

YEAR IN REVIEW 2022/23

Accountability Embodied



a world class African city



OMBUDSMAN
City of Johannesburg





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FOREWORD FROM THE OMBUDSMAN



On behalf of the Office of the Ombudsman for the City of Johannesburg, I am delighted to present our inaugural annual review of the 2022/23 financial year. This report serves as an analysis of both the challenges and achievements we have experienced as an office as well as future projections that will help us to further contribute towards bolstering efficiency and equity within the city's administration.

As an independent department within the administration, we are dedicated to promoting good governance and protecting the rights of residents and businesses in the City of Johannesburg by providing an impartial avenue for addressing complaints, resolving disputes, and driving change for social justice. In line with this commitment, this report not only highlights our accomplishments but also reflects our ongoing efforts to enhance service delivery, engage with the public, and tackle emer-

gent issues timeously, effectively and with much compassion and professionalism.

One of our primary goals for next year is to strengthen our role as a trusted organisation that empowers individuals and communities in their interactions with the city. We will do so by improving the accessibility of our services, streamlining complaint-handling processes, and expanding outreach programmes across the seven regions of the city.

In addition to focusing on enhanced service delivery, we recognise the importance of nurturing public trust and engagement. To achieve this, we plan to intensify our efforts to raise awareness of our office through targeted communication, educational programmes and community forums, by fostering dialogue and involving all stakeholders in decision-making processes and collaboration.

Furthermore, with the rapidly evolving landscape of public administration, we understand the necessity to proactively address emerging issues. Our goals include actively monitoring and analysing trends and challenges in the City's governance and administration, en-

abling us to identify systemic issues and provide recommendations for corrective actions.

As we move forward, we remain committed to upholding the principles of fairness, integrity, and impartiality.

I would like to extend my gratitude to all who have supported our work throughout the year, including City officials, stakeholders, residents, and our dedicated team at the Ombudsman's Office. It is through your commitment to serve the residents with pride that we are able to fulfill our mandate and make significant strides toward an accountable and customer-centric public administration.

Advocate Siduduza Gumede

Ombudsman: City of Johannesburg



HIGHLIGHTS OF THE 2022/23 FINANCIAL YEAR



A refund total of **R1 095 464, 97** was paid back to residents.



Media engagements reached **8 014 640** audiences.



Media engagements generated an estimated **R584 286,47** of public relations value.



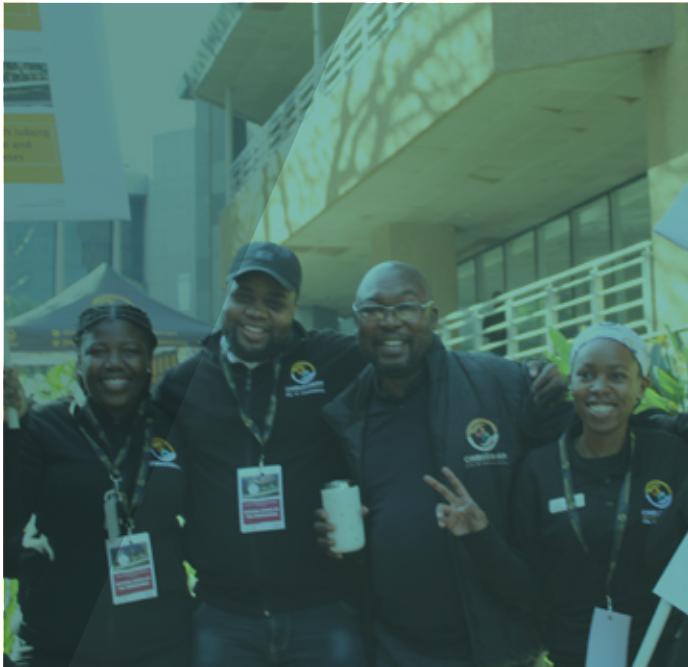
Social media campaigns reached appr. **780 053** users.



The office conducted **257** Outreach campaigns, reaching a total of **8 711** residents.



304 complaints were closed at Intake and Registry level.

