CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

City Ombudsman Policy

(Policy Numbers 25635 and 70806)

Approved by Council: 30 October 2025 Item C 09/10/25

Making progress possible. Together.

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CITY OMBUDSMAN POLICY, 2025

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DEFINITIONS

“alternative dispute resolution” means to address the complaint in an informal, impartial and confidential manner.

“authorised official” means an employee of the City responsible for carrying out or exercising any lawful duty, function or power and includes employees delegated to carry out or exercise such duties, functions or powers.

“case” means a complaint that has been allocated for investigation.

“City” means the City of Cape Town, a municipality established by the City of Cape Town Establishment Notice No. 479 of 22 September 2000, issued in terms of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998), or any structure or employee of the City acting in terms of delegated authority.

“City Manager” means the municipal manager appointed in terms of section 54A of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000).

“complaint” means a written complaint against the City that has been submitted to the Office of the City Ombudsman in terms of clause 8.1 of this Policy.

“complainant” means any person or organisation who has lodged a complaint with the Office of the City Ombudsman.

“Constitution” means the Constitution of the Republic of South Africa, 1996.

“Consumer Protection Act” means the Consumer Protection Act, 2008 (Act 68 of 2008).

“Council” means the Municipal Council of the City.

“councillor” means a member of the Council of the City.

“day/s” means any day excluding a Saturday, Sunday, or public holiday.

“determination” means a final outcome on a complaint by the Office of the City Ombudsman other than a recommendation.

“Executive Mayor” means the Executive Mayor of the City elected in terms of section 55 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998).

“maladministration” means any act or omission committed by the City or by an employee of the City which has the impact of infringing upon a person or organisation’s right to fair administrative action.

“Ombudsman” means an official appointed to investigate complaints against maladministration.

“Policy” means the City Ombudsman’s policy.

“recommendation” means a final resolution on a complaint other than a determination, where the outcome of the complaint recommends corrective action to the department.

“Speaker” means a person elected in terms of section 36(2) of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998).

“Structures Act” means the Local Government Municipal Structures Act, 1998 (Act 117 of 1998).

“Systems Act” means the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000).

ABBREVIATIONS

IDP Integrated Development Plan.
OCO Office of the City Ombudsman.

1. PROBLEM STATEMENT

1.1 In 2002, the City identified the need to establish an independent OCO whose primary function is to assist the City in fulfilling its obligation to provide accountable, democratic and transparent governance to the public in the City's area of jurisdiction.

1.2 There is a need to update the governance processes and provide a mechanism to enable the public to formally lodge complaints relating to alleged acts of maladministration.

1.3 The OCO was established by a resolution of Council in 2002. The reason for its existence, addressing public complaints by means of alternative dispute resolution, was reaffirmed by the Consumer Protection Act.

2. DESIRED OUTCOME

2.1 This Policy is the implementing guideline to perform the functions of the OCO.

2.2 The overarching outcome of the policy is to address all complaints as received by the OCO, subject to clause 4.3, in an effective and efficient manner to ensure that authorised officials provide courteous service with dignity, honesty and integrity in line with the City's values and Batho Pele Principles.

2.3 This policy will provide the complainants with an independent internal investigation process to ensure adherence to the principles of procedural fairness and administrative justice.

2.4 The OCO will serve as an internal mechanism for resolution of complaints between the City line departments and the complainant, resulting in minimising the reputational risk for the City.

2.5 This Policy sets out the roles, responsibilities, procedures and processes of the OCO when investigating cases.

2.6 This Policy provides clear guidelines on the implementation of the recommended corrective measures to be taken and to ensure that any maladministration is addressed.

3. STRATEGIC INTENT

This Policy seeks to align the OCO with the City's IDP, being a capable and collaborative city government.

The OCO's mandate is in line with the City's commitment to efficient and productive administration. This Policy provides for a more customer-focused and responsive service culture to improve community satisfaction, serves as a guarantee for administrative justice through alternative dispute resolution, and promotes accountable, democratic and transparent governance so as to support sound governance overall.

4. POLICY PARAMETERS

4.1 The OCO will investigate complaints as defined in this Policy.

4.2 This Policy guides the OCO when dealing with complaints within the jurisdiction of the City. It will also guide authorised officials when approached by the OCO during the course of an investigation.

4.3 The OCO does not investigate any matters that are listed in clause 8.3, nor any complaint, which is vexatious or frivolous.

4.4 If during the investigation of a complaint, which has been accepted by the OCO, a discovery is made of matters referred to in clauses 8.3.1 to 8.3.9 which merits investigation by another department or institution, such complainant will be appropriately referred in terms of this Policy.

4.5 The processes of the OCO does not replace internal processes within the City.

5. ROLES AND RESPONSIBILITIES

5.1 The roles and responsibilities detailed in this Policy are as follows:

5.1.1 Executive directors, directors, managers and authorised officials must provide information as requested by the OCO, during an investigation.

5.1.2 The Executive Mayor provides oversight of the implementation and review of this Policy.

5.1.3 The OCO investigates complaints as detailed in this Policy and presents recommendations to the relevant authorised official for consideration.

