

Accountability • Integrity • Responsiveness

REVISED ANNUAL PERFORMANCE PLAN 2023/2024

Our Pledge

We, the undersigned, in whose hands the rule of law and mandate of the Public Protector is entrusted, hereby commit to discharge our duties diligently, professionally and with integrity to realise the aspirations of the public we serve, for a better South Africa.

[A collection of numerous handwritten signatures and initials, including names like Edmond, O. Segalwe, and others, arranged in a grid-like pattern.]



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ACRONYMS

AGSA	Auditor-General South Africa
AOMA	African Ombudsman and Mediators Association
AORC	African Ombudsman Research Centre
APP	Annual Performance Plan
BBBEE	Broad-Based Black Economic Empowerment
CBO	Community Based Organisation
CEO	Chief Executive Officer
CMS	Case Management System
CSM	Complaints and Stakeholder Management
CFO	Chief Financial Officer
DoJ	Department of Justice
DPCI	Director for Priority Crimes Investigation
ER	Early Resolution
EM	Executive Manager
GGI	Good Governance and Integrity
IPID	Independent Police Investigative Directorate
ICT	Information and Communications Technology
MOU	Memorandum of Understanding
MRA	Mobile Referral Application
MTEF	Medium Term Expenditure Framework
N/A	Not Applicable
NDP	National Development Plan
NGO	Non-Governmental Organisations
NHBRC	National Home Builders Registration Council
PAIA	Promotion of Access to Information Act
PESTEL	Political, Economic, Social, Technological, Environmental, Legal
PII	Provincial Investigations and Integration
PPSA	Public Protector South Africa
PSC	Public Service Commission
RDP	Reconstructive Development Programme
RTMC	Road Traffic Management Corporation

SASSETA	Safety and Security Sector Education and Training
SIU	Special Investigating Unit
SD	Service Delivery

1. EXECUTIVE AUTHORITY STATEMENT

As I reflect on the past year, I am inspired to table this 2023/24 Annual Performance Plan which outlines the institutions pre- determined objectives, contextualised by the Medium-Term Strategic Framework. This APP operationalises how PPSA will implement its legislative mandate prescribed by the Public Protector Act 23 of 1994.

The PPSA has embarked on a journey to recalibrate itself, by among other things, rethinking the best ways we have to fulfil our mandate, in order to have the desired impact on the lives of complainants, with the limited resources the PPSA is allocated by the National Treasury.

We have elected to adopt a multipronged approach under the circumstances, thus, the PPSA is placing increased emphasis on the quality of our investigations, while working efficiently to ensure the prompt and timeous resolution of complaints.

Accordingly, we are revising various Standard Operating Procedures of the PPSA to align to the strategic direction. This revision begins with our intake and assessment processes, which we are strengthening that the issues selected and identified for investigation, as well as all expectations, are clarified with complainants clearly at the earliest opportunity. This approach further has the effect of placing senior officials at the helm of decision making in the assessment of complaints, which in turn allows them to provide guidance to those who are tasked with conducting the footwork of investigations, which senior officials conduct enhanced quality assurance checks at agreed milestones. We are further placing a great deal of focus on Alternative Dispute Resolution mechanisms as one way of finalizing investigations timeously while ensuring cooperation with respondents in the implementation of our remedies.

The PPSA is also moving to have the Public Protector Act 23 of 1994 amended. This in an attempt to update the legislation in line with recent jurisprudence that has developed among other things, the scope of the Public Protector's jurisdiction as well as the powers associated with the Public Protector's remedial action. We are grateful to our judiciary for ventilating these and other pertinent issues related to the work of the PPSA and are of the view that it is time for the Act, and our Rules to be aligned with these I jurisprudential developments. The amendments are aimed at *inter alia*, creating a criminal charge of contempt of the Public Protector, where persons have not implemented the remedial action of the Public Protector. This route is more feasible than civil liability route currently at our disposal, and that is significantly more costly than the utilization of our criminal justice system.

The PPSA in the interim is submitting remedial action reports to Parliament and oversight committees in order to determine the government's perspective on the rate of implementation.

We have also established relationships with provincial governments and legislatures through Memoranda of Understandings (MOUs), which *inter alia*, have culminated in the PPSA being invited to address the legislatures on the state of governance in their respective provinces, as seen through the lens of the PPSA, with particular reference to the implementation, or lack thereof, of the Public Protector's remedial action. In recent months past, we have entered into MOUs with the provincial governments, and in some instances the provincial legislatures of the Gauteng, Eastern Cape, Northern Cape, and KwaZulu-Natal provinces. This drive is ongoing and our hope is to enter into such agreements in all provinces in South Africa. These relationships have already proven fruitful through, an increased rate of resolution of certain matters, inspections *in loco* conducted by the PPSA accompanied by the provincial leaderships, holding officials accountable in appropriate instances where the PPSA has not received a response from the relevant officials, and invitations to conduct outreach clinics where possible.

In this vein, I am pleased of the PPSA renewed commitment in the 2023/24 APP, on the NDP Goal 16, which contains several sub-priorities which are relevant to the role and mandate of the Public Protector, including reducing corruption; developing effective, accountable, and transparent institutions; ensuring inclusive, participatory, and representative decision-making; and ensuring access to information.

In pursuit of further concretising our already established independence, we hope to persuade Parliament to allow the PPSA's entire baseline budget to be transferred to the institution, we are of the view that this will extinguish any perceived threat to our independence, by terminating the need for the PPSA to request funds from government departments that the institution may be called upon to investigate.

With the above in mind, I pledge my commitment to transform the institution through the endorsement of this APP and exercising my oversight role in its implementation by the capable, committed, and enthusiastic staff.

I give thanks to the accounting officer, senior and executive management as well as staff of the PPSA for the compilation of this APP and wish them a great success in its execution, using agile mechanism to achieve the desired outcomes.



ADV. KHOLEKA GCALEKA

PUBLIC PROTECTOR

PUBLIC PROTECTOR SOUTH AFRICA

2. ACCOUNTING OFFICER STATEMENT

The Annual Performance Plan (APP) 2023/ 2024 presents another opportunity for us as the Public Protector South Africa to continue to pursue of vision of empowering people and promoting accountable public administration. The APP outlines our commitments in line with our constitutional mandate as an institution supporting constitutional democracy.

In developing the APP, the institution focused on the implementation of its mandate and considered different possibilities of making an impact in the lives of the people who approach the Office in an endeavour to have their complaints about the services provided by organs of State or the conduct of state functionaries.

As we plan ahead, we considered the achievements of the institution in the 2021/22 financial year, which served as building blocks towards the improving our services to the consumers of our services as well as our stakeholders. Our efforts automate and simplify our work processes are starting to bear fruit as evidenced by the implementation of the Mobile Referral Application (MRA), which guides the complainants to the most relevant institution to fast track the resolution of their complaints and only approach the PPSA as the office of last resort.

Furthermore, the implementation of the first phase of the Case Management System (CMS) in the 2022/23 financial year is a significant step towards the ensuring that PPSA has a central repository to ensure effective and efficient management of the case load. The system also provides business intelligence critical for planning and reporting as well as ensuring effective supervision of investigations. The second phase will provide for a self-service portal to enable complainants to lodge complaints electronically and be in a position to track the status of their complaints. The deployment of such technology will improve access to PPSA services by members of the public and ensure provision of continuous feedback to complainants.

In finalising the investigation on reported complaints, the Public Protector takes remedial which seeks to explore options for redressing the consequences of maladministration where possible and appropriate. The implementation of remedial action remains critical in ensuring that the investigations and subsequent reports bring relief to the complainants as well as address identified systemic weaknesses in the affected organs of State. In this regard, the institution will continue to provide a report to Parliament on the status of the implementation of remedial action to enable Parliament to hold organs of state that are non-compliant accountable.

In line with our strategic intent of taking PPSA services to the people at grassroots level, we plan to conduct public awareness sessions, using radio as a medium to reach as many people as possible. The outreach clinics have also been resumed to facilitate face to face contact with communities, in particular those located in areas where PPSA does not have a footprint. The clinics will afford PPSA an opportunity to identify the most vulnerable in the communities such as women and people with disabilities, who might not have the means to reach our offices to raise their concerns.

Partnerships with the with Community-Based Organisations (CBOs) and Traditional Leaders will take centre-stage to enable engagement with communities in their mother tongues for effective communication as well as for the purpose of collaboration on advocacy matters at

the grassroots level. These stakeholders will be our ambassadors and ensure that our services are accessible to everyone irrespective of their geographic location.