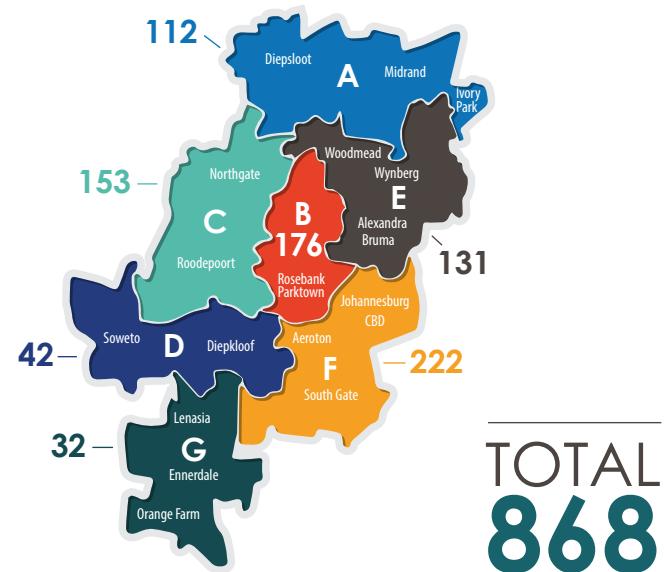


MODES OF COMMUNICATION AND REGIONAL FOOTPRINT

The following table reflects the different modes of communication complainants used to lodge complaints for the period 2022/23:

NUMBER OF TYPE OF COMMUNICATION CHANNELS	NO. OF CITIZENS
E-MAIL INTERACTIONS RECEIVED	4 210
WALK-INS INTERACTIONS	275
OUTREACH INTERACTIONS	25
WHATSAPP AND CALLS INTERACTIONS	493
RECEPTION TELEPHONE CALLS INTERACTIONS	2 177
TOTAL	7 180

The following table illustrates the number of regional complaints accepted for investigation for the period 2022/23:





PART 1

STRATEGIC OVERVIEW

INSTITUTIONAL FRAMEWORK

The Office of the Ombudsman for the City of Johannesburg is an independent and impartial facilitator that ensures all complaints of alleged maladministration and human rights violations lodged against the City's departments and entities are resolved through a fair investigative process.

Our purpose is to contribute towards accelerated service delivery by promoting good governance and advocating for the protection of basic human rights to improve the confidence of the residents towards the administration of the City of Johannesburg while also ensuring that the City, its departments and entities are held accountable to the communities they serve.



OUR VISION

The vision of the Office of the Ombudsman for the City of Johannesburg is to be a responsive investigator and mediator of human rights violations and service delivery-related disputes lodged against the City.



OUR MISSION

As an office of last instance, we commit to the acceleration of service delivery and the promotion of human rights by investigating complaints of maladministration, to improve confidence and accountability in the City.



OUR VALUES

- Fairness
- Accountability
- Integrity
- Transparency
- Accessibility
- Compassion



MANDATE AND FUNCTIONS OF THE OFFICE OF THE OMBUDSMAN

The Office of the Ombudsman exists to address administrative injustices caused by acts of maladministration within the City of Johannesburg's departments and entities. In terms of section 6 of the Ombudsman By-Law, 2014, the Office of the Ombudsman is mandated to investigate "any alleged act or omission or any attempt by an employee serving in the municipality or municipal entity" which constitutes any:

- a) contravention of the Code of Conduct for Municipal Staff Members contained in the Municipal Systems Act;
- b) failure to comply with the provisions of the Municipal Systems Act;
- c) maladministration in the affairs of the municipality to the prejudice of any member of the public;
- d) abuse or unjustifiable exercise of power, whether such power is held under a delegation or in terms of any law;

- e) unfair or discourteous and improper conduct in the affairs of the municipality which directly or indirectly prejudices a member of the public and
- f) other act or omission by an employee performing a public function that results in unlawful or improper prejudice to a member of the public.

Investigative and remedial powers stipulated within the Ombudsman By-Law, 2014 position the Office of the Ombudsman as a catalyst for good administrative practices, the institutionalisation of ethics in the City of Johannesburg, as well as administrative and lawful modifications in good governance.

