
The newsletter from the Office of the City Ombudsman, Cape Town • Issue 1 • June 2006

Welcome to the launch edition of our electronic newsletter, the
OMBUDSMAN WRITES!



In this first issue we take a look at:

- **Mbulelo Baba - Cape Town's Ombudsman**
- **Your Rights When Dealing With The City**
- **Situations Solved and Statistics**
- **Frequently Asked Questions & Answers**

We're publishing this newsletter electronically to focus on useful information about the Office of the City Ombudsman and to bring you news, views and updates.

We would appreciate your input, ideas and suggestions to make these newsletters all the more informative and beneficial to you. Please send your comments to Lorika.Elliott@capetown.gov.za

We look forward to hearing from you.



Mbulelo Baba **Cape Town's Ombudsman**

Both my title and occupation are fascinating! Ombudsman is the Swedish word for "commissioner" but nowadays it signifies an official who investigates complaints against the government: "uNozakuzaku", as one would say in my mother tongue.

My work, and that of my dedicated staff members, is primarily to investigate complaints from the public against the City of Cape Town because of your right to administrative justice. Although the Office falls under the City of Cape Town, our role is to be the ally of any citizen who approaches us because of a grievance with the City.

I became involved in local government in 1992, when I was appointed as Chief Executive of the Mfuleni Local Council. After the municipalities merging I took up the position of Senior Manager for the area. My passion for human rights led me to Deputy Chief Executive with the South African Human Rights Commission in Johannesburg. The turn of the century saw me back home, where I have been concerned with the promotion and protection of citizens' rights since my appointment as Interim City Ombudsman for the City of Cape Town at the end of 2000. It was with immense pride that I accepted the position of City Ombudsman for Cape Town on 1 May 2005.

I have obtained a BA Degree in Social Science from the University of South Africa, followed by a BA Honours Degree in Development Studies from the University of the Western Cape, B-Admin Honours Degree in Public Administration and a Masters Degree in Public Administration from the University of Stellenbosch. In 2003, I attended the first of a series of specialized Ombuds courses in the United States and United Kingdom that earned the Office international membership and recognition as an Office dedicated to protecting the rights of citizens.

I consider it a great privilege that I can implement my values and principles in my work. As such, I base my lifework upon the following: *Whatever I have tried to do in my life, I have tried with all my heart to do well. What I have devoted myself to; I have devoted myself to completely. I believe that one should never put one's hand to that which you would not devote your whole self to. I would never allow depreciation in my standards...in my work.* These have been my golden rules and I exercise them to the fullest as the City Ombudsman.

Another of my pursuits is that of physical fitness. You can regularly find me hard at work in the gym, as a healthy body is as important to me as an acute mind – both take dedication, stamina and commitment to maintain.

My message to you the reader is to assure you that our Office is dedicated to protecting your rights. However, your rights can only fully be realised if you voice them and make use of all the opportunities that our democracy has to offer. We're here to put you first, and put things right!



Your Rights When Dealing With The City

In South Africa, our Constitution states that everyone has the right to administrative action that is lawful, reasonable and procedurally fair. Citizens who feel they have been unfairly treated by any sphere of government can approach the Public Protector's Office. At local level, Capetonians' right to administrative justice is furthermore protected by having the Office of the City Ombudsman.

The Promotion of Administrative Justice Act was passed in 2000 to put these constitutional rights into practice. The Act says that in all dealings with the government you have the right:

- to be told what decision is being planned before it is taken
- to be allowed to tell your side of the story before a decision is made
- to be told what the decision is and also that you have the right to appeal against that decision
- to be told that you can request written reasons as to why a specific decision was taken
- to be told that you can challenge the decision in court.

If you have problems with a City decision, such as your water supply being cut off, the way in which a tender procedure was followed, or about being evicted from a council property, you can query that decision with the relevant department. If you are not satisfied with the department's response, but don't wish to make a formal appeal, you can approach us, the Office of the City Ombudsman, to consider the case.