Whilst maintaining a clean audit outcome for the third consecutive year, institutional performance also improved from 83% in the 2020/ 2021 to 86% in the 2021/ 2022 financial year. The institution is committed to implementing internal controls to address all deficiencies identified by both internal audit and the AGSA. We are committed to maintaining the clean audit status and to improve on the number of achieved targets. This will be achieved through regular assessment of our internal controls for adequacy and effectiveness and take action to address any identified weaknesses.

The institution will continue to automate the key businesses systems in the next financial year and medium term within limited resources. Critical to note is the plan to develop an enterprise resource planning platform to ensure integration of key business systems to improve efficiencies and reduce the cost of doing business at PPSA. The project will be implemented in a phased approach over the MTEF period.

We believe that the steps we are taking as an institution to enhance the skills of all personnel as well as build a culture characterised by high standards of ethics, quality and cognisance of the plight of the marginalised, it is possible to do more and contribute towards good governance in the country.

The PPSA team is committed to the implementation and achievement of its targets as outlined in the 2023/24 APP.



MS THANDI SIBANYONI

CHIEF EXECUTIVE OFFICER

PUBLIC PROTECTOR SOUTH AFRICA

3. OFFICIAL SIGN-OFF

It is hereby certified that this Annual Performance Plan:

- ☐ Was developed by employees and management of the PPSA under the guidance of Advocate Kholeka Gcaleka;
- ☐ Takes into account all relevant policies, legislation and other mandates for which the PPSA is responsible; and
- ☐ Accurately reflects the outcomes and outputs which the PPSA will endeavour to achieve over the period 2023/24.

Ms Lesedi Sekele Acting Executive Manager Complaints and Stakeholder Management	Signature: 
Ms Nthoriseng Motsitsi Provincial Investigations and Integration (Inland)	Signature: 
Ms Ponatshego Mogaladi Executive Manager: Investigations	Signature: 
Adv. Deon Barnard Executive Manager: Provincial Investigations and Integration (Coastal)	Signature: 
Adv. Nelisiwe Nkabinde Chief Operations Officer	Signature: 
Mr. Mfundo Mdingi Chief Financial Officer	Signature: 
Mr Gumbi Tyelela Acting Executive Manager: Corporate Services	Signature: 
Ms Naomi Webster Senior Manager: Strategic Support	Signature: 
Ms Thandi Sibanyoni Chief Executive Officer	Signature: 
Approved by: Adv. Kholeka Gcaleka Public Protector of the Republic of South Africa Date: <u>6 December 2023</u>	Signature: 

PART A: OUR MANDATE

4. CONSTITUTIONAL MANDATE

The Public Protector, as an independent institution established by Section 181 of the Constitution of the Republic of South Africa, 1996 (the Constitution), has a mandate to support and strengthen constitutional democracy and operate in a manner that is subject only to the Constitution and the law. The Public Protector operates as a supreme administrative oversight body by investigating and rooting out improper conduct in all state affairs, while providing services that are universally accessible to all.

Section 182 of the Constitution provides that:

- “ (1) The Public Protector has the power, as regulated by national legislation
- a) To investigate any conduct in state affairs, or in the public administration in any sphere of government, that is alleged or suspected to be improper or to result in any impropriety or prejudice;
 - b) To report on that conduct; and
 - c) To take appropriate remedial action.
- (2) The Public Protector has the additional powers and functions prescribed by national legislation.
- (3) The Public Protector may not investigate court decisions.
- (4) The Public Protector must be accessible to all persons and communities.
- (5) Any report issued by the Public Protector must be open to the public unless exceptional circumstances, to be determined in terms of national legislation, require that a report be kept confidential.”

5. LEGISLATIVE AND POLICY MANDATES

The PPSA executes its mandate through the Public Protector Act 23 of 1994, by investigating and remedying maladministration, improper or prejudicial conduct in state affairs, including abuse of power and state resources to resolve administrative disputes or rectifying any administrative act or omission through mediation, conciliation, negotiation or referral of matters to appropriate bodies; and to advise on appropriate remedies or employing any other expedient measures. The following are key statutory mandate areas, and additional laws, which supplement and inform the investigative powers of the Public Protector.

Table 1 Key Legislation and Additional Laws

Short Title	Purpose
Republic of South Africa Constitution, Act 108 of 1996	The Constitution is the supreme law of the land. No other law or government action can supersede the provisions of the Constitution; The Public Protector is subject only to the Constitution and the law;
Public Protector Act 23 of 1994	Regulates the manner in which the powers conferred by Section 182 of the Constitution may be exercised in relation to any conduct in state affairs, or in the public administration in any sphere of government;
Executive Ethics Code as mandated by the Executive Members' Ethics Act 82 of 1998.	To enforce the Executive Ethics Code in governing the conduct members of the Cabinet, Deputy Ministers and Members of Provincial Executive Council;
Prevention and Combating of Corrupt Activities Act 12 of 2004	To investigate allegations of improper or dishonest acts or omissions or offences in terms the Prevention and Combating of Corrupt Activities Act 12 of 2004, as mandated by Section 6(4) (a) (iii) of the Public Protector Act;
Protected Disclosures Act 26 of 2000	To receive and address protected disclosures from whistleblowers as provided for in Section 8(1) of the Protected Disclosures Act 26 of 2000;
Housing Protection Measures Act 95 of 1998.	To review decisions of the National Home Builders Registration Council (NHBC) as mandated by the Housing Protection Measures Act 95 of 1998;
Additional Laws	
Electoral Commission Act 51 of 1996	The Public Protector must serve as a member of a panel that recommends a list of candidates to a National Assembly Committee that nominates Electoral Commissioners.
National Archives and Record Service Act 43 of 1996	The Public Protector must be consulted on investigations into the unauthorised destruction of records otherwise protected under this Act
National Nuclear Regulator Act 47 of 1999	The protection (from civil or criminal liability, dismissal, disciplinary action, prejudice or harassment) of people who make disclosures of health and safety risks or failure to comply with a duty imposed by this Act to the Public Protector

Short Title	Purpose
Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000	Support the duty of the state to promote equality to request any component falling within a definition of the state or any other person to supply information relating to the achievement of equality. To assist and support the state and the executive in the preparation of an equality plan contemplated in Section 25 (4)(b) of the Act;
Promotion of Access to Information Act 2 of 2000	Access to information disputes under the Promotion of Access to Information Act (PAIA) 2 of 2000;
Public Finance Management Act 1 of 1999 and its regulations	The Public Protector must issue a certificate to an accounting officer of an organ of state that has received donations or sponsorship from donors or sponsors who wish to remain anonymous, stating that the identity of the donor or sponsor has been revealed to them, that they have noted it and have no objection;
Lotteries Act 57 of 1997	The Public Protector receives bona fide confidential disclosures in respect of publishing any information in connection with any grant application or the grant itself;
Special Investigating Unit and Special Tribunals Act 74 of 1996	Upon the establishment of a Special Investigating Unit the Head of such Unit must provide the Public Protector with a copy of the proclamation referred to in Section 2 (1) of the Act. The Head of a Special Investigating Unit may refer any matter which, in his or her opinion, could best be dealt with by the Public Protector, to the Public Protector and the Public Protector may, if he or she deems it appropriate, refer any matter which comes to his or her attention and which falls within the terms of reference of a Special Investigating Unit, to such Unit.
National Environmental Management Act 107 of 1998	The protection (from civil or criminal liability, dismissal, disciplinary action, prejudice or harassment) of persons who make good faith disclosures of evidence of an environmental risk;
Public Audit Amendment Act 05 of 2018	The expanded mandate of the Auditor-General provides for the power to refer material irregularities to relevant public bodies, including the Public Protector and the DPCI for further investigations;

The National Development Plan (NDP), 2030 and anti-corruption strategies

1. South Africa adopted a multi-agency approach to fighting corruption which includes, among others the South African Police Service (SAPS), the National Prosecuting Authority (NPA), the Auditor General South Africa, the South African Revenue Services (SARS), the Special Investigating Unit (SIU), the Public Protector South Africa (PPSA) and the Public Service Commission (PSC). All these agencies have core functions aimed at strengthening employee integrity, financial management and the quality of administration within the public service;
2. The National Development Plan Vision 2030 (NDP) envisions a South Africa which has zero-tolerance for corruption, in which empowered citizens have the confidence and knowledge to hold private and public officials to account, and in which leaders hold themselves to high ethical standards and act with integrity;
3. Chapter 12 of the NDP deals with “Building Safer communities”, while Chapter 14 is focused on “Promoting Accountability and Fighting Corruption”. The former seeks to make crime-fighting institutions more effective and reduce high crime levels in the country. The latter seeks implementation of a national anti-corruption strategy with delegated responsibility to structures in government and society;
4. Chapter 14 of the NDP calls for South Africa’s “anti-corruption arsenal” to have the resources needed and that a functioning anti-corruption system requires “sufficient staff and resources with specific knowledge and skills; special legislative powers; high level information sharing and co-ordination and operational independence”. The Plan specifically states that:

“...competent, skilled institutions like the Public Protector and Special Investigating Unit need to be adequately funded and staffed and free from external interference.”