Matters the Office of the Ombudsman Cannot Investigate

According to section 7 of the Ombudsman By-Law, 2014, the Ombudsman must not accept complaints about or investigate any of the following matters:

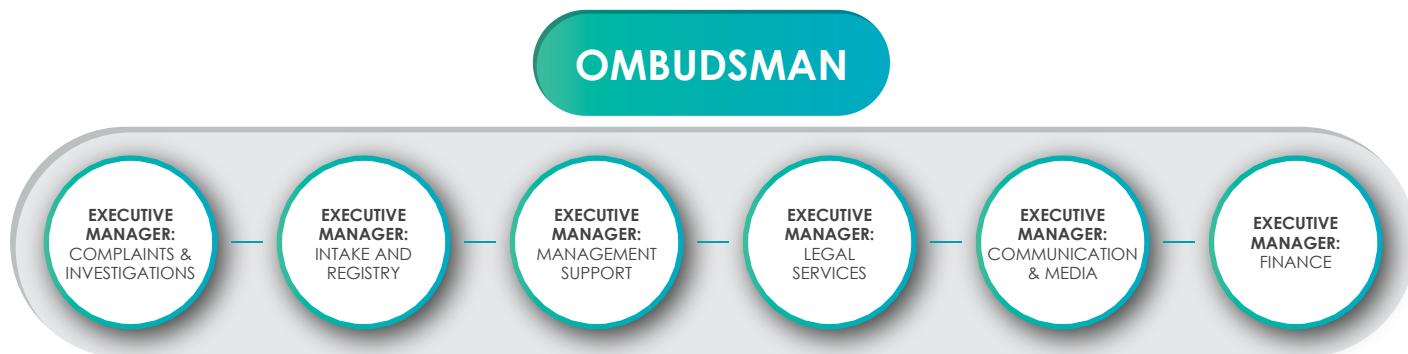
- a) any legislative or executive decision by the council or by any of its legislative or executive organs;
- b) any matter in respect of which a legal or arbitration proceedings have commenced or are about to or are likely to commence and to which the Council is or likely to be a party;
- c) any matter relating to the laying of a charge against or the prosecution of an alleged offender;
- d) any matter or dispute which must be dealt with or settled within the field of labour law;
- e) any investigation relating to the internal or external audit of the Council's financial affairs;
- f) any complaint which is vexatious or frivolous;
- g) where the complainant has not exhausted all internal remedies available unless the Ombudsman considers that the refusal to act would result in an injustice to the complainant; and
- h) any alleged irregular conduct of a councillor.

ORGANOGRAM

Our Office derives its powers from the Ombudsman By-Law, 2014. Although it administratively reports to the City Manager and functionally reports to the Office of the Speaker, in the exercising of its powers, functions, and duties, the Ombudsman is completely independent of interference or direction of any other person or authority. The Office of the Ombudsman's head office is situated in Braamfontein with four regional offices located in Midrand, Roodepoort, Soweto, and Sandton.

Organisational Structure

The approved structure of the Office of the Ombudsman consists of six business units. These are Management Support; Legal Services; Intake and Registry; Complaints and Investigations, Finance and Communications and Media, as tabled below:





GENERAL
ENQUIRIES

PART 2

COMPLAINTS HANDLING,
MANAGEMENT AND SUPPORT

INTAKE AND REGISTRY UNIT

The Intake and Registry Unit manages all incoming complaints by assessing the merit of each complaint for preliminary investigation to determine whether it should be closed or escalated. This aligns with our Standard Operating Procedures (SOP) manual, which stipulates a turnaround time of 14 days, for further investigation.

A total number of 1 172 complaints were received in the year under review and out of those, 304 were closed at Intake level whilst 868 cases were admitted, and investigations commenced.

It's notable to add that the unit has witnessed an increase in the number of cases received over the past year. This spike indicates growing public trust in our services and reflects our efforts in investigating complaints in a just and fair manner.



COMPLAINTS AND INVESTIGATIONS UNIT

The Complaints and Investigation Unit is responsible for carrying out the formal investigation, and conciliation of all complaints escalated from the Intake and Registry Unit. The unit opened the year under review with a total of 1 625 complaints, 757 of which were carried over from the previous financial year and an additional 868 new cases were received in 2022/23.

