defined Contribution Pension Fund Act, 2008, as the deceased had not made any contributions to the fund.

He added further that the Fund had recommended that the Ministry of Health could pay all the contributions that were supposed to have been paid by the deceased, so that he could be registered as a member of the fund, to make the deceased qualify for the payment of terminal benefits. He further explained that the challenge had been that the money that was supposed to be paid by the Ministry was quite a substantial amount, which the Ministry of Health would not recover.

The Office of Ombudsman also approached the Office of Pension Fund, to establish whether it was possible to have the deceased's terminal benefits processed and paid in terms of the Pensions Proclamation of 1964. Ministry of Finance response was simply that in terms of the Notice of 2009, the deceased qualified as a member of the Fund, therefore ought to have made contributions into the Fund. The Ministry of Finance stated further that in the event that no such contributions were made into the Fund, the Ministry of Health should shoulder the blame and ensure that it pays all the terminal benefits of the deceased from the ministry's budget. The Ministry of Finance further alluded to the fact that, when the Legal Notice No. 174 of 2009 was enacted, the Government of Lesotho paid a lot of money into the Fund to cover all the public officers, who were affected by the said Notice, therefore it would not be fair for the Ministry of Finance to pay the deceased's terminal benefits under the Pensions Proclamation as the deceased did not qualify to be treated under the provisions of the Proclamation of 1964.

When the Fund was established and came into operation in 2008 the deceased was over 40 years as the Public Officers' defined Contribution Pension Fund Act, 2008 only covered public officers who were 40 years and below at that time, therefore the deceased did not qualify as a member, as he was 44 years of age at the time. However in April 2009 the Government of Lesotho enacted the Public Officers Defined Contribution Pension Fund (Membership) Notice, 2009, which came into operation on the 1st April 2009. In terms of this Notice the deceased qualified as a member of the Fund, therefore the Ministry of Health should have caused the deceased to make contributions into the Fund, as the deceased on the 1st of April, 2009 was aged 45 years. Be that as it may, the Ministry of Health did not act diligently by ensuring that the deceased contributed as required into the Fund. If the Ministry of Health had acted diligently, the deceased's terminal benefits would have been paid a long time ago to the deceased's family. It should be stated that the Ministry of Health should be held accountable for nonpayment of the deceased's benefits, therefore should be held responsible for ensuring that the deceased's benefits are paid. It has been established that as far as the Pension Fund is concerned, the deceased qualifies only for Past Service Liability; this was confirmed by the calculations made by Independent Actuaries and Consultants to the NBC Insurance Company in a letter dated 20th September 2018.

Therefore, the Ombudsman recommended that the Ministry of Health should immediately submit the deceased's file to the Public Officers' Defined

Contribution Fund Offices, so that the deceased's beneficiary could be paid Past Service Liability due. The Ministry of Health should also process, calculate and treat the deceased's terminal benefits in terms of the provisions of the Pensions Proclamation Act of 1964. The Ministry complied to the Ombudsman recommendations and his file submitted to Pension Fund and the complainant was paid her husband's Past Service Liability and similarly payment voucher was prepared for payment of death gratuity pending allocation of funds from the Ministry of Finance.

3.10 OMB/2017/18/0077- LEAVE PAYMENT NOT APPROVED

On or around the 16th April 2018 Mr. M lodged his complaint at the Office of Ombudsman, claiming that the Lesotho Correctional Services had failed to pay him leave days upon his early retirement from the service. On the 2nd of May 2018 the Office of the Ombudsman wrote a letter of inquiry to the Lesotho Correctional Services, for its comments thereon. On the 3rd July a reply was received from the Office of Principal Secretary in the Ministry of Justice, to the effect that the complainant's benefits were duly paid. However, he was still adamant that his sixty-eight (68) leave days had not been paid.

After some investigations and several meetings, Ombudsman discovered that the complainant opted for early retirement and had about 68 days which he did not utilize. It was also found that the Lesotho Correctional Service Act, was silent on the issue of payment in lieu of leave days, therefore the Ministry resorted to Public Service Regulations 2008 76 (1) and (2) which states that the current leave year should be taken and not be carried forward to the next year, except in special cases on the authority of the Principal Secretary.

The Ombudsman found that the complaint was without merit, as it was evident that no authority been granted by the Principal Secretary as per Public Service Regulations 2008. The decision in this case was made on the 26th November 2020, and the case was closed on the 3rd December, 2020.