5. The NDP prioritised among other things the creation of a resilient anti-corruption system. The strengthening of South Africa’s institutional capacity to fight corruption is a key component of the National Anti-Corruption Strategy (NACS), and its effective functioning, without political interference, is imperative.
6. The PPSA continues to experience significant constraints in the execution of its anti-corruption mandate and functions. Its impact on the capacity and resources was never costed or budgeted for by the State Institutions responsible for the administration of the legislation. As a result, the additional duties and functions envisaged in the additional legislation and NDP were not specifically funded in consultation with National Treasury and had to be accommodated in the baseline budget of the Public Protector.
7. In order to meet the current demands, exacerbated by combination of the breadth and complexity of the Covid-19 crisis, the need for a rapid response, and a lack of sufficient state capacity, the Public Protector is in the process of applying for additional funding from the Criminal Assets Recovery Account (CARA) Fund in terms of the Prevention of Organised Crime Act (Act 121 Of 1998), for the purposes of a Special Project: *Public Protector South Africa (PPSA) Strategy and Business Plan 2023/26 - to enhance the*

investigative capacity and resources of the Public Protector to combat and prevent corruption in the public sector.

8. The purpose of the strategy is to deliver steady and sustainable improvement in the areas where gaps have been identified, creating a solid foundation to enhance the investigative capacity and resources of the Public Protector to combat and prevent corruption in the public sector. This will address the impact of repeated years of underinvestment in the expanded mandate areas of the Public Protector, failure to prioritise the capacitating of the institution with sufficient staff and resources with specific knowledge and skills, as recommended and envisaged in chapters 12 and 14 of the NDP. The strategy seeks to promote an approach, which focusses on sustainable change in the public administration aimed at promoting awareness practices and measures aimed at the prevention of corruption as envisaged in the NACS.

6. INSTITUTIONAL POLICIES AND STRATEGIES

Key policies and strategies that Public Protector South Africa plans to focus on for the purpose of consolidating the implementation thereof, are the following:

- Public Protector rules;
- Vision 2023
- Clean audit strategy;
- Stakeholder Management Strategy;
- Digitisation strategy

7. RELEVANT COURT RULINGS

In *Economic Freedom Fighters v Speaker of the National Assembly and Others; Democratic Alliance v Speaker of the National Assembly and Others* [2016] ZACC 11, the Constitutional Court, per Chief Justice Mogoeng Mogoeng, stated the following when confirming the powers of the Public Protector:

- Complaints are lodged with the Public Protector to cure incidents of impropriety, prejudice, unlawful enrichment or corruption in government circles;
- An appropriate remedy must mean an effective remedy, for without effective remedies for breach, the values underlying and the rights entrenched in the Constitution cannot properly be upheld or enhanced;
- Taking appropriate remedial action is much more significant than making a mere endeavour to address complaints, which was the most the Public Protector could do in terms of the Interim Constitution. However sensitive, embarrassing and far-reaching the implications of her report and findings, she is constitutionally empowered to take action that has that effect, if it is the best attempt at curing the root cause of the complaint;
- The legal effect of these remedial measures may simply be that those to whom they are directed are to consider them properly, with due regard to their nature, context and language, to determine what course to follow;
- Every complaint requires a practical or effective remedy that is in sync with its own peculiarities and merits. It is the nature of the issue under investigation, the findings made and the particular kind of remedial action taken, based on the demands of the time, that would determine the legal effect it has on the person, body or institution it is addressed to;
- The Public Protector's power to take appropriate remedial action is wide but certainly not unfettered. What remedial action to take in a particular case, will be informed by the subject-matter of the investigation and the type of findings made;
- Implicit in the words "take action" is that the Public Protector is herself empowered to decide on and determine the appropriate remedial measure. And "action" presupposes, obviously where appropriate, concrete or meaningful steps. Nothing in these words suggests that she necessarily has to leave the exercise of the power to take remedial action to other institutions or that it is power that is by its nature of no consequence;
- She has the power to determine the appropriate remedy and prescribe the manner of its implementation;
- "Appropriate" means nothing less than effective, suitable, proper or fitting to redress or undo the prejudice, impropriety, unlawful enrichment or corruption, in a particular case; and
- The remedial action taken by the Public Protector has a binding effect. The Constitutional Court further held that: "When remedial action is binding, compliance is not optional, and whatever reservations the affected party might have about its fairness, appropriateness or

lawfulness. For this reason, the remedial action taken against those under investigation cannot be ignored without any legal consequences.”

Following the EFF Judgement, the PPSA has experienced a significant rise of litigious responses by organs of state and public institutions against the Public Protector, resulting in judicial review applications of the remedial action ordered by the Public Protector. Apart from the resultant increase in legal costs, the judgements in these matter have reflected on the whole spectrum of the Public Protector’s powers and investigation processes, including:

- Principles applicable to the review of the Public Protector’s powers;
- The acceptance and assessment of complaints, including the establishment of jurisdiction in respect of matters older than two years;
- Principles of effective investigations, including the availability and utilisation of formal powers such as the use of subpoenas; and
- Further clarification of aspects relating to the Public Protector’s remedial action.

Both the Constitutional Court and Supreme Court of Appeal (SCA) made it clear that no report will pass constitutional muster and withstand judicial scrutiny unless it is on the back of, and the result of an unbiased, full and proper investigation. These sentiments have been echoed time and again, including the recent judgement of Lekwene and Another v The Public Protector of South Africa and Others (1303/2021) [2022] ZANHC 22 (7 March 2022). The court emphasised that Nugent JA’s instructive remarks at paragraph 17 in The Public Protector v Mail & Guardian Ltd and Others (2011 (4) SA 420 (SCA)) [2011] ZASCA 108; 422/10 (1 June 2011) make it clear that the duty of the Public Protector is not only to discover the truth but also to inspire public confidence that in each investigation, the truth has been discovered. An indispensable element of this sense of trust lies in the belief that the Public Protector has been accorded the necessary legislative and constitutional powers to perform its constitutional duties and functions effectively

The courts furthermore, are *ad idem* that failure by Public Protector to follow a rational process will prevent him/her from making impartial and informed decisions, and failure to follow due process and procedure will create an inference of irrationality. (Sesoko and Others v The Office of the Public Protector and Others (74427/19) [2022] ZAGPPHC 390 (1 June 2022).

8. ROADMAP TO STRATEGIC PLANNING PROCESS

The compilation of this APP was guided by the following Frameworks:

Issued by the Department of Planning, Monitoring and Evaluation:

- Revised Framework for Strategic Plans and Annual Performance Plan
- Guidelines for implementation of the Revised Framework for Strategic Plans and Annual Performance Plans

Issued by the Department of National Treasury:

- Framework for Managing Programme Performance Information

The planning process for the compilation of the 2023/24 APP followed the bottom-up approach. It commenced with the branches/units/provinces strategic planning sessions and inputs and comments were interrogated at the Strategic Planning Session held on 17-19 October 2022, where management considered institutional vision 2023, core principles, strategic focus, programme performance information and TIDs.

Following the strategic planning session, the draft 2023/24 APP was submitted to DPME on 31 October 2022, comments from DPME were received, considered by EXCO and relevant amendments were effected.

Further consultation was undertaken, within the combined assurance model, and comments and inputs were solicited from Management, Governance Structures, Oversight Authority levels and Branches with focused disciplines on strategic planning.

The draft 2023/24 APP was further subjected to a pro-active review by the AGSA to understand the process followed for the compilation and to assess the usefulness criteria of pre-determined objectives, indicators and targets.

PART B: OUR STRATEGIC FOCUS

9. CORE PRINCIPLE

9.1. Vision

Empowered people and accountable public administration

9.2. Mission

To protect all persons against administrative injustices, improve service delivery and promote good governance in state affairs.

9.3. Institutional Purpose Statement

A catalyst for change in pursuit of good governance.