Note: *Unresolved, complex cases and/or human rights-related cases take up to six months to investigate and resolve; these cases will always reflect as carried-over cases.*

As an office, we recognise the need to reduce the number of carried-over cases and have put stringent measures in place to ensure a more efficient and streamlined investigation process, to ultimately reduce the number.

Continuous Improvement

The unit reviewed and revised its procedures to identify bottlenecks and streamline the complaint-handling process. This involved implementing standardised workflows, improving documentation practices, and enhancing communication channels with complainants and relevant parties. The unit is currently using a Case Management System to capture, track and update complaints as well as communication with the respective City departments and complainants. Further enhancements are required from the CMS platform in order to fully capacitate and enable residents to lodge and track the status of their complainants through an integrated service offering launching on the new website.

Additional staff members were hired and trained to bolster the capacity of the unit. Adequate resources and support were provided to expedite the investigation process.

Feedback from complainants and internal stakeholders was actively sought and utilised to enhance the efficiency and effectiveness of the unit's operations.

Own-instance investigations

Under the year in review, the office conducted a remarkable total of 27 own-instance investigation. These are cases that are not depended on incoming complaints; these matters may include systemic issues that may impact the human rights of residents and service delivery deficiencies.

The following table reflects the total number of cases received, accepted and closed by the Complaints and Investigations Unit for the period of 2022/23:

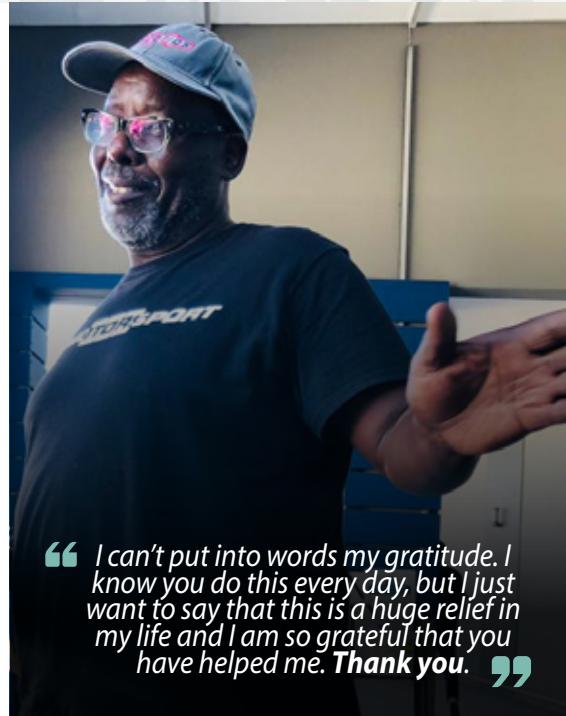
TOTAL NUMBER OF COMPLAINTS BROUGHT FORWARD FROM THE PREVIOUS FINANCIAL YEAR	757
TOTAL NUMBER OF COMPLAINTS RECEIVED	868
TOTAL NUMBER OF COMPLAINTS INVESTIGATED	1625
TOTAL NUMBER OF COMPLAINTS RESOLVED	649
TOTAL NUMBER OF PENDING COMPLAINTS AT THE END OF THE FINANCIAL YEAR UNDER REVIEW	976

CASE EXAMPLE: Ombudsman vs EMS Department ruling defends the human rights of resident

EMS Official was found guilty and dismissed for denying treatment to a heavily pregnant woman. Our office identified the violation of Section 10 and Section 27 of the Constitution, which stipulate that (1) everyone has the right to have their inherent dignity respected and protected (2) everyone has the right to have access to health care services including reproductive health care.

Immediately the incident was taken as an own-instance investigation primarily because of the accused's refusal to minister basic emergency medical treatment.

** Names Withheld*



“ I can't put into words my gratitude. I know you do this every day, but I just want to say that this is a huge relief in my life and I am so grateful that you have helped me. Thank you. ”

LEGAL SERVICES UNIT

The Legal Services Unit provides legal advice and guidance to the Ombudsman. Under the year in review, the unit has played a critical role in managing stakeholder relations with key internal and external stakeholders through the drafting and signing of multiple MOUs with various City departments and entities namely, the Customer Relations and Urban Management (CRUM), Revenue Shared Services (RSSC), Joburg Water and the Department of Transport, as well as Chapter 9 institutions

such as the Public Protectors Office, the South African Human Rights Commission, to name a few.

