

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:

- **Action at the office of the Ombudsman**
- **Statistics for the 2nd quarter**
- **A snapshot of the 2nd quarter's cases**
- **Distinguishing the Ombudsman from CRM, Internal Audit and Forensics**

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.

Action at the office of the Ombudsman

The Ombudsman's role is to act as an overseeing body and an independent neutral. As an independent it is located outside ordinary line management structures. The Ombudsman represents the interests, rights, freedoms and guarantees of the City's internal and external customers. It aims to secure, through informal alternative means, justice and legality in the City's administration, thereby contributing towards more equitable and effective service delivery.

The Ombudsman submits a quarterly report to the Executive Mayor that gives statistics on the complaints for the relevant quarter and, among other things, an indication of the problem areas in service delivery that gave rise to those complaints.

On 20 March 2007, the Ombudsman's 2nd quarter's report for 2006/7 was noted by the Executive Mayor and the members of the Mayoral Committee. Attention was brought to the statistics on the non-responsiveness in some directorates by Councillor Simon Grindrod (ID) urging departments against which complaints have been lodged with the Ombudsman, to attend to matters as quickly as possible. Councillor Belinda Walker (DA) added to his comments, stating that problem areas need to be monitored.



Councillor Simon Grindrod, Mayoral Committee Member: Economic, Social Development & Tourism



Councillor Belinda Walker, Mayoral Committee Member: Corporate Services and Human Resources Portfolio



Statistics for the 2nd quarter

A total of 130 complaints were dealt with during the second quarter, which is more or less equivalent to the previous quarter's total.

On average a provisional view was given within 35 days from the date of receipt, compared to 40 days in the previous quarter. The turnaround time is, however, hugely dependent on the responsiveness of the various departments concerned.

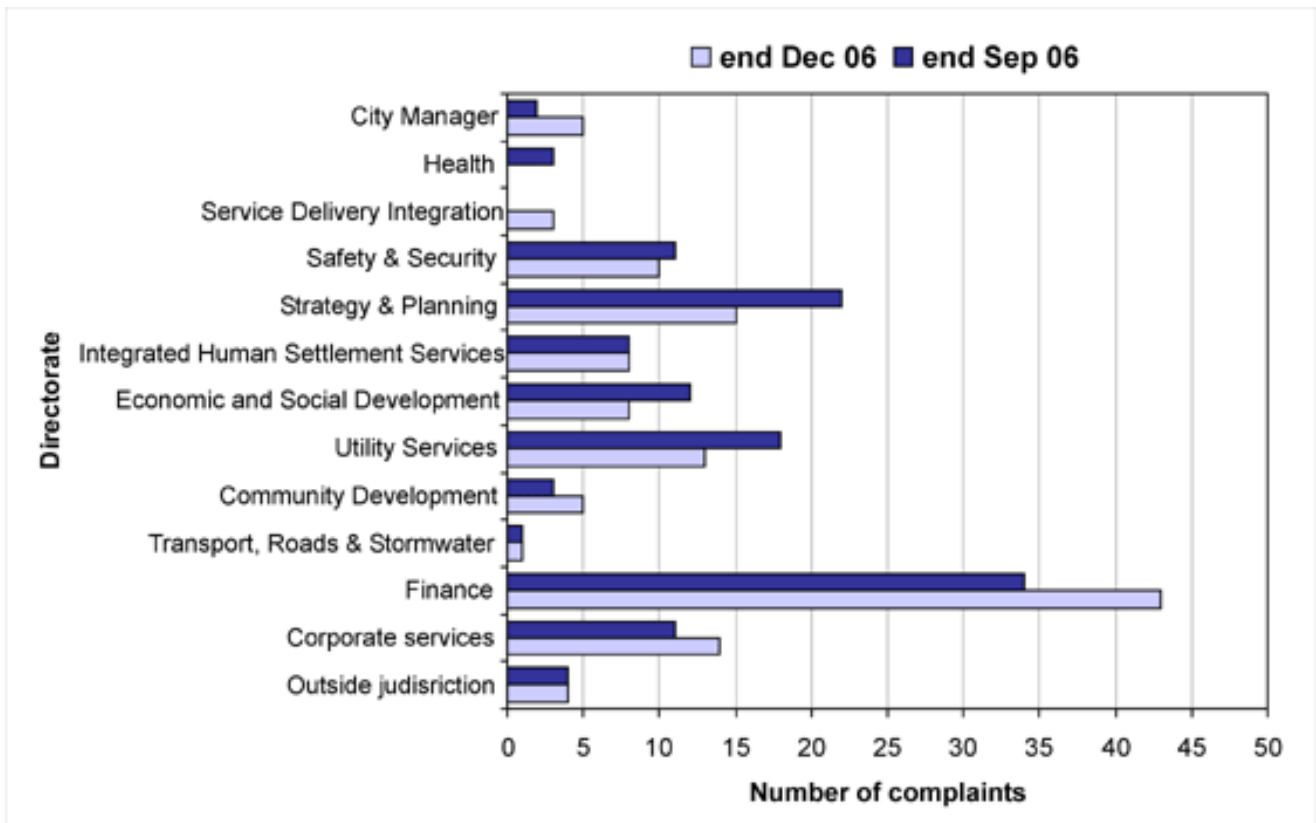
Although the City Ombudsman does not have the power to enforce its recommendations, it continually strives towards concluding cases in an amicable manner, and in the second quarter **74% of the cases were amicably concluded**.