9.4. Principle and Values

Anchored in the pursuit of proper conduct in state affairs and the Batho Pele principles, we seek to uphold and promote the principles of:

9.4.1. Accountability;

9.4.2. Integrity;

9.4.3. Responsiveness; (AIR).

9.5. Brand Promise

Enhance access to and communication with the public and to use advanced technology to manage its services in order to empower people and communities to know and access their rights in a manner. which maximises efficiency in institutions and quality, collaborative, and accountable service delivery by State institutions. as envisaged in Section 195 of the Constitution.

10. SITUATIONAL ANALYSIS

- a) The Constitutional mandate of the Public Protector is to investigate, report on and appropriately remedy any alleged or suspected improper conduct or improprieties in state affairs and the imperative to be accessible to all people translates to a multi-pronged approach to handling complaints. This includes but is not limited to procurement of complaint drop boxes, which are strategically placed in areas where the people of South Africa would otherwise would not have been able to reach the Public Protector's offices. The locations are determined by the provinces, based on a number of factors, such as relationships that the provinces are establishing with stakeholders that have structures, offices, or gatherings with a high volume of people. Another intervention to amplify the Public Protector's reach and accessibility is the creation of the Mobile Referral Application (MRA). This application is available to smartphone users who may utilise it to track their complaints, without using data and/or travelling to Public Protector Offices. The intuition is also developing a service similar to "please call me". This service will be particularly useful to members of the community who do not have access to smart devices. This service, and others, will be supported by a call centre that is based at the Public Protector Head Office. In complying with its oversight function and its role in reconciling the citizens with the state, the Public Protector seeks to ensure that transgressions by organs of state are corrected, that a proper diagnosis and correction of any administrative inadequacies are conducted and that proper redress is provided in cases requiring remedial action, as envisaged in Section 182(1)(c) of the Constitution. It aims to assist the State in good governance practice.
- b) A significant part of the mandate, vision and mission of the Public Protector South Africa over the past 28 years have been dedicated to protecting all persons against administrative injustices, improving service delivery and promoting good governance in state affairs. The Public Protector has been reactively pursuing these objectives in the management of complaints, but also proactively on a strategic level been pursuing dialogues held with organs of State on systemic governance challenges (as reflected in the current strategic plan). Our business processes are also aligned to identify and address the most probable underlying root causes of problems, complaints and undesired events within the relevant public body or authority, with the aim of formulating and agreeing on corrective actions to at least mitigate, if not eliminate, those causes and so produce significant long-term improvements in the public administration.
- c) The separation of less complex and urgent matters from investigations has helped as these no longer have to queue behind complex cases. A high number of matters dealt with by the Public Protector are being resolved through early resolution approaches. These are cases that we call "bread and butter" matters that need to be resolved with speed because complainants in such cases are often on the verge of losing their assets or their very livelihoods, unless the Public Protector's office steps in to help. High profile matters that the Public Protector deals with make up just a fraction of the institution's caseload. Many of the early resolution cases deal with issues affecting service failures, such as:

- undue delay;
 - miscommunication between the state and the complainant;
 - arbitrary decisions;
 - poor services or failure to rectify defective services (housing);
 - Non-payment or delayed payment by the State to service providers;
 - Unresponsiveness of state institutions, including municipalities to complaints and grievances regarding service delivery;
 - Failure by the State to rectify *bona fide* mistakes (eg Home Affairs)
 - Failure to attend to damages caused by faulty state equipment and infrastructure failure.
- d) The Public Protector's remedial action was aptly discussed and concretised as binding in its nature, by the Constitutional Court in the 2017 judgment of the Economic Freedom Fighters and Others v Speaker of the National Assembly and Another. This jurisprudential development, while progressive and welcomed did not delve into the remedies the Public Protector has at its disposal to enforce its remedial action. It is therefore imperative that the institution develop an enforcement mechanism through the amendment of the Public Protector Act so as to give practical implementation to this remarkable jurisprudential development. In the interim the Public Protector has embarked on a drive to encourage organs of state, in its various formations to participate and contribute to the improved compliance levels of the Public Protector's remedial action, by *inter alia* seeking agreement on its implementation prior to the production of final reports by the Public Protector. This approach will assist in gradually increasing the rate at which the Public Protector's remedial action is implemented and thus increase the impact of the institution's work in a cooperative manner, rather than an adversarial one, and ensuring effective remedial measures for the beneficiaries of the reports, pending the amendment of the Public Protector Act

External Environment

It is critical that the Public Protector considers the external context of its performance environment. In this regard, the Public Protector considers the impact of national and international trends in executing its mandate together with the economic, social, technological, legal and environmental factors within the performance environment.

The Public Protector's primary constituency is to all persons and communities in South Africa, as well as its interaction and engagement with state affairs and public administration on national, provincial and local government level. The societal challenges experienced at these levels have a direct impact on the performance environment of the Public Protector, as they directly relate to and are reflected in the nature of the complaints lodged with the Public Protector. These challenges relate to service delivery failures directly linked to risk drivers such as poverty, public health, climate change and natural disasters, poor managed urbanisation, conflict and migration and environmental degradation. These risk drivers affect institutions at all levels of government and the existing inequalities in access to infrastructure, and undue delay in the provision of basic services such as water, health and education. The impact of these service failures is aggravated by perceptions of high incidents of maladministration and corruption, particularly in the area of public procurement. This has a

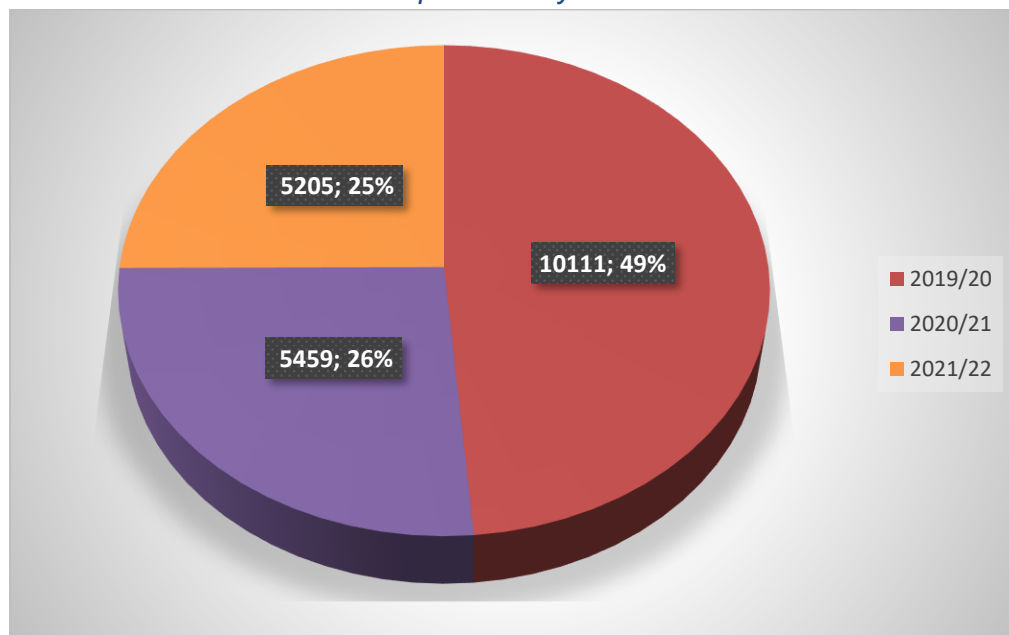
direct impact on the mandate of the Public Protector, as it is ordinarily required to respond to incidents of conduct failures in state affairs, as well as the protection of witnesses and whistle-blowers.

The failures by organs of state have a direct impact on the increase of the numbers of cases received by the Public Protector. Issues such as an increasingly high unemployment rate places an increased burden on the government to provide services to the high number of indigent people in South Africa, this results in a higher likelihood of service failures and thus an increase in complaints lodged with the Public Protector. An example of this is the public health care system which was the subject of a systemic investigation by the Public Protector.