5.1.4 The relevant authorised official ensures implementation of the recommendations, and failing which, the matter will be reported to the City Manager.

5.2 The OCO performs advocacy, stakeholder and relationship management to create awareness and promote the services provided by the office.

5.3 The OCO is a voluntary option for complainants by providing alternative dispute resolution for matters within the OCO jurisdiction.

5.4 A complainant must first report the matter to the relevant City line department.

6. REGULATORY CONTEXT

The following legislation provides the regulatory framework for the OCO:

6.1 The Constitution

6.1.1 Section 33 provides for just administrative action.

6.1.2 Section 34 provides that everyone has a right to have any dispute that can be resolved by the application of law decided in a fair public hearing before a court or, where appropriate another independent and impartial tribunal or forum.

6.2 The Consumer Protection Act

6.2.1 Sections 69, 70 and 82(6), which require all suppliers to establish an alternative dispute resolution agency to address public complaints.

6.3 The Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000).

7. FUNCTIONAL ATTRIBUTES

7.1 Structure

7.1.1. The OCO will consist of the City Ombudsman and such other persons who may be necessary for the effective exercise of the powers and performance of the functions and duties provided for in this Policy and the City Ombudsman By-law.

7.1.2. The OCO may establish satellite offices for purposes of decentralising the services offered by the OCO.

7.1.3. The OCO reports to the highest possible level in the City's Administration and operates independently of ordinary line structures.

7.2 Office of the City Ombudsman

7.2.1. The OCO must be a member of an Ombudsman professional body an example being the International Ombudsman Institute or International Ombudsman Association, or related bodies, subject to Council approval for such City membership.

7.2.2 The OCO is a Level-3 Independent Internal Assurance Provider that enhances and promotes good and ethical corporate governance by providing independent and objective assurance and advisory services in line with legislation, related professional standards and leading practices.

7.3 Staffing

7.3.1. The OCO will consist of:

7.3.1.1 the City Ombudsman; and

7.3.1.2 such other persons who will have appropriate qualifications, certifications and competencies in line with the job designation and the specific job responsibilities.

7.3.2. A strategic workforce plan shall be maintained by the City Ombudsman.

7.4 Systems

7.4.1. Establish and maintain a system to monitor the communications of OCO outcomes.

7.4.2. Formalise a systematic process to monitor actions for implementation.

7.4.3. Develop methodologies and apply techniques to accomplish OCO objectives.

7.5 Management and Performance

7.5.1. The OCO's management team is to manage the OCO's Department in accordance with applicable City By-laws and Policies, as well as related norms and standards.

7.5.2. Professional Body prescripts to be applied by the OCO, within a local government environment.

8. POLICY DIRECTIVE DETAILS

8.1 Submission of complaints

8.1.1 All complaints submitted to the OCO must be in writing.

8.1.2 Where a complainant is not able to compile a written complaint, assistance will be provided by an authorised official in the OCO.

8.1.3 Each complaint must at least specify:

8.1.3.1 the nature of the complaint;

8.1.3.2 the line department in question;

8.1.3.3 the grounds on which the complaint against the City of Cape Town are based;

8.1.3.4 such facts or other relevant information that are known to the complainant; and

8.1.3.5 any redress sought, if any.

8.1.4 If a complaint is submitted on behalf of a third party, a consent letter from the person on whose behalf the complaint will be lodged needs to be submitted with the complaint.

8.1.5 The OCO will investigate complaints, which comply with the requirements as detailed in this Policy.

8.2 Assessment of complaints

8.2.1 The OCO conducts an assessment to determine whether the complaint falls within its jurisdiction. If the matter—

8.2.1.1 is outside the jurisdiction of the OCO, the OCO will redirect or refer the complaint to the correct or relevant institution or department as per clause 8.4;

8.2.1.2 has not been reported to and attended to by the City, the OCO will redirect the matter to the relevant department within the City for intervention; or

8.2.1.3 has not been adequately addressed by the City, the OCO may escalate the matter to the relevant structures within the City for intervention.

8.2.1.4 is within the OCO's jurisdiction, the complaint will be allocated as a case investigation as per clause 8.5.

8.2.2 The OCO will notify the complainant of the outcome of the assessment.

8.2.3 The OCO first assesses the complaint in terms of 8.2.1 and thereafter if it is established that it is a matter for the OCO, the OCO will proceed to investigate as stipulated in clause 8.5.

8.3 Matters not for Investigation

The OCO does not investigate any of the following matters:

8.3.1 any legislative or executive decisions by the Council, or any of its portfolio committees or subcouncils;

8.3.2 any matter involving an allegation as referred to in the City's Fraud Prevention Policy;

8.3.3 any matter or dispute which is dealt with or settled within the field of labour law;

8.3.4 any alleged irregular conduct of a councillor;

8.3.5 any supply chain management related matter;

8.3.6 financial misconduct;

8.3.7 administrative appeals;

8.3.8 any matter or dispute that must be dealt with in a court of law; or

8.3.9 any complaint which is found to be vexatious or frivolous.

