

As Cape Town welcomes the start of summer, the Office of the City Ombudsman is midway through a busy financial year. The past six months have been filled with challenges and triumphs, which we've approached as opportunities to move our Office forward. The next six months will herald a new approach in increasing the Ombudsman's profile within the City of Cape Town.

This edition includes a short survey on whether you find our newsletter useful and informative, and what you would like to see more of. Your feedback is invaluable, so if you have any comments or suggestions about what you're like to read in the next issue, please [contact us](#).

Wishing our Christian readers a blessed Christmas and a safe journey if you're going away on holiday - drive safely and enjoy the festive season.

Until the next issue!

Natasha Paulse

Office of the City Ombudsman

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Knowledge sharing

On 18 October 2010, we were visited by the Breede Valley Ombudsman and his deputy for an information sharing session. This office has jurisdiction over De Doorns, Rawsonville, Worcester, Touwsriver and the surrounding farms.

The Breede Valley Ombudsman has overcome several operational challenges and we took advantage of this opportunity to learn from them. Mr Tshandu, the Ombudsman, also raised questions regarding our day to day operations. Once we'd informed him about our processes and procedures, we shared our knowledge relating to record keeping for statistical purposes, the allocation and tracking of cases and other administrative matters. Our discussions also included an analysis of the strategic session that we hold at the beginning of the year to set targets and how these are incorporated into our Business Plan. We ended by sharing information about our reporting lines (we report to a specific portfolio committee in the form of a quarterly report, which indicates noteworthy trends and statistics).

The Breede Valley Ombudsman has requested that we establish a Western Cape Forum for Ombudsing to discuss challenges within the ombudsing community. Further discussions will be held to discuss future prospects in this respect and any training or information needs.



Conveying the message, 'We are an Office of last resort!'

In keeping with our aim of educating communities and creating awareness about our services, we hosted several information clinics during the second half of 2010. We selected our target audience based on our analysis of the areas in which we'd either had a lack of complaints or an overwhelming influx of complaints.

Our discussions centered on educating residents about the type of complaints we handle and on reiterating our status as 'an Office of last resort.'

The areas visited included Makhaza Khayelitsha, Grassy Park, Bishop Lavis and a follow up visit to Parkwood. These communities have a wide spectrum of socio-economic problems such as unemployment, lack of housing, dependence on drugs or alcohol and

health related conditions such as TB.

We would like to thank the staff at Nazeema Isaacs Library in Makahaza Khayelitsha, Klip Road Clinic, Parkwood Clinic and the Bishop Lavis Clinic for hosting our Office.



Michael Harris, Investigating Officer in the office addresses the community members at Nazeema Isaacs Library in Makhaza Khayelitsha



Our enthusiastic mascot for the day who volunteered to assist with translation and awareness at Nazeema Isaacs Library



Clarissa Williams, Ombuds Officer in the Office of the City Ombudsman helping a member of the public at Klip Road Clinic complete a complaint form



Members of the public attending the Bishop Lavis Clinic



We take to the Airwaves on Radio 786, Voice of the Cape

On 4 November 2010, there was great excitement in the Office as Clarissa Williams, our Ombuds Officer, took to the airwaves on Radio 786, Voice of the Cape (a local community radio station aimed predominantly at Muslim listeners). Clarissa gave listeners an overview of the Office's role and function, and gave them the opportunity to call in with questions. The response to the radio broadcast was good and we are collating statistics to measure the number of calls received.



Clarissa Williams, Ombuds Officer in the Office of the City Ombudsman



Case summaries

The following case studies illustrate the nature of our work. It is hoped that they provide guidance for people who are in similar situations and are unable to decide on the best course of action. The studies also demonstrate how we work hand in hand with line departments, and how our services should only be used after the relevant City department has been approached for assistance. Ours is an Office of last resort!

Case study 1:

A complainant contacted us after other City departments had failed to resolve his

problem. As co-owner of a block of flats, he had initially approached the City to query why the electricity supply had been suspended. He contended that one of his tenants had opened an electricity account without his consent, and that as a result, he did not have any contractual obligations to settle the unpaid bill, which had risen to a substantial amount. (According to the lease, the Lessor/Managing agent/Body Corporate is responsible for payments for common area lighting, while tenants are liable for their own electricity bills).

After much debate, it was ascertained that the various City departments were not willing to take collective responsibility as they maintained that they were acting in terms of their own procedure and policies, and Section 118 of the Municipal Systems Act, 32/2000, which indicates that the owner can be held responsible for debt against his/her property.