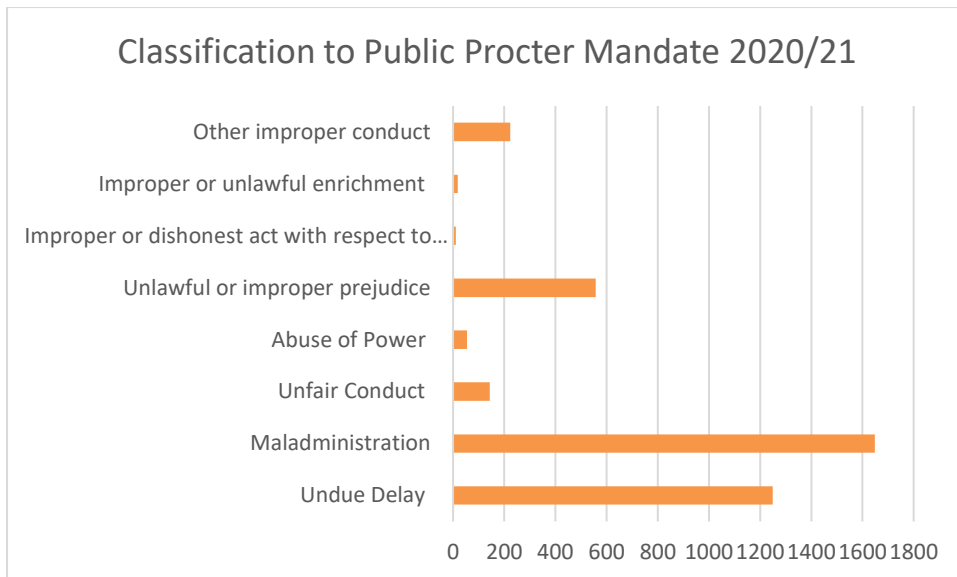
The Public Protector further faces a tangible increase in political pressure as the Public Protector is the only institution mandates to investigate and enforce the Executive Ethics Code in government.

The demand for PPSA services is evident as illustrated in the table below on the number of new cases received.

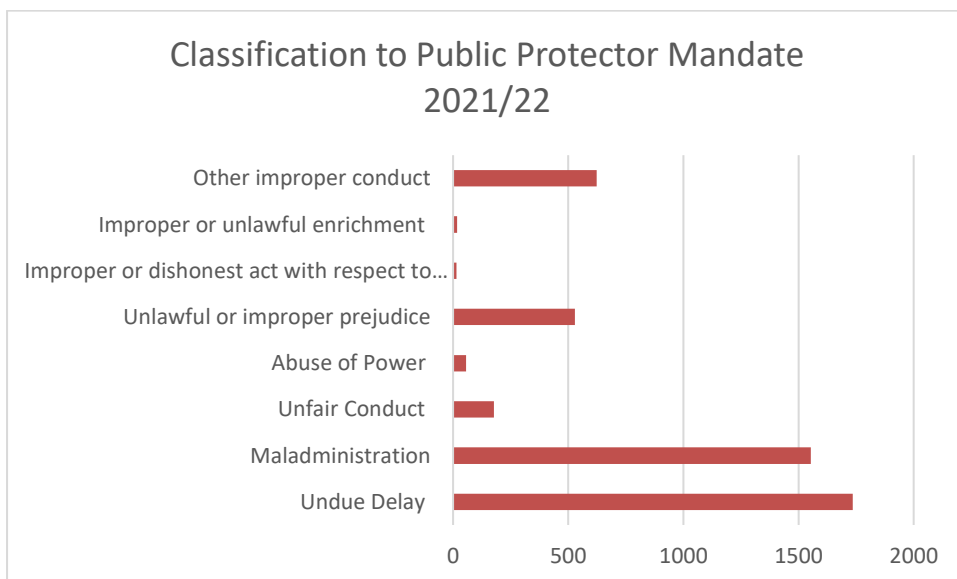
Table 2 New cases received in past three years



There is a visible decline in the number of new matters received in the 2020/21 and 2021/22 financial years respectively, which could be attributed to the COVID-19 restrictions.. During the 2020/21, and part of 2021/22 financial years, COVID-19 regulations restricted the movement of people, and this had an impact on the number of complaints lodged, regardless of the digital mechanism deployed, ie. the mobile referral application..



The demand for PPSA services is influenced by a number of variables affecting most members of the public. These factors include lack of or poor service delivery by organs of state.,. The recently declared national state of disaster pertaining to Eskom is one example of how failure in organs of state may impact the number of complaints PPSA is likely to receive, wherein, the ripple effects of the energy crisis is affecting the provision of water, whereby though water is plentiful in dams, it cannot reach the majority of South Africans due to inadequate electricity supply. The health care system is also affected/crippled, as equipment in hospitals is damaged by the sporadic electricity supply, leading to life saving operations being postponed and resulting in loss of life in certain instances. Many organs of state rely on the use of generators and inverters to keep their operations running at great cost, leaving an insufficient budget to effectively fulfil their mandates. The PPSA is anticipating an increase in complaints during the current year, as a result of non-implementation of Governance reforms.



During the planning process, the PESTEL analysis below was used as a tool to take into account and to assess external environmental factors that could potentially affect the

implementation of the Strategic Plan and Annual Performance Plan.

Table 3 PESTLE analysis

Political factors	<ul style="list-style-type: none"> • Political interference with an endeavour to influence investigations; • Instability in Municipalities; • Political instability in governing parties within all spheres of government affecting the functioning of the organs of state (Impact of coalition governments); • Service delivery and other protests during election season leading to more complaints; and • The rise in politically motivated/charged complaints. (EMEA and critical arms (e.g. three cases against the judiciary) of state complaints) • The rise in politically motivated complaints resulting from enforcement of the Executive Ethics Code in government.
Economic factors	<ul style="list-style-type: none"> • . • Covid-19 aftermath, affecting economy of the country as a whole resulting in budget cuts of all Departments and affecting operations of our institution. • The economic climate that resulted in budget cuts by Treasury resulting in reduced revenue; and • The potential wage negotiations
Social factors	<ul style="list-style-type: none"> • The trust deficit between the public and the state resulting in pressure on PPSA; • Service delivery protests; • Rise in the incidents of corruption in the country; • Increase in population and growth of areas and development in townships puts pressure on already strained resources; • Language barrier – (e.g. sign language and other languages); and • Alarming increase of population and land grabs resulting in public demanding unplanned services to their grabbed areas.
Technological factors	<ul style="list-style-type: none"> • Unstable ICT systems due to SITA and load shedding; and • Vandalism of network infrastructure
Environmental factors	<ul style="list-style-type: none"> • The effects of climate change (e.g. floods, droughts, etc.); and • Just transition (e.g. using clean power vs. coal fired plants)
Legal factors	<ul style="list-style-type: none"> • Highly litigious environment; and • Development in jurisprudence

The PPSA services people and communities in nine provinces through its provincial and regional offices. In order to reach out to densely populated, far-flung and rural areas, in 2021/2022 and 2022/23 financial years, one of the mechanisms to enhance accessibility was to install drop-boxes in areas where PPSA does not have a footprint. To this end, 90 drop boxes, 10 per province, have been installed at strategic points to enable communities to lodge their complaints in writing with the PPSA. Furthermore, PPSA is collaborating with Community-

Based Organisations, Non-Governmental Organisations including traditional leaders, the business community and the media to identify additional catchment areas for enhanced accessibility to its services, advocacy and stakeholder management. Outreach clinics are also used to reach out to communities.

The challenges that the PPSA need to address range from some organs of state that do not respond to PPSA timeously during investigations, to high level of non-implementation of remedial actions contained in the investigation reports. In order for PPSA to make an impact in the lives of complainants who were prejudiced by organs of state, cooperation from the same organs of state in the implementation of remedial action is key. Ongoing engagements with organs of state are carried out to encourage cooperation. Furthermore, the PPSA will continue to submit reports to Parliament to assist in holding organs of state accountable for the implementation of remedial action.

The nature of complaints received by the institution is influenced by the environment within organs of state. For example, poor service delivery in certain municipalities may cause a spike in the number of service delivery related complaints the institution receives. Another notable trend is the increase in the number of conduct failure related complaints against the executive close to election periods, which have been taken into account during planning. These investigations are normally conducted in terms of the Executive Members Ethics Act and the Public Protector Act. The PPSA also receives complaints of a similar nature, which point to systemic administrative deficiencies in state organs.

Ordinarily, the Auditor-General South Africa (AGSA) has been reporting on irregular, fruitless and wasteful expenditure by state organs, which could be linked to fraud and corruption. With its expanded mandate to refer material irregularities to relevant public bodies (including the Public Protector), the Public Protector seeks to ready itself to receive and attend to specific requests for investigations from the AGSA. The PPSA has entered into a Memorandum of Understanding (MoU) with the AGSA on matters of cooperation, including assistance in investigating matters referred by AGSA to the PPSA. The PPSA's readiness to accept and adequately attend to such investigations will be supported by skilled and highly trained staff.. It is anticipated that such an approach shall yield invaluable financial gains on the fiscus, by reducing the costs of forensic investigations currently being commissioned by government at all levels, and will certainly have the impact of increased cooperation between Chapter 9 institutions supporting and strengthening South Africa's Constitutional democracy.

