



Address by Public Protector Adv. Busisiwe Mkhwebane during the Public Protector Stakeholder Roadshow at Ixopo High School on Thursday, September 20, 2018

**Programme Director, Adv. Mlandeli Nkosi;
Public Protector SA CEO, Mr. Vussy Mahlangu;
Public Protector Regional Representative, Mr Sibekuzo Dube;
The Public Protector Team;
Learners;
Members of the media;
Ladies and gentlemen**

Good morning!

Let me start by thanking the principal for opening the school doors to us this morning. As the Public Protector Team, we are indeed thankful that you have taken time off to lend us an ear.

I wish to lay the foundation for our discussions with a brief introduction touching on who we are, where we come from, what we do and why it is necessary for you to know all of that.

We are from an institution called the Public Protector South Africa. This is an independent constitutional institution established in terms of section 181(1) of the Constitution alongside five other bodies, which are collectively entrusted with the mammoth task of strengthening constitutional democracy.

Each of these bodies has its own unique way of contributing to this shared responsibility. We, as the Public Protector, do our bit through the investigation, reporting on and remedying alleged or suspected improper conduct in state affairs, in the public administration and in any spheres of government.

This means we watch over and hold to account more than 1000 organs of state including 47 national departments, over 100 provincial departments, in excess of 250 municipalities and hundreds of other public bodies such as state-owned enterprises, statutory bodies, institutions performing public functions and universities such as yours.

Over and above the powers conferred on me by the Constitution, we rely on several pieces of legislation to perform my functions. These include the Public Protector Act, through which we investigate alleged maladministration such as abuse of power, abuse of state resources, discourteous and capricious conduct, and improper enrichment by state functionaries, among other things.

We also have powers in terms of the Prevention and Combatting of Corrupt Activities Act to investigate alleged corruption. There is also the Protected Disclosures Act in terms of which we protect whistleblowers and the Executive Members Ethics Act through which we investigate alleged breaches of the Executive Ethics Code by Presidents, Deputy President, Ministers, Premiers and MECs.

Anyone with grievances against an organ of state or a public official can approach my office for help. As the Constitutional Court once said, my office is there to fight for the member of the public in a David versus Goliath type of conflict, where David represents the member of the public while Goliath is the mighty state.

We deal with a wide range of matters. A lot of the time it is cases relating to undue delays in the processing of applications for RDP houses, Identity Documents, birth certificates, social grants, Unemployed Insurance Fund benefits, public sector pension benefits, workmen's compensation and so forth.

In this province, for instance, our caseload for the year that ended March 2018 was 1828, of which 481 were carried over into the current financial year. In the current financial year, this province received 381 new complaints, bringing the total workload to date to 862.

The type of cases we deal with in this particular province include alleged:

- Undue delays in issuing identity documents;
- Undue delays in acquiring permanent resident permit;
- The processing of criminal appeals;
- The processing of applications for RDP houses;
- Disputes pertaining to electricity and water bills; and
- Undue delays by the Government Employees Pension Fund to process pensions pay-outs to retired civil servants.

For an institution that has 177 Senior Investigators and Investigators, the issue of our work is untenable. If you were to divide the total 2017/18 caseload of 18 000 matters by the number of Investigators and Senior Investigators, you will see that each of them will be sitting with and working on 101 different investigations at the same time.

My investigation staff in this province alone is comprised on three Senior Investigators, of whom two are based at the Durban office and one in the Pietermaritzburg Regional Office. Then there are seven Investigators, of which six are based in Durban while the other is in Pietermaritzburg. There is only one Trainee Investigator whose contract lapses this month.

This means, on average, each of them has a caseload of about 86 files. This is way above international best practice. Indeed my investigators are overwhelmed and

things cannot and should not continue like this, hence the need to find another way.

This brings me to why are we here? You must have caught wind of my nationwide tour of provinces by now through the news and other source of information. If you have, you would be aware that my team and I are on roadshow, which commenced in Mpumalanga on 19 July 2018.

Since then, we have been to Limpopo, North West, Eastern Cape, Northern Cape and the Free State. This makes KwaZulu-Natal the seventh province we are invading as part of this roadshow, under the theme: **“Towards Redress and a Public Sector that Puts People First”**. From here we are going to the Western Cape and wrap up the Roadshow in Gauteng.

Almost two years ago when I came into office as democratic South Africa’s fourth Public Protector, I indicated that my work was going to be informed by what I call the Public Protector Vision 2023, which is essentially about taking the services of the Public Protector to the grassroots.

That undertaking remains in place. Our operations from Head Office to Provincial Service Centres still take cue from this ambitious blueprint, which is underpinned by eight pillars, namely:

- (1) Enhancing access to the services of the Public Protector;
- (2) Using vernacular to improve our communication with the targeted audience;
- (3) Expanding our footprint to be closer to the targeted communities;
- (4) Leveraging stakeholder relations and formalizing those relationships in signed agreements;
- (5) Empowering people to understand their rights and entitlements;
- (6) Projecting an image of a safe haven for the poor and destitute;
- (7) Encouraging organs of state to establish effective internal complaints resolution units; and
- (8) Ultimately turning communities into being their own liberators.

