



OMBUDSMAN writes

The newsletter from the Office of the City Ombudsman, Cape Town • Issue 2 • Nov 2006

It's been a busy few months in the Office of the Ombudsman and we'd like to share a couple of our achievements and activities with you. In this issue we take a look at:

- **Cooperation agreements locally and internationally**
- **Draft by-law approved**
- **Outreach Programmes**
- **Awareness and Education Initiatives**
- **Khayelitsha learner writes winning poem**
- **Statistics for complaints received: 1 April to 30 June 2006**
- **Maladministration - a definition**

If you have any ideas and suggestions to make these newsletters all the more informative and beneficial, please send your comments to Lorika.Elliott@capetown.gov.za.

We look forward to hearing from you.

Cooperation agreements locally and internationally

Our City Ombudsman met with his counterparts in Durban and Namibia respectively, to enter into cooperation agreements that initiate long term relationships and combine efforts in the address of issues of mutual interest or concern.



The signing ceremony was attended by the Ombudsman for Namibia, Adv John Walters (left), our City Ombudsman, Mbulelo Baba (middle) and the City of Cape Town's Director of External Relations, Luzuko Mdunyelwa (right).

The forging of such linkages is important for development and continuous improvement, especially in view of the new concept of local government ombudsing in Africa.

Currently, across the Republic of South Africa, only two municipalities are providing an ombudsing service to their constituents, namely the City of Cape Town and eThekweni. Fortunately both authorities believe that drawing lessons and support from other professionals are vital in confronting the challenges of development - particularly those involving ethics such as impartiality and independence.



Signing of cooperation agreement between the City of Cape Town and the eThekweni municipality (Durban) represented by Adv. Mandlenkosi Madlala (left) and Mbulelo Baba (right).

Subsequent to meeting with the Ombudsman from the City of Portland, Oregon, USA, an informal linkage has been established with their Ombudsman, Michael Mills.

Mills reported the following:

I had the pleasure of meeting with Mr. Mbulelo Baba, the City of Cape Town Ombudsman, while visiting South Africa. While we had met briefly in Quebec City at the IOI Conference, the meeting in Cape Town with his staff provided the opportunity to discuss issues facing local ombudsman offices. Local ombudsman offices are still few in numbers, so being able to meet with a counterpart is very rewarding. We were able to find similarities in the types of issues that we deal with and some surprising differences. I have found a continuing need to work on our outreach efforts to help make our services more available to under-representative communities; whereas, the Cape Town office seems to be much better known to communities in need. We found commonalities among concerns over utility billings for example.

Mr. Baba has what he calls a "Hybrid" Office, one that has adapted to the political structure and culture of Cape Town. The reality is that many local ombudsman offices require tailoring to fit their jurisdiction and the people they serve. This can be done while preserving the independence and integrity of the office. In Portland for example, given our Commission form of government that blends executive and legislative powers, independence was attained by locating the ombudsman under the elected auditor.

I was pleased to hear that the ombudsman concept is being adopted by more local governments in Africa, a trend that has not, with a few exceptions, developed significantly in North America. While we have model acts, standards, and best practices for national and provincial or state ombudsman offices, we as a profession lack guidance in the development of local government ombudsman offices. Being able to guarantee complainants' confidentiality remains a challenge for many local ombudsman offices since those protections must be passed at higher levels of government. There continues to be great value in local government ombudsman offices which are readily accessible to the public they serve. Maintaining connections among offices, such as the one made between Cape Town and Portland, will support the development of new local government offices.



Informal linkage established with the City Ombudsman for Portland, Oregon.



By-law approved in principle

The draft by-law that was approved in the last quarter for public input, as well as the re-aligned organisational structure in terms of which the City Ombudsman directly reports to the City Manager, with a second reporting line to the Executive Mayor, in order to ensure the Ombudsman functions independently from ordinary line structures and free of line management control, are important milestones in pursuance of international best practice.



Outreach Programmes

In an effort to make the Office more accessible to poorer communities that are far away from the city centre, outreaches were conducted to assist communities that collectively raised a host of complaints, for example in Elsie's River and the informal settlement of Klipheuwel.



Awareness and Education Initiatives

The completion of the Office's awareness and education initiatives for this financial year included:

- Hosting information clinics in collaboration with a number of Subcouncils
- Holding a competition in ten historically disadvantaged schools in Guguletu, Manenberg, Brown's Farm, Mitchell's Plain, Crossroads, Langa and Khayelitsha
- Granting job shadowing opportunities to students
- Launching the first edition of this electronic newsletter
- Publishing informational print in all three official languages of the Western Cape



Job shadowing opportunity to student Alexander Matiesie (student at Northlink) with David Phiri (City Ombudsman's office)



Khayelitsha learner writes winning poem

The insight and understanding of the role of the City's Ombudsman won a grade 12 learner of Khayelitsha the first prize, valued at R500, in the City Ombudsman's School Competition with an expressive poem called, Fix the Crack.

The winning poem of Gulishe Pelo, of the Bulumko Secondary School in Khayelitsha, was selected from the top entries of the 10 schools that were invited to participate.

The second prize, valued at R200 went to Bongani Dingalubala of the Siphamandla Secondary School in Khayelitsha with a poem called, I Thank You Ombudsman and Nozemela Nombini of the Dr Nelson R Mandela High School in Crossroads took the third prize, valued at R100, with a poem called, UNozakuzaku wethu ukhona.

Internal Investigation Manager, Lorika Elliott, reports, "We provided brochures to the various schools in preparation for the competition highlighting the role of the City Ombudsman as an independent official or 'referee' who resolves complaints of injustice against the City of Cape Town. The competition was launched to coincide with Youth Month (June) in an effort to enhance the youth's understanding of the role of the City Ombudsman and the enthusiasm it evoked from our next generation of service users is inspiring."



Statistics for complaints received: 1 April to 30 June 2006

Take a look at these statistics for an overview of our activity during the 2005/6 financial year:

Statistical Summary	1st Qtr: 1/7 - 30/9 2005	2nd Qtr: 1/10 -31/12 2005	3rd Qtr: 1/1 - 31/3 2006	4th Qtr: 1/4 - 30/6 2006
Total number of Cases Handled	179	232	243	263
Ongoing	50.28%	46.98%	55.97%	44%
Concluded	48.72%	53.02%	44.03%	56%
Concluded Amicably	56%	74%	83%	77%
Outside Jurisdiction	13%	6%	8%	6%
Average Number of Days for Provisional View	55	43	61	50
Recommendations Implemented	39%	41%	66%	73%



Maladministration – a definition

Any act or omission committed by the administration or by an employee of the administration and which has the impact of infringing upon a person's or institution's right to fair administrative action, or which results in manifestly inequitable, unfair, irregular or unprocedural treatment.

The merits of each case must be looked at in order to determine if maladministration occurred, but the following generic examples can be given:

- neglect
- inattention
- delay
- incompetence
- arbitrariness
- rudeness
- unjust bias
- faulty procedures
- failure to monitor compliance
- partiality
- refusal to answer reasonable questions
- knowingly giving misleading or inadequate advice
- conduct that produces unfair / deliberate inequitable treatment



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

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