Organs of state, and the various officials that represent them, are lawfully entitled to exercise their available remedies by taking the Public Protector's reports on judicial review. Judicial reviews are naturally decided by our Courts, and thus, litigants may test their versions, regardless of whether in hindsight, it becomes apparent that there were no justifiable grounds to launch such review proceedings. The consequence of this is that it has allowed some organs of state to utilise judicial review as a strategic impediment to implementing the Public Protector's remedial action, and thus not bringing finality to the issues complained of. Over and above the adverse financial implications of this questionable litigation, a far more delicate consequence is the prejudice such delays have on the complainants, who, more often than not, are ordinary and many times marginalised members of the community who require these matters to be resolved timeously and do not have the financial muscle to challenge the state where such occurrences happen.

Complaints relating to procurement irregularities are on the rise, prompting PPSA to prepare for such complex investigations, including the training of investigators and establishing more efficient ways of investigating such matters. Another challenge in investigating certain matters, such as energy-related matters, is the non availability of some skills within the PPSA. The PPSA has embarked on a process to augment its capacity to effectively investigate through the employment of people who possess other skills such as forensic auditing, forensic accounting, etc. This ensures the maintenance of multi-disciplinary teams to investigate any type of complaint and the production of quality reports without the need to outsource investigations. The PPSA intends to appoint retired professionals to provide training to PPSA employees.

Internal Environment Analysis

The institution is structured mainly in terms of core and support functions. In total, there are seventeen offices across the country. Key to the performance of the institution is its ability to fulfil the legislative mandate. The PPSA receives cases that are categorised as Early Resolution, Service Delivery as well as Good Governance and Integrity.

- Early Resolution cases are predominantly simple matters that deal with bread-and-butter issues such as the undue delay in processing an application for a pension.
- Service Delivery cases deal with alleged failure by organs of state to deliver services to communities such as water provision.
- Good Governance and Integrity cases focuses on conduct failure investigations, where allegations such as tender irregularities and the conduct of members of the Executive are investigated.

Furthermore, it is vital for the PPSA to work with organs of State on a continuous basis from the beginning of an investigation process until its conclusion, including confirmation that the remedial action imposed by the Public Protector is implemented. The Executive Authority is supported by important internal stakeholders in the form of investigators and support staff with delegated authority in implementing the mandate of the PPSA.

The PPSA is implementing an Integrated Stakeholder Management Strategy, which supports its mission and vision. The PPSA seeks to take its services to grassroots communities and be responsive to customer needs. To realise this goal, the Integrated Stakeholder Management Strategy was developed to enhance accessibility, promote sharing of information, experience and resources amongst public institutions and, raise awareness and educate stakeholders about the mandate of the institution thereby empowering them to resolve their own complaints.

The Mobile Referral Application was implemented in the 2021/22 financial year. The Mobile Referral Application Project is aimed at the development of an application on a Android (for now) mobile platform for use on mobile phones and other “smart devices,” with the view to configure and integrate an extensive database of internal and complaints handling systems over a wide spectrum of institutions. This will continue to build on the objectives of the institution to empower the public to exercise their rights. The main purpose of this application is to advise and direct members of the public to the most appropriate complaint resolution

avenue prior to lodging complaints with the Public Protector. One of the objectives of the Application is to manage and reduce the submission of premature, duplicate and out-of-jurisdiction complaints to the Public Protector by advising, guiding and referring the public on:

- the mandate, role and function of the Public Protector as an institution of last resort;
- access information to and contact details of internal complaints handling systems and mechanisms at institutional level within departments and institutions at national, provincial and local government level, (in partnership with the Government Communication and Information System) as first point of contact;
- the availability of alternative external complaint handling (Ombuds) and oversight bodies (such as IPID) with the authority and responsibility to deal with complaints and grievances relating to specific areas within the public sector (for example, health, tax, military, police);
- the role and mandate of other Constitutional Institutions (ISDs) operating within the broad concept of state affairs but within specific substantive fields or sections of society; and
- Consumer bodies and complaint handling avenues to deal with matters outside the remit of the Public Protector.

The Case Management System (CMS) was implemented in the 2022/23 financial year. The CMS is essential for the PPSA to execute its mandate in an effective and efficient manner. The purpose of the CMS project is to put in place the building blocks towards the implementation of a responsive, modern and easy to use system for the PPSA. The CMS will allow the PPSA to perform the following:

- All cases reported to the Public Protector through multiple channels will be recorded electronically in a single and secure system;
- Cases to be registered, tracked and monitored throughout the life cycle of the complaint from intake, registration, assessment, investigation, resolution, reporting, implementation and monitoring, as well as customer relationship management;
- Management information will be readily available in an easy to use and understandable format; and
- All incidents and steps in the system will be fully auditable.

Risk Management in the institution is another important area that complements the efficiencies and effectiveness of the organisation. Early warnings are derived from a risk assessment and as a result, the institution is in a better position to respond to any eventuality as it will be better prepared for such. The institution is committed to ensure that risk management is embedded in all its business processes during this financial year.

The expansion of services to comply with the constitutional injunction on universal access has also been severely affected by financial constraints, leading to a strategic decision to partner with other institutions in the coming years. The PPSA continues with its endeavours to ensure physical access by approaching organs of state to utilise state-owned buildings such as Magistrates' Courts based on the conclusion of relevant MoUs with the Department of Justice and Correctional Services and other institutions such as traditional councils and municipalities. The use of drop-boxes is also instrumental in assisting complainants to lodge their complaints in far flung areas.

Pertaining to security requirements for the PPSA, the institution has concluded a process of reviewing and securing all offices. As a result of the concluded assessment, PPSA is implementing appropriate solutions suitable to each office.

The approved organisational structure of the PPSA has never been fully funded, which hampers its ability to rigorously investigate and finalise cases on time. Actually, at the time of its establishment in 1995, the PPSA did not have its own establishment and was supported through the secondment of staff from the Department of Justice. The budget allocated to the PPSA was not sufficient to establish the necessary corporate services to render administrative support for the core line functions of the institution. Therefore, the PPSA had to continue to rely on the Department of Justice (DoJ) for administrative and financial support for a long period of time after the establishment of its own post structure as its funding was not adequate for a standalone institution. Furthermore, the implications of the significant statutory mandate expansions were never costed and budgeted for. Even with its limited resources, the PPSA is expected to investigate any conduct in state affairs in over 1000 organs of state within the national and provincial government departments, municipalities, State-Owned Enterprises, universities, etc. The resources allocated to the PPSA are inadequate for an institution with such a broad mandate.

The PPSA is in a process of acquiring BBBEE certificate for 2020/21 financial year. However, based on the internal analysis which was conducted the procurement spend with 100% BBBEE companies is at 67%.

The PPSA provides services to all persons and communities irrespective of their race, gender, colour or creed. Despite the openness of the systems and level of accessibility of the services of the Public Protector, the profile of petitioners/complainants is often not as diverse as that of the population as a whole. Our data reflects that the percentage of men who complain to the Public Protector by far exceeds the percentage of women. In the 2021/22 financial year, 28% of complaints were lodged by women compared to 60% of complaints lodged by men. The 12% difference is attributed to complainants who did not disclose their gender. This is a general phenomenon that has been found in other empirical research on complainants, which shows that quite often, when a woman had a problem with public administration, it was her husband who eventually filed the complaint. The areas of priority for the PPSA in relation to complaints received from or affecting women, youth and people with disabilities, include:

- Fraudulent annulment of marriage without consent of the woman;
- Undue delay of registration of children (birth certificate);
- Failure to deal and resolve sexual harassment cases;
- Failure to issue Spousal permits;
- Failure to issue permanent resident permits;
- Failure to provide Customary Marriage certificates;
- Failure to provide electricity resources;
- Failure to provide title deeds;
- Unpaid benefits;
- Undue delay to allocate RDP houses;
- Non-payment of maintenance money and failure to enforce maintenance order;
- Denial of medical attention; and

- Failure to assist victims of gender-based violence.

The PPSA has a policy on people with disabilities and special needs, with an emphasis on enabling people with disabilities (both employees and clients) to have access to the PPSA premises and events. In as much as implementation of the policy is dependent on financial resources, the PPSA intends to continue catering for people with disabilities such as having materials printed in braille for visually impaired clients, having sign language translators at big events as well ensuring its offices cater for the needs of people using wheelchairs.

The institution plays an important role in empowering the youth through a partnership with Safety and Security Sector Education and Training (SASSETA), where graduates are employed in different fields ranging from investigations to administration, with a focus on providing the graduates with experience. It is envisaged that the experiential training will open opportunities to these graduates to enter into full-time employment.