In dealing with the matter, the Ombudsman recommended that the outstanding amount be paid off over a reasonable period and at an affordable rate, with the interest accrued being waived in view of the fact that the City had entered into a contract with the tenant without the owner's consent and had continued to provide him with electricity despite the owner's pleas to discontinue said service (based on the tenant's reluctance to pay).

The City also agreed to have a pre-paid meter installed after the initial payment arrangements were made. The matter was then closed.

Case study 2:

Case study two concerns a ratepayer who expressed her discontent at receiving a water bill of R19 304.90 following an estimated meter reading for 6 months to 1 year. She claimed that as a single person of 86 years of age, such an account would have been impossible to attain. She also alleged that she had incurred bank charges for insufficient funds in her account each time the City tried to debit her account. She appealed to us to rectify the account and reverse and refund the charges.

At the Ombudsman's request, the department concerned conducted its own enquiry and took an actual reading. It was found that the previous consumption had not been adjusted after a faulty meter was replaced. The department undertook to rectify the matter, and the account was adjusted.

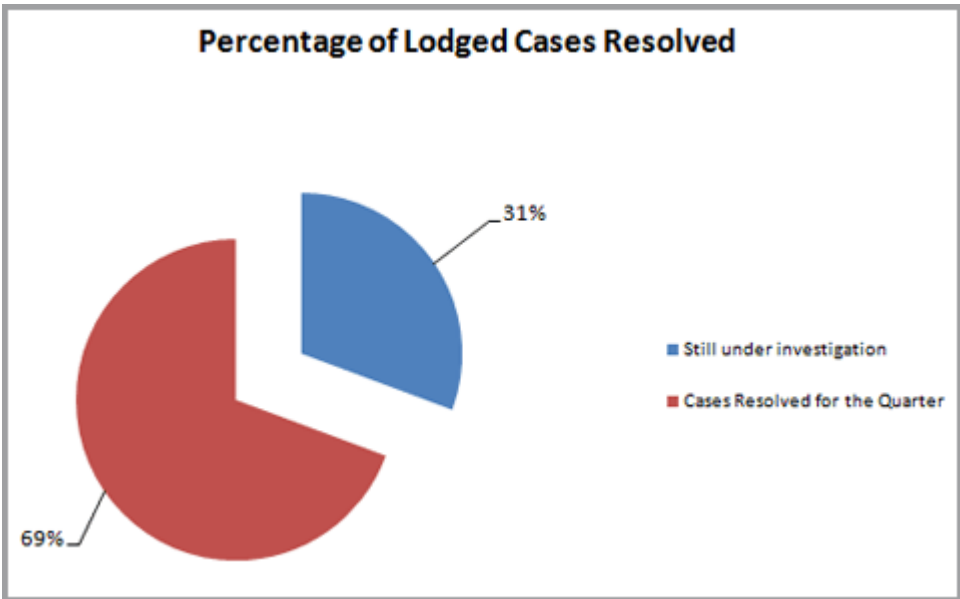
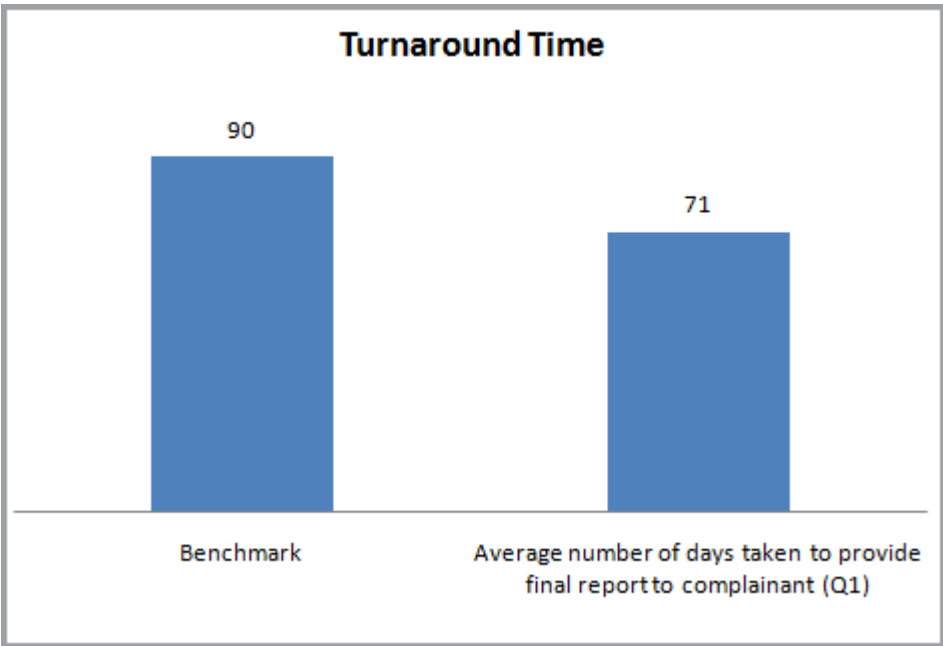
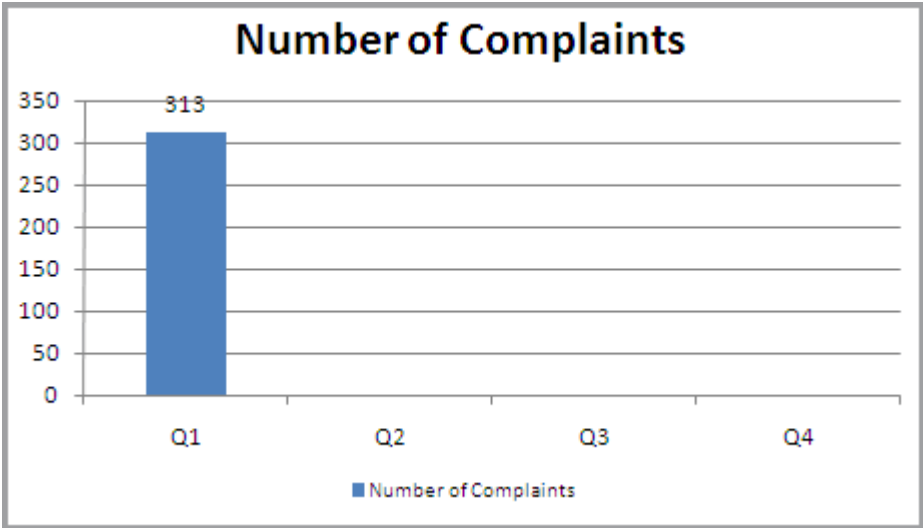
The matter was closed within a month.