Through these engagements, we aim to (a) facilitate better access to the public and become more visibly involved in education and promotional campaigns aimed at raising further awareness through collaboration efforts on advocacy and outreach initiatives, (b) strategically collaborate on promoting good administrative practice within the City and the

development of simplified and standardised complaints handling procedures within the City to help prevent complaints from arising and to help it to improve its complaint handling processes to deal effectively with service delivery concerns and grievances by affected communities and (c) ultimately foster long-term interdepartmental collaboration between our office, City departments, human rights-related advocate groups, and municipal-owned entities and ultimately yield an overall improvement in service delivery.

“ I write this email to express my sincere gratitude for your professionalism, ubuntu and great sense of Batho Pele and respect for the public at work. I came to your office to complain about my billing and you, in handling my query, demonstrated the following: The ability to listen patiently as I articulated my challenge, empathy, and willingness to assist in resolving the query and a sense of humility that you do not get from civil servants these days. I hope this email encourages you to be the best you can be in serving the public. Sometimes it is not the outcome of the query that matters, but the lived experience as we visit public institutions. Keep up the good work. ”

* Name Withheld

COMMUNICATIONS AND **MEDIA UNIT**

The Communication and Media Unit develops and implements marketing and communications strategies and initiatives that enable the delivery of awareness and education campaigns to the general public of the City of Johannesburg. Through the various media campaigns and Outreach programmes implemented in regions across the City, the unit was able to educate an estimated 8 023 351 residents. Additional channels such as social media were incorporated within the overall communications strategy and saw a rapid increase on X (formerly Twitter) and Facebook, respectively.

To further grow our media presence in the new financial year, we aim to intensify our efforts towards community media and ensure that we exhaust the entire geographical spread by impacting many more lives still in desperate need of basic service delivery within the City.

Since the inception of the Joburg Ombudsman Ambassadors Programme in 2021, under the Expanded Public Works Programme ("EPWP"), our vibrant team of ambassadors have executed hundreds of outreach campaigns in various clinics, service centers, taxi ranks, and shopping centers across the city; reaching more than 8 711 residents from all walks of life, each with their own unique needs and set of challenges.



MANAGEMENT SUPPORT UNIT

The management Support Unit's function is instrumental in aligning office processes, managing reporting, and monitoring delivery (performance) and compliance. The Unit has spearheaded the talent management, in the year in review 2022/23.

As a result, we have seen the growth of ambassadors who were absorbed into permanent positions while others advanced to Admin Assistant positions for a period of a year within the office. This bears testament to the quality of on-the-job training received from our senior members of staff, to impart knowledge and skills to junior staff.

While we are proud of our achievements, our recent Customer Satisfaction Survey revealed that much still needs to be done in areas of customer care. The results from this survey, which was drawn from closed complaints, under the 2022/23 review, revealed an

aggregate of 54% satisfaction on the time it took for their respective cases to be resolved. The below score highlights two areas of improvement, namely:

- Delayed or non-responsiveness from City departments and entities, which often affects the investigation process, especially the feedback loop to the complainant.
- Complex nature of the case may affect the turnaround time, which may often frustrate complainants seeking immediate relief.

CASE MANAGEMENT SYSTEM



Since developing and implementing the Case Management System (CMS), the Office has witnessed a substantial improvement in the efficient management of lodged complaints. This marked shift has helped to ensure the seamless capturing of complaints in a digital format, fulfilling information requests from relevant parties during our investigations.

This technology will be rolled out and made accessible to the public from our new website, further empowering residents to independently lodge complaints from anywhere, with 24-hour access; and once done immediately receive a reference number, which they can use to check on the progress of their complaint online. This allows for transparency as the system provides detailed feedback on steps being taken to investigate the matter and is updated as per SOP milestones. For those who do not have access or cannot use digital platforms, our office will remain open for walk-ins, in our head office (Braamfontein) and in the City's regions.