SECTION 4

4.0 ADMINISTRATION REPORT

4.1 TRANSPORT- OFFICIAL VEHICLE TO THE OMBUDSMAN (VIP)

During the review period, the Office was still unable to secure an official vehicle (Lexus) for the Ombudsman due to budget constraints.

4.2 OFFICE FURNITURE AND EQUIPMENT

During the review period, the Office procured the following furniture and equipment:

FURNITURE/EQUIPMENT	QUANTINTY
Desks	4
Chairs	12
Filing cabinets	2
Zippel	1

The Office was unable to purchase enough office furniture and equipment for other officers including the boardroom furniture, due to budget constraints.

4.3 HUMAN RESOURCE

4.3.1 Promotions/Movement

- Mr. Leboea Letele was appointed on promotion to hold the vacant position of the Principal Investigations Officer, Grade H with effect from 27th October 2020.
- Mr. Seboka Peshoane was appointed on Promotion to hold the vacant position of Economic Planner, Grade G with effect from 08th June2020.
- Mrs. Mamalise Tuoane was appointed on promotion to hold the vacant position of Executive Secretary, Grade F with effect from 01st December 2020.

4.3.2 Acting Appointment

- Mr.Thabelo Tlale Finance Officer, Grade G was appointed to act in the vacant position of Finance Manager, Grade I with effect from 30th September 2020.

4.3.3 Ministerial Transfers

- Mrs.Matséliso Machai-Ndumo the Chief Legal Officer, Grade I was transferred from the Office of The Ombudsman to the Ministry of Agriculture and Food Security with effect from the 01st March 2021.
- Mrs.Masiswe Leotla Human Resource Officer, Grade G was transferred from the Office of The Ombudsman to the Ministry of Agriculture and Food Security with effect from 01st March 2021.

4.3.4 Transfers

- Adv.Jobo Raswoko the Assistant to the Ombudsman, Grade K was transferred from the Ministry of Justice and Law to the Office of the Ombudsman with effect from 04th January 2021.
- Mr. Molahlehi Bolae Human Resource Officer, Grade G was transferred from the Ministry of Education to the Office of the Ombudsman with effect from 01st March 2021.

4.3.5 Training and Development

- Mrs. 'Manthati Nthontho (Assistant Finance Officer, Grade F) has been granted study leave to pursue BCOM Accounting with the National University of Lesotho for the period starting from August 2020 to June 2023.

4.3.6 Secondment

- Miss Sina Makana Secondment to Positive Planet International (PPI) was extended to the 30th November 2021.

4.3.7 Filling of Vacancies

- The position of the Senior Investigations Officer, Grade G was advertised in Ombudsman Circular Number 1 of 2021 and is yet to be filled.
- The position of Finance Manager, Grade I as advertised from the Ombudsman Circular Number 3 of 2020 was withdrawn.

SECTION 5

5.0 ANNUAL FINANCIAL REPORT

Financial Statement

1. During the Financial Year 2020/21, the Approved Estimates amounted to M 10,514,614.00 but was revised to M 9,863,114.00 due to reallocation of budget to cater for COVID-19 pandemic. The Released Warrants were M 8,919,679.00.
2. Breakdown of the Approved, Revised and Released Budgets against Actual Expenditure in monetary and percentage units:

Sub-head	Approved Budget (M)	Revised Budget (M)	Released Budget(M)	Actual Expenditure (M)	Variance (M)
Compensation of Employees	5,370,306.00	5,370,306.00	5,235,876.70	5,027,211.69	208,665.01
Travel and Transport	1,028,545.00	618,545.00	169,467.80	154,903.08	14,564.72
Operating Costs	3,901,763.00	3,761,932.00	3,402,003.20	3,193,590.85	208,412.35
Acquisition of Non-Financial Assets	214,000.00	112,331.00	112,331.00	53,314.00	59,017.00
GRAND TOTAL	10,514,614.00	9,863,114.00	8,919,679.00	8,429,020.00	490,659.00

3. Out of M8,919,679.00 released funds, M8,429,020.00 was spent (94.5% of total funds released).
4. Unspent funds at the end of the Financial year 2020/21 was M490,659.00.

5.1 REALLOCATION OF BUDGET TO COVID-19 (M651,500.00)

1. Travel and Transport

- Short-term Hire of Vehicles M8,000.00
- Fares International M92,000.00
- Subsistence International M310,000.00

2. Operating Costs

- Official Gifts M18,000.00
- Official Entertainment M8,000.00
- Training Costs M7,500.00

3. Acquisition of Non-Financial Assets

- Office Equipment M100,000.00
- Office Residential Furniture M108,000.00