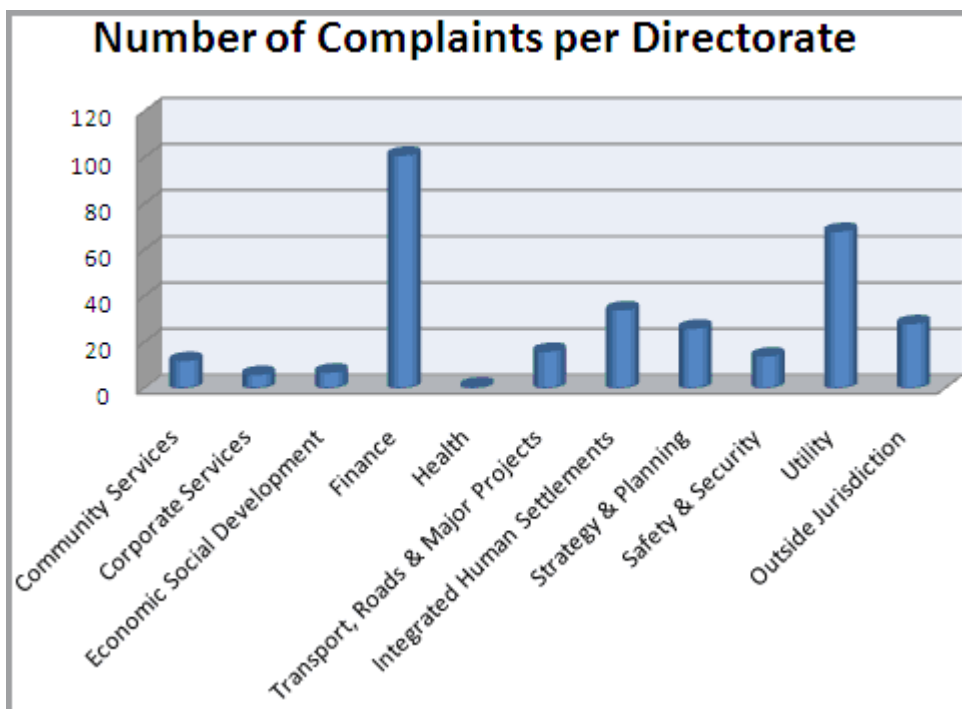
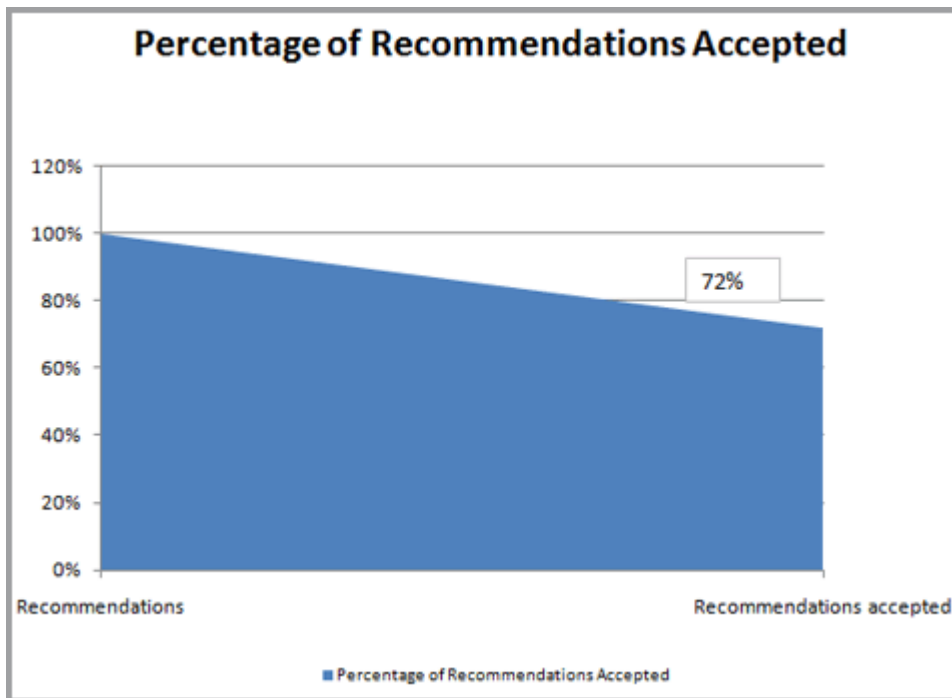