Situations Solved and Statistics

Here are a couple of cases that illustrate how we have assisted citizens:

Mitchells Plain

A group of concerned residents approached us with a complaint against the electricity department. It appeared that an electric substation, which was located in an area between the residents' houses, was not properly enclosed. This resulted in gangsters occupying the substation and smoking drugs and generally behaving badly. The residents had struggled for a number of years to get the department to enclose the substation properly. Only on one occasion was the problem attended to, but not to the satisfaction of the residents because the doors fitted were flimsy and the gangsters removed the doors. We took up the matter and within a short space of time succeeded in getting the department to enclose the substation completely. This consisted of a roofed, galvanised steel structure secured into the ground and was inaccessible to the gangs. The residents were completely satisfied with our intervention and the speedy resolution of their complaint.

Bishop Lavis

We were approached by a ward councillor and a resident of Bishop Lavis. It transpired that during 2005 the resident's home was flooded due to the bursting of a storm water drain located in his backyard. The resident lodged a claim with Council's Insurance section but unfortunately his claim was rejected on the basis that there was no negligence on the part of Council. We conducted a thorough investigation and after considering the merits of the case we were of the view that the case was not properly considered. We identified the shortcomings and this led to the re-consideration of the case. Through our direct intervention the resident was offered compensation for the damages sustained. He was very satisfied with our assistance and he received compensation to repair his property.

Take a look at these statistics for an overview of our activity during the first two quarters of this financial year:

Statistics from our 1st and 2nd Quarters:

	1st Quarter		2nd Quarter	
	Number	%	Number	%
Total number of Cases Handled	179		232	
Outstanding / Ongoing	90	50.28	109	46.98
Concluded	89	49.72	123	53.02
Concluded Amicably	50	56	81	74
Outside Jurisdiction	24	13	14	6
Provisional Views Out	54		68	
Average Number of Days for Provisional View	55		43	
Evidence of Maladministration	23		31	
Recommendations Made	36		39	
Recommendations Implemented	14	39	16	41

1st Quarter highest complaints per Directorate:

Services & Infrastructure	39
Chief Operations Officer	37
Transport Roads & Planning	32
Finance	28
Strategy and Development	8

2nd Quarter highest complaints per Directorate:

Finance	57
Services & Infrastructure	47
Transport Roads & Planning	34
Chief Operations Officer	32
Corporate Support Service	18

In the second quarter 31 of the cases evidence of maladministration could be found and recommendations were made with a view of addressing these. 41% of our Office's recommendations have been implemented in this quarter, and we are working towards upping this figure to 60% by the end of the financial year.

Although the City Ombudsman does not have the power to enforce its recommendations, it continually strives towards concluding cases in an amicable manner. 74% of the cases were amicably concluded, but we would like to increase that to 80% over the next two quarters.



Frequently Asked Questions & Answers

What is a City Ombudsman?

The City Ombudsman:

- is a high-level public official
- is independent of any political party
- is appointed in terms of a resolution of Council
- reports to the Executive Mayor on a quarterly basis
- receives complaints from aggrieved persons
- has the power to:
 - investigate
 - recommend corrective action
 - issue reports

What authority does the City Ombudsman have in his/her capacity as an investigative body?

As an investigative body, the Office of the City Ombudsman has the following authority:

- The authority to demand access to any book, record, file or other documents or records of the City, whether written, or in any other format.
- The authority to require the attendance of any employee at the Office of the City Ombudsman for the purpose of giving evidence.
- The authority to exclude from any examination or meeting any person whose presence, under the circumstances, is deemed to be undesirable or potentially obstructionist.
- The authority to determine the procedure at meetings and enquiries.
- The authority to enter any premises owned, controlled or managed by the City or an entity for the purposes of any investigation.
- To examine any record during the course of such a visit.
- The authority to criticise, and recommend corrective action.



Contact Us

You can contact the Office of the City Ombudsman on (021) 400 5487 or visit the website www.capetown.gov.za/ombudsman.