The institution is a member of the AOMA, where the Public Protector holds the position of President. AOMA's role is to strengthen the Ombudsman Institutions in Africa to become among the best in the world. AOMA established the AORC, whose role is to support AOMA's goals of promoting ombudsmanship, good governance, the rule of law and human rights in Africa. Secondly, AORC seeks to develop the capacity and knowledge of AOMA members. The Public Protector is the chairperson of AORC.

PPSA stakeholders that contribute to the work of the institution are complainants, organs of state, Parliament, National Treasury, the media, Institutions Supporting Democracy (ISD) as well as the International Ombudsman Institute.

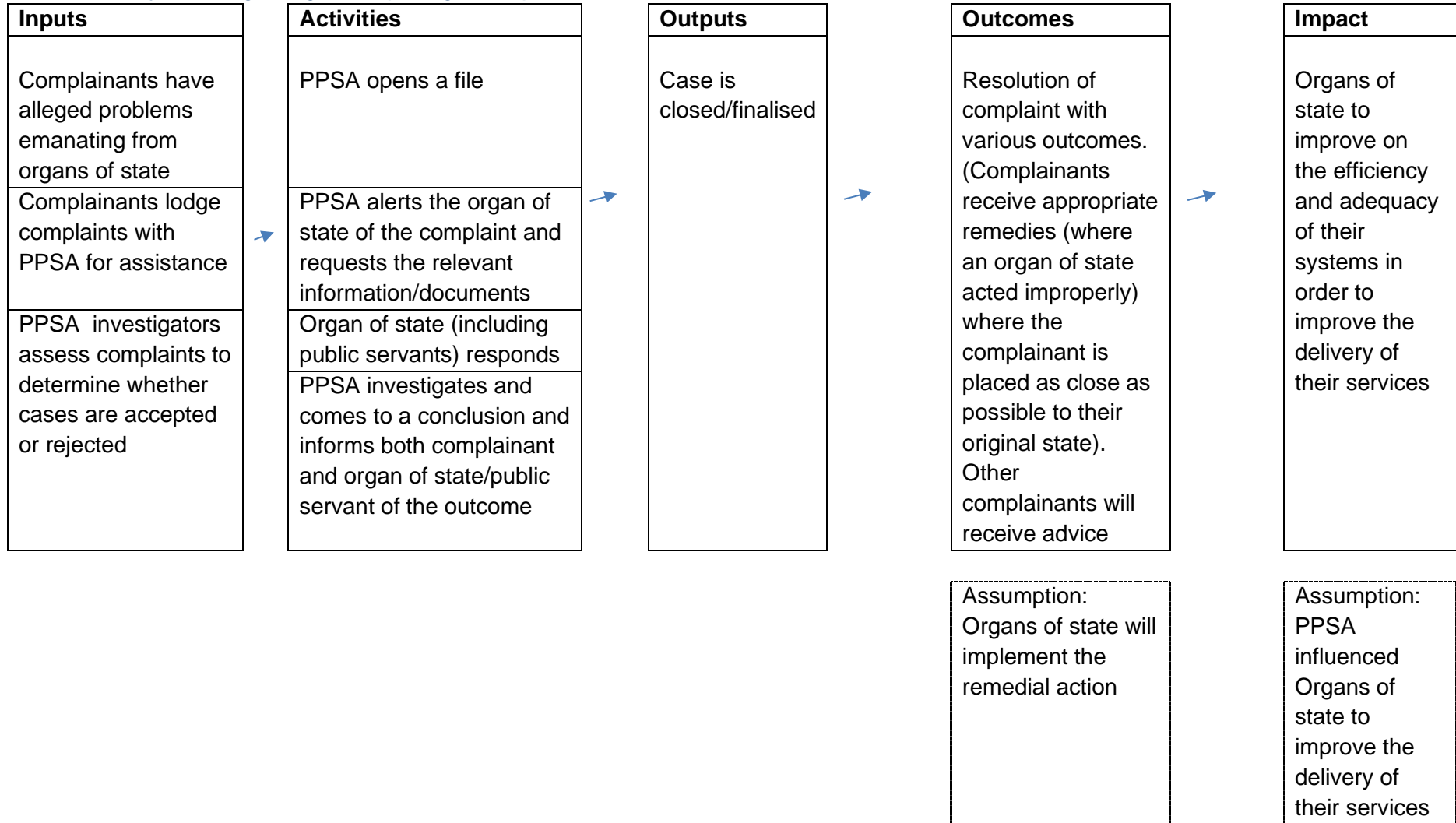
- As PPSA is established to service complainants, it is important for this key stakeholder to provide as much accurate information as possible to assist PPSA to finalise its matters promptly.
- Organs of state are key during an investigation in terms of providing information and being responsive to PPSA in order to enable smooth and speedy resolution of complaints. The organs of state are pivotal in implementing remedial action pronounced by the PPSA. By so doing, the work of PPSA will positively impact the lives of complainants and communities.
- Parliament is another important stakeholder that not only holds PPSA accountable for the use of its resources in running the institution, but also by holding organs of state to account in areas of non-implementation of remedial action.
- The National Treasury is important in allocating a budget for PPSA operations.
- The media assist PPSA in disseminating information pertaining to its reports and work.
- ISDs collaborate with PPSA on investigations.
- The IOI is an important stakeholder for learning best practices and benchmarking.

The automation of business processes is underway to simplify the workflow.

The PPSA has made a decision to refer matters of irregular appointments to the Public Service Commission (PSC). Moreover, there are other matters, though within the jurisdiction of PPSA to investigate, that are referred to other institutions that are better placed to investigate specific matters, such as the South African Human Rights Commission. Such referrals are pertinent

to the PPSA in allowing investigators to deal with more matters that are systemic in nature.

Table 4 Theory of change diagram depicting the impact of PPSA work



Part C: Measuring Our Performance

11. Institutional Programme Performance Information

Programme 1: Administration

Purpose: The purpose of the administration programme is to create effective systems within the institution to ensure optimal performance and compliance to laws and regulations. The administration programme supports the Public Protector South Africa in fulfilling its constitutional mandate.

Table 5 Outcomes, outputs, output indicators and targets

Outcome	Output	Output Indicator	Audited Performance			Estimated Performance	MTEF Period		
			2019/20	2020/21	2021/22	2022/23 Target	2023/24 Target	2024/25 Target	2025/26 Target
Clean audit achieved and maintained	Clean audit obtained	Obtain clean audit annually	Clean Audit Strategy was reviewed and implemented. The institution received a clean audit opinion	The institution received a clean audit opinion	The institution received a clean audit opinion	Maintain a clean audit opinion for 2021/22 FY	Maintain a clean audit opinion for 2023/24 FY	Maintain a clean audit opinion for 2024/25 FY	Maintain a clean audit opinion for 2025/26 FY
Implementation of ICT systems to optimally support business objectives	ICT infrastructure implemented	Implementation of the ICT system.	Hard drive encryption was implemented at 100%	Mobile Referral Application was not implemented	Mobile Referral Application was implemented at 100%	100% implementation of a Case Management Application by 31 March	implementation of a CMS self-service portal by 31 March 2024	implementation of an ERP system by 31 March 2025	NA

Outcome	Output	Output Indicator	Audited Performance			Estimated Performance	MTEF Period		
			2019/20	2020/21	2021/22	2022/23 Target	2023/24 Target	2024/25 Target	2025/26 Target
						2023			
Implementation of ICT systems to optimally support business objectives	ICT infrastructure implemented	Development of the ICT system.	NA	NA	NA	NA	Development of the EPR system by 31 March 2024	Implementation of an ERP system by 31 March 2025	NA
Maintenance of the Business Continuity Plan	Maintain the Business Continuity Plan	Number of Business Continuity Plan Monitoring Reports finalised	N/A	N/A	N/A	N/A	Two Business Continuity Plan Monitoring Reports finalised by 31 March 2024	Four Business Continuity Plan Monitoring Reports finalised by 31 March 2025	Four Business Continuity Plan Monitoring Reports finalised by 31 March 2026

Table 6 Output indicators: annual and quarterly targets

Output Indicator	2023/24 Target	Quarter 1	Quarter 2	Quarter 3	Quarter 4
Obtain clean audit annually	Maintain a clean audit opinion for 2023/24 FY	N/A	Implementation of Audit Action plans	Implementation of Audit Action plans	Implementation of Audit Action plans
Implementation of the ICT system	Implementation of a CMS self-service portal by 31 March 2024	Approved business case of the CMS self-service portal	(Development of the CMS self-service portal	Piloting and testing of the CMS self-service portal)	Deployment of the CMS self-service portal
Implementation of the ICT system	Development of the EPR system by 31 March 2024	Requirements Gathering and Business Requirement Signed	Development of EPR business unit modules	Development of EPR business unit modules	Piloting and testing of the EPR business unit modules
Number of Business Continuity Plans and Monitoring Reports finalised	Two Business Continuity Plan Monitoring Reports finalised by 31 March 2024	Develop the Business Continuity Management Plans by the end of the quarter	Approval of the Business Continuity Management Plans by the end of the quarter	One Business Continuity Management Plan Monitoring Report finalised by the end of the quarter	One Business Continuity Management Plan Monitoring Report finalised by the end of the quarter

Explanation of planned performance over the medium-term period

The PPSA is an institution of integrity and it is very important for the institution to obtain and maintain clean audit outcomes from AGSA year on year. The institution obtained a clean audit outcome in the 2021/22 financial year and plans to review and implement its clean audit strategy to maintain the status quo in the 2022/2023 and subsequent financial years.