Statistics

The Office of the Ombudsman dealt with 313 complaints for the first quarter of 2010/11. We managed to resolve 69% of these complaints. 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 turnaround time was 71 days as opposed to the 90 days benchmark.





The changing role of ombudsing

The term 'ombudsman' was first coined in 1809 in Sweden as a name for the Swedish Parliamentary Ombudsman instituted by the Instrument of Government to respond to public complaints against government actions. Since then, the practice of ombudsing has flourished – particularly in recent years –and is now found throughout the world in the private, public and social sectors.

This development has been fuelled by the large scale scale growth of organisations that have become so big and removed from communities that a breakdown in communication and accountability typically develops. In South Africa - especially since 1994 - communities are becoming increasingly intolerant of bad service, and will not let themselves be easily wronged. Ombudsing has created a way for aggrieved persons as a

viable alternative to court processes.

Although the establishment of the City Ombudsman is not explicitly provided for in the South African Constitution, it is implied. Our Office was created in accordance with the principles and values that underlie a democratic society based on human dignity, equality and freedom. It is particularly aligned to the promotion of citizens' constitutional rights to just administrative action by their municipality, and as such fosters a spirit of accountability, responsiveness and openness.

Like a chameleon that changes colour to adapt to its environment, so too have we adapted ombudsing to suit our purposes. In doing so, we believe that we have set a trend. To prosper in years to come, ombudsmans' offices will need to embrace change and adapt to their environments to be sustainable and make a meaningful difference.

Our approach to ombudsing is a combination of the classical and organisational approaches that has developed in response to the uniqueness of local government. Like our classical counterparts, we too undertake formal investigations and record keeping, and like other ombudsman's offices that adopt an organisational approach, we combine adversary and facilitative processes such as informal mediation and conciliation. Advocacy and communication play a key role in promoting awareness and educating communities about the services we offer and it is this approach that sets us apart.

Ombudsing as a profession needs to adopt a holistic approach in recommending corrective action. It should not focus on 'laying blame' but recognise problems before they become catastrophes. It should also allow the department or complainant to see things in a manner they have not considered before. If the profession is to grow and evolve, it is imperative that corrective action be holistic.



Our top tip for this edition

Owners of vacant plots or land

All residents should acquaint themselves with the Community Fire Safety Bylaw, especially if they own vacant land. It is your responsibility to keep your land clear of vegetation that could be a fire hazard – even if you're an absentee landlord. Failure to do so might see the City's Fire Department clearing it and charging you for it. It will then be almost impossible to ask for rebates, and the expense can be huge, particularly if the area is large. Landowners are also responsible for keeping their plots safe. Owners of vacant land are legally bound to notify the City of their contact details so that notices regarding fire safety issues may be delivered – and the expense of clearing work avoided.



Ombudsmanwrites survey

Please help us serve you better by reading the following short questions and sending your answers via a reply email to us:

Is 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?

Please elaborate

Thank you for taking the time to complete this survey.

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