Central to this Roadshow is Pillar 7 of the Vision, which focusses on the need for organs of state to establish effective internal complaints resolution units. We are encouraging organs of state to establish effective complaints resolution units, customer service units or sectoral ombudsman institutions in the mould of the Health, Tax and Military Ombudsman.

We also encourage organs of state to develop Service Standards and Customer Service charters so that people can hold officials in those institutions to those standards, using remedies such as internal complaints units or sectoral ombudsman institutions. In that setting, individual cases that would ordinarily clog our system would be handled by such units and institutions, allowing us to be the complaints body of last resort.

Linked to Pillar 7 and perhaps more relevant for you is the need for the public to also make an effort to know and understand different organs of state’s Service Standards

and Customer Service charters in order to hold them to account on the delivery of services.

Incidentally, the spirit of our key message resonates with the intention of a policy of *Batho Pele* – putting people first. As you would know, *Batho Pele* is about improving public service delivery while revitalising the quality and accessibility of services by enhancing efficiency and accountability to the electorate.

It is underpinned by eight principles, including the need to ensuring regular consultation with customers on the nature, quality and quantity of services to establish their needs and expectations, setting of service standards so as to let the public know what level of service they can anticipate; remedying failures and mistakes by ensuring that there is redress for service failure and giving the best possible value for money in recognition of the fact that government does not have enough resources to cover the public's needs.

All these are done to give effect to provisions of the Public Service Act, which was itself meant to breathe life into some of the basic values and principles governing public administration, which you will find in section 195 of the Constitution, including that that the people's needs must be responded to and that the public administration must be accountable.

You might ask the question as to why I deemed it important to bring this message to you as young people? I subscribe to the notion that young people are the leaders of tomorrow. You are the eyes and ears of your respective families and communities. You are the light of the world.

Accordingly, equipping you with important information such as this is equivalent to empowering the nation with the knowledge through which they can vindicate its rights and exact accountability on its leaders.

Earlier I shared with you information on the type of cases on our dashboard. There may be older folk in your own communities, households and neighbourhoods, who grapple with these issues but do not know who to turn to for help.

Often they contend with these issues for months or even years on end. By the time they get to hear about us and bring their grievances to our attention, they have already been subjected to untold bouts of suffering. Had the matters been brought to our attention much earlier, we would have minimised their pain.

But with knowledgeable young people in these older folk's households, neighbourhoods and communities, information will be within reach to ensure that we limit their suffering and they too can enjoy the fruits of our democracy and freedom.

I want to stress the need to always use available and peaceful avenues to exact accountability on public functionaries and institutions. We see a lot of violence and destruction of property in communities, where young people lead service delivery protests, destroying the little infrastructure we have.

Now and then, groups of service delivery protesters appear in this or that magistrate's courts to face charges of public violence and malicious damage to property when the problems that led to the protest could have been nipped in the bud much earlier.

I am sure you will agree that, with all the available remedies in our legal framework, we should no longer see violent protests that keep taking us back as a country in terms of development. Other people in this province already make use of my office's services. You too can do that.

I have a team of officials here who will share with you information pamphlets and newsletters that you can read in your spare time to understand better what my office can do to help you and your community. In the newsletter, you will see real stories of the people we have helped. You can also use the opportunity to lodge new service delivery and conduct failure complaints.

Programme Director;

As already indicated, we have only two offices in this province – one in Durban and the other in Pietermaritzburg. But we are also accessible through the internet on www.pprotect.org. Those of you who are on social media can access us on Twitter, Facebook and YouTube. We also run a mobile service through the Public Protector Outreach Clinics.

We are also working hard to finalise Memoranda of Understanding with the Departments of Justice and Correctional Services, and Cooperative Governance and Traditional Affairs. Those agreements will see us utilising local municipal offices and Magistrates Courts as additional access points for our services.

Make use of these but always remember to exhaust all other available remedies first and escalate to us as a complaints body of last resort. This will free our hands to deal with more systemic issues and also take up issues on own-initiative. Most importantly, avoid violent service delivery protests as they do nothing to advance the country's development and transformation cause.

Lastly, we have been seeing a lot of disturbing events in school where learners attack and in some instances killing teachers. We have also seen teachers abusing the relationship of trust between them, learners and parents. Some teachers do this by having inappropriate relationships with learners. In some instances, it has been alleged that learners get impregnated by teachers. We call for all of this to stop. Schools must be for nothing but a place of teaching and learning. Schools must be safe for both teachers and learners. Parents, the School Governing Bodies, communities at large and the government, through the Department of Basic Education, must work together to ensure a safer and productive environment in our schools.

You are the leaders of tomorrow. The eyes and ears of your neighbourhoods and communities. The light of the world. Be our ambassadors as well. Join hands with us towards redress and a public sector that puts people first!

Thank you.

Adv. Busisiwe Mkhwebane
Public Protector of South Africa