

We have reached the end of another financial year end. During the last six months, we have overcome numerous challenges and made significant progress in achieving our goals. In the second half of 2011, we will implement our new marketing strategy, formulated in collaboration with the corporate Marketing and Communication Department. The Ombudsman Writes newsletter is not only aimed at staff, councillors and residents, but our international and national partners. For this reason we have again included a short survey on whether you find the newsletter useful and informative and what you would like to see more of.

Till next time!

Natasha Paulse

Project Officer

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Knowledge is power!

We were visited by the Breede Valley Ombudsman from 12-13 May, an exciting and experiential learning period, in which we shared ideas about how best to serve our clients.

The Ombuds Office in Breede Valley was started in 2006 and the current Ombudsman, Eric Tshandu appointed in 2008. The jurisdiction of the office extends to De Doorns, Rawsonville, Worcester, Touwsriver and farms in the surrounding area.

As the office has overcome several challenges in becoming operational, the time spent with us was scheduled so that we could help it move forward. Mr Tshandu currently has no staff and conducts his own investigations, a full time job that is fuelled by his passion for ombudsing. The two day sessions were hosted to introduce Mr Tshandu to the practical side of complaints investigations and explain how our investigations are conducted, how our systems and processes work and how we administer complaints. We also discussed the challenges both offices face such as staffing, neutrality and independence in a municipal environment and the authority we hold.

Mr Tshandu also proposed the establishment of a Western Cape Forum for Ombudsing to discuss challenges within the ombuds community. Further discussions will be held to discuss the way forward in this respect and any training or information needs.



The Ombudsman for Breede Valley Municipality pictured with staff from the Office of the City Ombudsman. (L-R) Helene Coutinho, Clarissa Williams, Eric Tshandu (Ombudsman, Breede Valley Municipality), Fatiema Bassier, Mandlenkosi Mgogoshe and David Phiri.



Batho Pele, People First!

In keeping with one of our aims to create public awareness about our services, we hosted several information clinics during the first half of 2011 . One of these was in Langa, where on 24 February we presented an overview of our role and the types of complaints we are able to investigate, reiterating that we are an office of last resort. Most of the audience comprised pensioners from the area who have problems with City service delivery issues such as; disconnections, water meter management devices and high water accounts. The presentation was well received by the residents, who particularly enjoyed the question and answer session. We assisted the community wherever we could and re-directed other issues to the relevant departments in the City. There will be ongoing interaction with this community in the form of feedback.

We would like to thank Fezeka Plaatjie from the Housing Task Team for co-ordinating the initiative, the staff at the facility and the participants who took the time and trouble to attend the session.



A skilled Office!

To encourage continuous learning and equip our staff with the necessary skills, three staff members, Bulelwa Siwisa, Fatiema Bassier and Alicia Wilson attended the Alternative Dispute Resolution course in February. The course was facilitated by Advocate Neville Melville, the former Ombudsman for Banking Services (2000-2007.) Advocate Melville has a wealth of experience in the profession, a Master's degree in Law (cum laude) from the University of Natal and is a sought after International Speaker and Mentor. Melville is also the founding member and first chairperson of the Ombudsman Association of South Africa (OASA).

The course covered mediation, negotiation, report writing and investigations in an ombudsing environment. The ombudsman for Breede River Valley Municipality, Eric Tshandu, also attended the course to equip himself with the necessary knowledge and skills to take his office forward. The course has been customized under the auspices of the University of Kwazulu Natal.





It's all about teamwork!

We held a motivational session to encourage morale and cohesion amongst and between our staff on 2 June 2011. This included a presentation by Dr Elsa Van Schalkwyk, Co-ordinator Service Quality with assistance from Kobus Groenewald Information Officer HIV/Aids (both of whom are from the City's Internal Wellness Programme) on achieving balance and overcoming stress in the workplace. The session also included a short stint by Dalin Oliver, a local comedian and student at UCT. Dalin volunteered his services as a comedian free of charge, for which we were most grateful. The session is the first of many such initiatives in the futures to encourage staff to work well together as a team and encourage overall wellbeing.