Statistical Summary	Number	Percentage
Total number of Cases Handled	130	-
Outstanding / Ongoing	41	32%
Concluded	89	68%
Concluded Amicably	63	74%
Outside Jurisdiction	4	3%
Average Number of Days for Provisional View	35	



A snapshot of the 2nd quarter's cases

Here is an overview of the types of complaints received and the action taken:



Procurement matter:

A business that had been accused of irregularities approached the Ombudsman's Office after the municipality had refused to pay its outstanding invoices owing to certain allegations. The matter was investigated and no basis for the allegations could be found. The department agreed to re-instate the company as a service provider and the outstanding invoices were paid.

Accounts related issues:

The Ombudsman received a number of accounts related complaints which coincided with the massive debt collection campaign. Complainants were encouraged to follow the agreed channels through the Finance department.

Lack of response:

A complainant terminated his employment at the City in September 2005 and received leave pay as a lump sum. The complainant's efforts from March to October 2006 to obtain a particular letter, required by the South African Revenue Services from the City, were unsuccessful. The matter was resolved amicably with the intervention of the Ombudsman's Office and the complainant received the required letter within the next few days.

Internal issues of parity and placement:

The Ombudsman received a number of internal complaints and enquiries regarding issues of parity and placement, the merits of which could not be investigated, since such matters fall outside the Ombudsman's scope of jurisdiction. In these instances the Ombudsman served as a listening post and an information and communication resource. It was explained to such complainants that parity matters cannot be resolved in isolation, but were to be addressed through engagement with the trade unions over the standardised conditions of service. Complainants were encouraged to follow the formal channels provided for in the organisational realignment process, which is still in progress.



Cape Town's Ombudsman receives a nomination and international support for the Pete Small "Ombudsperson of the Year" 2006 Award

It is with great pride that we announce that our Ombudsman for the City of Cape Town, Mbulelo Mazizi Baba, has been nominated for the prestigious Pete Small Award. This nomination was motivated by the following:

"Baba has been involved in protecting people's rights from the days of the struggle against the Apartheid regime, through the dawn of the South African democracy, during his subsequent executive position at the SA Human Rights Commission, to where he is currently concerned with resolving complaints against the local government, in support of constitutional democracy.

Baba has been instrumental in introducing the ombudsing concept to the local government sphere in South Africa. Through continuous efforts [and remaining apolitical] he has managed to secure the buy-in of executive role-players in the organisation that led to the establishment of the Office of the City Ombudsman for Cape Town.



Mbulelo Mazizi Baba, Ombudsman for the City of Cape Town

At present it is one of only two local governments in South Africa with an ombudsing system.

Evidently, the concept of ombudsing is underdeveloped in South African local government circles and Baba has utilised this as an opportunity for promoting the concept and the benefits it has to offer in terms of supporting the objects of local government as set out in the country's Constitution, as well as supporting national initiatives for ensuring accountability, transparency and entrenching the young democracy.