8.4 Complaints for referral

8.4.1 The OCO may act in one or more of the ways provided for in clauses 8.4.2 – 8.4.6.

8.4.2 In the case of a suspected criminal offence, the matter will be referred to the City's Forensic Services Department.

8.4.3 In the case of any improper or dishonest act related to the assets, property or finances of the City, the matter will be referred to the relevant City Department.

8.4.4 In the case of any alleged improper or dishonest act involving Councillors or any contravention or breach of the Code of Conduct for Councillors as per Schedule 7 of the Structures Act, the matter will be referred to the Speaker for further action.

8.4.5 In the case of an alleged contravention by a Councillor of section 119(1) of the Systems Act, the matter will be referred to the Speaker.

8.4.6 In the case of any alleged contravention or breach of the Code of Conduct for Municipal Staff Members as per Schedule 2 of the Systems Act or of the Council's Conditions of Service or of section 119(2) of the Systems Act, the matter will be referred to the relevant authorised official.

8.5 Investigations

8.5.1 The OCO will conduct an investigation without fear, favour or prejudice.

8.5.2 When conducting an investigation, the OCO may:

8.5.2.1 demand in writing that any employee of the City appear before the Ombudsman and produce any book, record, file, object or document whether written or in electronic form;

8.5.2.2 enter any premises owned, controlled or managed by the City for the purposes of an investigation and while on such premises examine any book, record, file, object, document, thing or vehicle as may be required;

8.5.2.3 take charge of and remove anything referred to in clause 8.5.2.1 for the purposes of an investigation; and

8.5.2.4 require employees of the City or City department to provide relevant information within a stipulated timeframe.

8.5.3 Non-compliance with clauses 8.5.2.1 and 8.5.2.4 can result in the matter being referred to the relevant Executive Director for action.

8.5.4 Non-compliance by an Executive Director can result in escalation to the City Manager for intervention.

8.6 Case investigation procedure

8.6.1 The OCO will approach the relevant employee of the City for the purpose of settling the complaint by:

8.6.1.1 negotiation between the OCO and the relevant City employee to obtain the redress sought where such redress has been requested;

8.6.1.2 alternate dispute resolution facilitated by the OCO between the complainant and the representative of the line department concerned;

8.6.1.3 the representative of the line department concerned providing an apology to the complainant;

8.6.1.4 recommending that corrective action be taken to remedy the maladministration if possible;

8.6.1.5 recommending that the matter be further investigated by the relevant department so that disciplinary or any other action may be taken;

8.6.1.6 any other lawful means that will settle the complaint; or

8.6.1.7 recommending on the apportionment of liability (including, but not limited to, reversal of interest, legal fees etc.).

8.6.2 As a result of inconvenience or distress to the complainant, the OCO may recommend to the City Manager to award in favour of the complainant by considering *inter alia* the following criteria:

8.6.2.1 Did the complainant bear the ordinary and normal degree of inconvenience associated with correcting the problem?

8.6.2.2 Did the complainant take reasonable steps to minimise the inconvenience suffered?

8.6.2.3 To which extent did the complainant use his/her time to rectify the situation?

8.6.2.4 To what degree did the City apologise, if at all?

8.6.2.5 The award made will not exceed R1 000 (One Thousand Rand) and

8.6.2.6 Application of section 102 of the Systems Act will be adhered to when making the award.

8.6.3 The OCO will provide the complainant, with a final outcome of the case investigation. If required, a copy of the final outcome may be provided to the relevant City Department.

8.6.4 Where the OCO recommends corrective action, the department or authorised official concerned must provide the OCO with written confirmation within 14 days of receipt of such recommendation that corrective action will be implemented or not.

8.6.5 If a line department will not be implementing a recommendation, it must forward comprehensive written reasons for such decision to the OCO.

8.6.6 Where recommended corrective action is not adhered to, the OCO may escalate the matter to the relevant management structures within the City for intervention.

8.7 Reporting

8.7.1 The OCO submits quarterly reports to the relevant reporting authority or relevant authorised official, noting *inter alia*:

8.7.1.1 the number of complaints lodged per directorate;

8.7.1.2 sample of case summaries;

8.7.1.3 analysis of complaints lodged and cases investigated;

8.7.1.4 statistical information on the determinations and recommendations reached; and

8.7.1.5 the awareness campaigns and information sessions held.

9. IMPLEMENTATION

This Policy will be implemented once approved by Council.

10. MONITORING, EVALUATION AND REVIEW

9.1 The OCO will utilise the quarterly reports in clause 8.7.1 to:

9.1.1 monitor compliance within the City; or

9.1.2 recommend reviewing of City policies based on trends identified during the financial year.

9.2 This policy must be reviewed when operational needs require this.

9.3 Any queries or requests for amendments relating to this policy must be directed to the OCO.

11. REPEAL

The City Ombudsman Policy 2015 (Policy Number 25635) is hereby repealed and replaced with this Policy.