FINANCE UNIT

During the period under review, the budget of the Office of the Ombudsman increased by 11% when compared to the actual expenditure for the previous financial year 2021/22. This increase demonstrates the confidence in our mission and operations.

Cost Distribution

The total allocated budget of 65% was allocated to employee-related costs. Of which 35% was allocated towards day-to-day operating expenses. This covered items such as facility maintenance, office supplies, technology enhancements, and other essential costs.

Note: The unit maintained strict financial controls and compliance measures throughout the year under review. Helping the department to ensure that there are no financial irregularities.

The following table reflects the Operating Performance for the period 2022/23:

Description	2021/22 Financial Year		2022/23 Financial Year		
	Actual Expenditure		Budget	Actual Expenditure	% Spent
	R' 000	R' 000	R' 000		
Employee related costs	23,418	25,520	23,485	92%	
Depreciation & asset impairment	567	854	337	39%	
Contracted Services	7,766	8,316	8,037	97%	
General Expenditure	1,058	1,674	1,345	80%	
Internal Charges	2,164	2,681	2,090	78%	
Total	34,973	39,045	35,294	90%	

The following table reflects the Capital Expenditure for the period 2022/23:

	2021/22 Financial Year			2022/23 Financial Year			
	Budget	Adjusted Budget	Actual Expenditure	Budget	Adjusted Budget	Actual Expenditure	Variance from the original budget
	R'000	R'000	R'000	R'000	R'000	R'000	R'000
Total	500	0	0	500	150	139	11

CASE EXAMPLE: Illegal mining: A reality that will not go away? Ombudsman and Chair of Chairs call for a multifaceted, out-of-the-box approach

Riverlea in the southwestern suburbs of Johannesburg boasts the first gold discovery in Johannesburg, which saw the beginning of the gold rush in 1886 and the establishment of the "City of Gold". Yet, despite this historical occurrence, the community now finds itself grappling with a myriad of socio-economic challenges varying from infrastructural collapse and environmental health hazards to the rampant increase of criminal activities emanating from the illegal mining in the area.

It's against this backdrop that the Chair of Chairs Office for the City of Johannesburg together with the Office of the Ombudsman and Section 79 Committees, embarked on an oversight visit in March 2023 to ascertain the devastating impact illegal mining has had on the residents of Riverlea.

This visit was followed by a multi-stakeholder engagement meeting in August which included representation from the Riverlea Mining Forum, the Public Protector, GFIS, JMPD and Pikitup held by the Chair of Chairs, Cllr. Lloyd Phillips with the aim of finding sustainable interventions to help alleviate some of the challenges posed by the residents of Riverlea.

The discussion yielded much fruit, noting the launch of an own-instance investigation by our office and the Office.

While these activities cannot be policed due to a lack of resources and manpower needed to stop the growth of this phenomenon, as an office of last instance, we acknowledge that some of these challenges will require collaboration from all three tiers of government including various law enforcement agencies, with a fresh approach that speaks to regulation and commercialisation.

“It is imperative to recognise that the issue of illegal mining extends beyond the borders of our city. The story of illegal mining demands collective action, involving stakeholders from various cities to come together in unity. We need to invite all concerned parties to join us in organizing a Mining Indaba, where we can deliberate upon the challenges posed by illegal mining and devise effective strategies for its eradication. By harnessing the expertise and resources of multiple cities, we can create a formidable force against this illicit activity. ”

The overall performance of the office is a cumulative effort of all directorate's functions, which seek to have a positive impact on the lives of residents of the city while instilling a sense of hope. I would like to thank the staff and all our stakeholders in their support through the many collaborative efforts and engagements.

In conclusion, the Office of the Ombudsman aims to utilise its resources to achieve a minimum of 80% of the pre-determined Key Performance Indicators (KPIs):-

- The review of the Ombudsman By-Law, 2014 remains critical in strengthening the Office's power and effectiveness.
- The MOUs will improve responsiveness from departments and entities.
- The regional ambassador programme continues to promote accessibility and advocacy.

The Office will focus on the technology user interface and automation to enable it to deliver effective and efficient services to the residents of the City. This is in addition to newly introduced programmes in the 2023/24 financial year.

THE YEAR THAT WAS







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