Dr Elsa Van Schalkwyk & Kobus Groenewald



Dalin Oliver, local comedian



Our staff during the session



Complaints overview

A large portion of the complaints we received over the past few months were accounts related and a significant number of them emanated from a lack of response, inadequate communication or no response at all.

The Ombudsman does not make binding decisions, mandate policies, or formally adjudicate issues for the City. We have the power to recommend only. Implementation rests with the departments concerned.

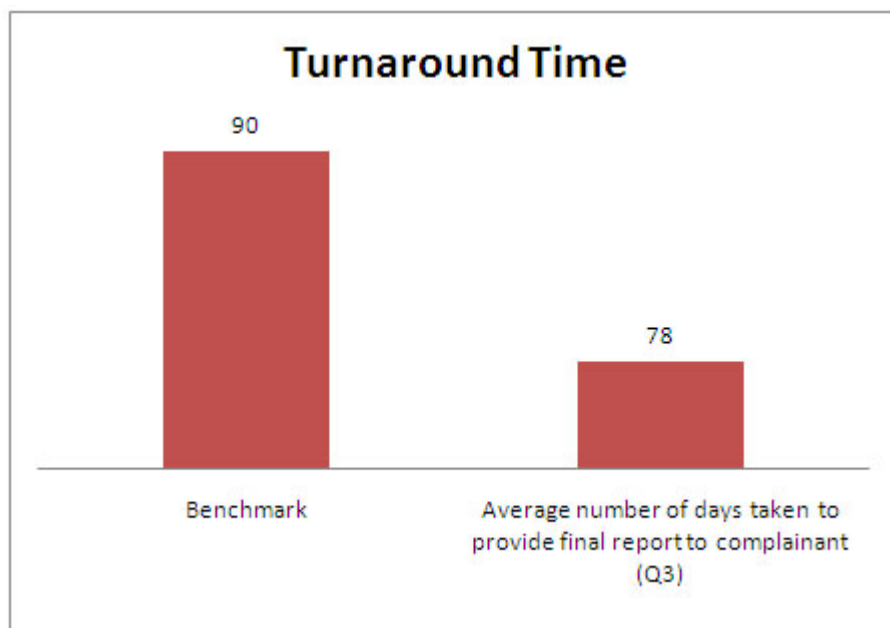
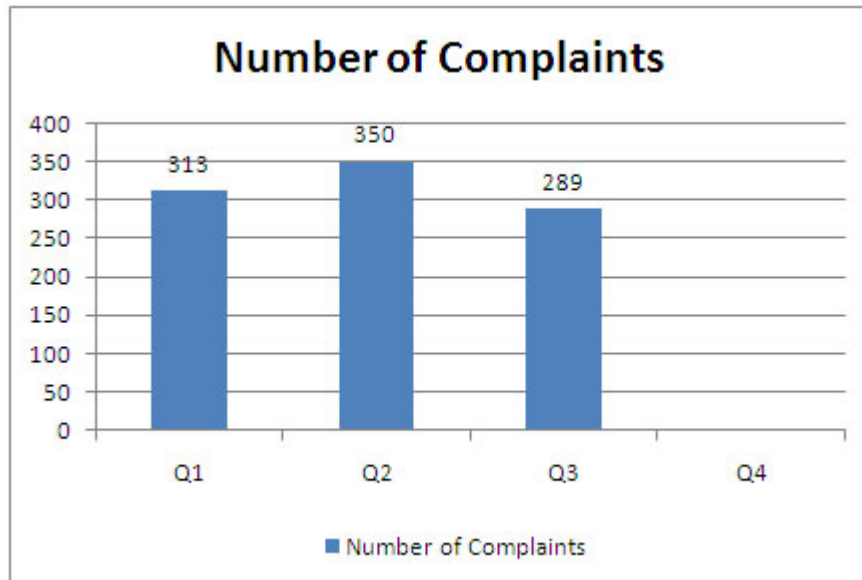