Baba has developed a hybrid approach in conflict resolution that combines elements of both the organisational and statutory models for ombudsing, which is increasingly proving to be most suitable in the South African municipal environment. It is a fusion of adversary and facilitative processes, a blend of investigatory and mediatory ombudsing that allows for a flexible and fairly informal approach to ensure optimal results.

The approach has already drawn significant interest, evoked positive discussions and is currently receiving attention in academic circles.

Baba sturdily advocates the importance of forging linkages with local, national and international academics and institutions to provide for exchanges of theory and hands-on experience in order to ensure successful skills formation and promote the ombudsing system in the local government arena, in pursuit of good governance and public sector capacity building, as part of South Africa's ongoing transformation towards building a better life for all.

He believes successful skills formation in the local government ombudsing sector will improve both internal effectiveness and external impact.

To this end Baba has already initiated a number of partnerships, including one with the Ombudsperson for the eThekweni metropolitan municipality in Durban, his only counterpart in South African local government ... This led to the conclusion of a cooperation agreement between the two local governments that specifically focuses on the promotion of ombudsing.

Formally and informally he promotes ombudsing as a solution to address underlying conflict between a municipality and its customers about the level and quality of service delivery. His vision is to ensure the adoption of the ombudsing solution into African local government and the multiplication of such independent neutrals that promote and protect the values of human dignity, equality and freedom, and guarantee accountability, transparency and democracy.

Despite the obvious obstacles he had had to encounter as a black South African under the Apartheid regime, he managed to obtain four degrees in the fields of Social Science, Development Studies and Public Administration, and has more recently attended specialized ombudsing courses in the United States and United Kingdom. Today he is generous in sharing his knowledge and expertise, especially if it serves to promote ombudsing, because he appreciates the dynamics of a diverse society, peacekeeping and reconciliation..."



Distinguishing the Ombudsman from CRM, Internal Audit and Forensics

Ombudsman	CRM	Internal Audit	Forensics
<ul style="list-style-type: none"> • Independent third-party • Without bias to either party • Investigate external and internal complaints of injustice against the administration • Provision of a voluntary, alternative conflict resolution mechanism – an alternative means of resolving disputes between the administration and its customers • Last resort • Informal approach • Protection of human rights in general, in particular the right to just administrative action – protecting individual rights against the excesses of bureaucracy, providing recourse for the aggrieved, promoting administrative justice • Ensuring the fair treatment and “equality in arms” (fairness where the receiver of the public service is disadvantaged in relation to the provider of the public service, being supported by greater resources and thus in a superior position – City Ombudsman “equalises the gap” as a “go-in-between”, yet in a manner that does not show bias in favour of either party) 	<ul style="list-style-type: none"> • Process or methodology used to learn more about customers' needs and behaviours in order to develop stronger relationships with them • Manage relations on behalf of the Organisation • Many technological components to CRM, but it is not primarily about technology (should enable more effective customer interactions, customer insight, customer access, integration) • Process that will help bring together lots of pieces of information about customers, services, marketing effectiveness, responsiveness and trends • Customer management functions are an integrated part of the business process • Can include a complaints bureau function, but is in fact a customer service section of the organisation (not a third-party neutral) 	<ul style="list-style-type: none"> • “Watchdog” • Oversight of government spending and public finance management • Enterprise risk management • Strategies for prevention of economic crime and minimisation of fraudulent activities (e.g. whistle blowing) • Focus on prevention & controls • Different types of audits aimed at improving government accountability, e.g.: <ul style="list-style-type: none"> • financial audits: assessing accuracy & fairness of accounting procedures & financial statements; • compliance audits: scrutinising use of funds for approved purposes through compliance with laws & regulations; • performance audits (or “value for money” audits): analysing cost-effectiveness & operational efficiency. Can extend to reviewing the general effectiveness of government programmes in achieving their objectives & act as impact audits; • other audits: specialised audits, examining issues such as recruitment and management principles, ethics & integrity, etc. 	<ul style="list-style-type: none"> • “Bloodhound” • Used in, or in connection with a court of law • Complementary to Internal Audit • Fraud, corruption, criminal activities, maladministration, etc. • Pursue / facilitate / represent organisation in disciplinary, criminal, civil or related proceedings flowing from forensic investigation • Focus: proactive, reactive & awareness



Contact Us

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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