Statistics

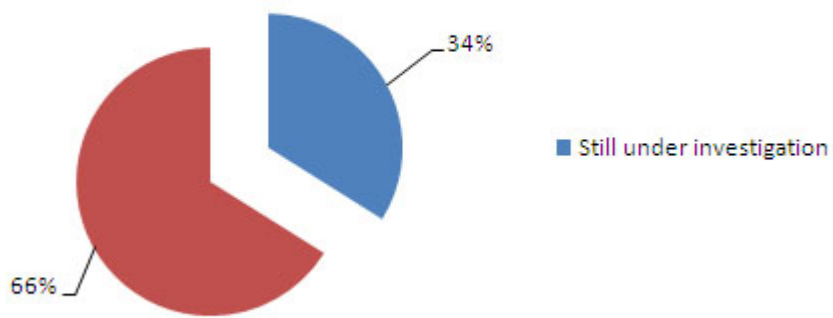
We dealt with 289 complaints for the third quarter of 2010/11, and managed to resolve 66% of these through continued efforts.

As we cannot make binding decisions and function on an informal basis to resolve complaints amicably, the level of acceptance of our recommendations to line departments is important. The quarter saw 72% of recommendations accepted.

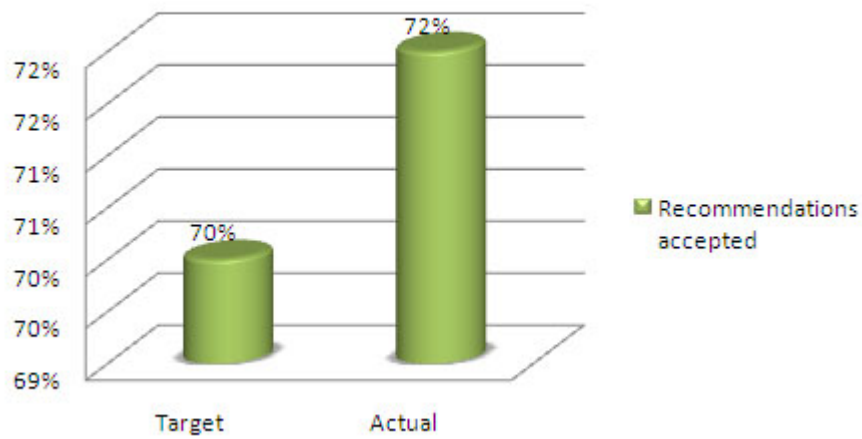
Our turn-around time was 78 days as opposed to the 90 days benchmark.



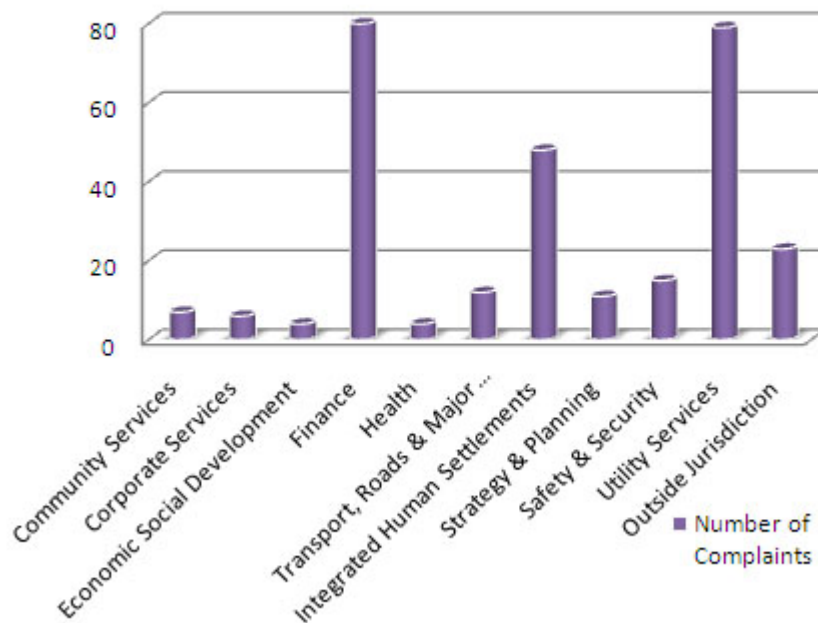
Percentage of Lodged Cases Resolved



Recommendations accepted



Number of Complaints per Directorate





Alternative dispute resolution

Across the world, there has been an overwhelming need to find alternative means of managing conflict and resolving disputes amicably. We have found Alternative Dispute Resolution (ADR), a new method of resolving business related disputes, to be a particularly useful tool in resolving conflicts, and have combined it with adversary and facilitative processes such as informal mediation and conciliation for optimum results.

What is Alternative Dispute Resolution?

Alternative dispute resolution (ADR) describes a wide variety of dispute resolution mechanisms that are alternatives to court processes (but not replacements). The most common types of ADR include negotiation, conciliation, mediation and arbitration.

Why is there a need for it?

There is a widely held perception that South Africa's formal justice system excluded most of its citizens pre-1994 (which is when the present constitutional dispensation was created). The law was also largely perceived to be an instrument of oppression. The new Constitution of South Africa is based on the principle that all people are equal before the law. However, although all citizens now have access to formal legal assistance, in reality many of them are still excluded, as due to past injustices, they do not have the economic, social or cultural ability to use their rights or to participate meaningfully in the administration of justice. The problem is often compounded by the costs of litigation, which are frequently excessive, and delays in the system. ADR provides an alternative for many people who do not have the necessary resources to follow the formal route.

The advantages of ADR

Informality

ADR is less formal than formal legal processes. In most cases, the rules of procedure are flexible, without the need for formal pleadings or rules of evidence. This informality is appealing and increases access to dispute resolution for parts of the population who may be intimidated by or unable to participate in formal systems.

Equity

ADR processes are also instruments for the application of equity rather than the rule of law. Each case is decided on by a neutral party, based on principles and terms that seem equitable in the particular case, rather than on uniformly applied legal standards.

Direct participation and communication

ADR processes also include more direct participation by the parties involved in the process, more direct dialogue, higher levels of confidentiality and more flexibility in their outcomes.

Stimulates change

ADR can reduce levels of tension and conflict. It can also be used to manage disputes and conflicts that may hamper development initiatives and increase civic engagement.

Reduced costs of service

ADR is typically offered free or at a minimal cost. We offer it as a free service to residents.

Quick process

ADR processes are resolved fairly quickly as opposed to lengthy court processes. Our experience with ADR thus far suggests that in general, it can positively affect society, although its impact is dependent on other conditions within a particular country and the fit of the design and implementation of the programme within a specific organisation or industry.

Sources:

Baba, M. 2006. Hybrid Approach to Ombudsing. USombudsman Newsletter. Summer 2006

Omar, AM 'AFSA: The need for alternative dispute resolution' Address delivered at the opening of Arbitration House as extracted in 1996 9 Consultus 126

South African Law Commission. Alternative Dispute Resolution. Retrieved on 7 June 2011 from: <http://www.saflii.org/za/other/zalc/ip/8/8-CHAPTER-2.html>



Our top tips for this edition

Don't wait for the Final Demand Letter!

If you are experiencing financial difficulty contact your local municipal office to make an alternative payment arrangement. This will prevent future problems with overwhelming arrears and interest.

Pay your account every month

If you don't receive an account you are not exempted from paying it! Should this apply to you, your local municipal office can check the amount due for you. If there are discrepancies or problems with accounts not being received, you are advised to alert an official at the office so that they can take the necessary action.

Indigent and rebate applications

Applications for rebates or for indigent grants must be completed every financial year usually during July/August. Ensure that you submit the application with all supporting documents.

Arrear arrangements

Please ensure that you check on a bi-annual and/or annual basis whether the original arrangement you have entered into with the City is still in effect as some arrear arrangements are for a pre-determined period and may need to be renewed.



Ombudsman writes survey

Please help us serve you better by completing the following short questions.

Did you find the subject matter in this newsletter informative and useful?

Yes or No

Are the articles relevant?

Yes or No

Is the length of the articles too long or short?

Yes or No

Do you have any suggestions or comments on content for future editions of the newsletter?

If so, please elaborate.

Thank you for taking the time to complete this short survey. We will use the results to provide you with relevant and newsworthy content.

Contact us

You can contact the Office of the City Ombudsman on 021 400 5487 or visit our website by clicking on the link below:

www.capetown.gov.za/en/CityOmbudsman/Pages/default.aspx

E-mail complaints

ombudsdirect@capetown.gov.za