The Public Protector South Africa Case Management System Project (PPSA-CMS) focused on the in-house development and deployment of an electronic web-based Case Management System. The objective of the required service was to develop an effective integrated case management software system that support document processing, data processing, and decision processing and utilise an advanced network to establish an efficient and effective computer case management system to help better serve the needs of the public.

In August 2022, the PPSA implemented and started to roll-out the CSM with the capability to electronically record, monitor and manage the investigation process, produce reports and build a database for analytical and statistical purposes. The development team is currently busy with training at the various PPSA offices throughout the country.

The second phase of the implementation and development focuses on the migration of historical data and information from manual systems, as well as the enhancement and

improvement of the information technology systems as a critical key strategic project to support to support, enable and improve operational efficiency.

Furthermore, the implementation of a CMS self-service portal will assist complainants to lodge and follow-up on their matters until their conclusion. This is in line with the outcome of “Implementing ICT systems to optimally support business objectives”. Therefore, the digitisation of investigations process will greatly improve service delivery to PPSA complainants.

The development of the ERP system ensures automated Finance, SCM and HRM business processes, with a single view to manage all the daily function, produce accurate real time tracking, tracing and reporting. The integrated system and workflow will ensure that data and services are shared in real time, limit the paper trail and allow the Finance, SCM and HRM to digitise most of its functions

Lastly, the PPSA will be developing Business Continuity Plans and monitor its implementation on a quarterly basis to ensure that, should there be a disaster, PPSA services will continue with minimum disruptions.

Table 7 Programme Resource Considerations

	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26
	Audited Outcome	Audited Outcome	Audited Outcome	Approved budget	Medium-term estimate		
Rand thousand	R'000	R'000	R'000	R'000	R'000	R'000	R'000
Objective/Activity							
Administration	170 151	159 678	149 603	145 758	144 300	153 303	160 171
Total	170 151	159 678	149 603	145 758	144 300	153 303	160 171

Explanation of the contribution of resources towards achievement of outputs

The clean audit strategy is implemented by PPSA employees, thus the allocation is covered under compensation of employees. The allocation of these resources will assist the institution in operational efficiency and maintaining the clean audit opinion. The allocation of resources to the self-service portal will contribute to its finalisation, thus in improved efficiencies, accuracy of information as well as to reduce the amount of time investigators spend on engagements with complainants. Lastly, the maintenance of the Business Continuity Management Plan will be implemented by PPSA employees. The administration programme is funded from National Treasury allocation to the PPSA.

Table 8 Updated Key Risks

Outcome	Key Risk	Risk Mitigation
Clean audit achieved and maintained	Adverse / Disclaimer / Qualified audit opinion expressed	Maintaining and monitoring the implementation of adequate and effective internal controls, compliance to laws and regulations and adherence to applicable reporting framework.
Implementation of ICT systems to optimally support business objectives	Inadequate capacity to accommodate requirements of the fourth industrial revolution (e.g. virtual meeting, saving large amounts of data, digitalising the work environment)	Implementation of critical ICT solutions

Programme 2: Investigations

Purpose: The purpose of the investigations programme is to ensure speedy resolution of complaints in line with fulfilling the mandate of the Public Protector South Africa to strengthen constitutional democracy.

Table 9 Outcomes, outputs, output indicators and targets

Outcome	Output	Output Indicator	Audited Performance			Estimated Performance	MTEF Period		
			2019/20	2020/21	2021/22	2022/23 Target	2023/24 Target	2024/25 Target	2025/26 Target
Resolution of complaints	Investigations finalised	Number of cases finalised through investigation	N/A	N/A	N/A	N/A	Finalise 2000 cases through investigation by 31 March 2024	Finalise 2300 cases through investigation by 31 March 2025	Finalise 2800 cases through investigation by 31 March 2026
Resolution of complaints	Cases finalised by means of advice given / assistance rendered	Number of cases finalised by means of advice given / assistance rendered	N/A	N/A	N/A	N/A	Finalise 500 cases by means of advice given / assistance rendered by 31 March 2024	Finalise 650 cases by means of advice given / assistance rendered by 31 March 2025	Finalise 700 cases by means of advice given / assistance rendered by 31 March 2026
Resolution of complaints	Cases finalised within approved turnaround	Percentage of adherence to turnaround times in finalisation of	95% (7112/7515) of cases were finalised within the	95% (4532/4754) of cases were finalised within the	85% (3189/3732) of cases were finalised within the following	Finalise 80% of cases within the following turnaround	Finalise 80% of cases within the following turnaround	Finalise 80% of cases within the following turnaround times:	Finalise 80% of cases within the following turnaround times:

Outcome	Output	Output Indicator	Audited Performance			Estimated Performance	MTEF Period			
			2019/20	2020/21	2021/22	2022/23 Target	2023/24 Target	2024/25 Target	2025/26 Target	
	times	cases	following turnaround times: ER: 6 months (as at 1 April 2019) SD: 12 months (as at 1 October 2018) GGI: 24 months (as at 1 October 2017)	following turnaround times: ER: 9 months SD: 18 months GGI: 30 months (Very complex): 36 months	turnaround times: ER: 6 months SD: 12 months GGI: 24 months (Very complex): 36 months	times: ER: 6 months SD: 12 months GGI: 24 months (Very complex): 36 months by 31 March 2023	times: ER: 6 months SD: 12 months GGI: 24 months (Very complex): 36 months by 31 March 2024	ER: 6 months SD: 12 months GGI: 24 months (Very complex): 36 months by 31 March 2025	ER: 6 months SD: 12 months GGI: 24 months (Very complex): 36 months by 31 March 2026	
Resolution of complaints	Systemic investigations finalised	Number of systemic investigations/interventions finalised	3 systemic Investigations were identified and investigations ongoing	1 systemic Investigation identified in 2019/20 financial year was finalised (Tembisa hospital) 1 systemic	2 systemic investigations/interventions were identified 2 systemic Investigations were finalised	Finalise 3 systemic investigations/interventions by 31 March 2023	Finalise 2 systemic investigations / interventions by 31 March 2024	Finalise 3 systemic investigations/interventions by 31 March 2025	Finalise 4 systemic investigations/interventions by 31 March 2026	

Outcome	Output	Output Indicator	Audited Performance			Estimated Performance	MTEF Period			
			2019/20	2020/21	2021/22	2022/23 Target	2023/24 Target	2024/25 Target	2025/26 Target	
				investigation identified in 2017/18 financial year was finalised (Traditional leadership)						

Table 10 Output indicators: annual and quarterly targets

Output Indicators	2023/24 Targets	Quarter 1	Quarter 2	Quarter 3	Quarter 4
Number of cases finalised through investigation	Finalise 2000 cases through investigation by 31 March 2024	Finalise 500 cases through investigation by the end of the quarter	Finalise 600 cases through investigation by the end of the quarter (cumulative: 1100)	Finalise 400 cases through investigation by the end of the quarter (cumulative: 1500)	Finalise 500 cases through investigation by the end of the quarter (cumulative: 2000)
Number of cases finalised by means of advice given / assistance rendered	Finalise 500 cases by means of advice given / assistance rendered by 31 March 2024	Finalise 150 cases by means of advice given / assistance rendered by the end of the quarter	Finalise 150 cases by means of advice given / assistance rendered by the end of the quarter (cumulative: 300)	Finalise 100 cases by means of advice given / assistance rendered by the end of the quarter (cumulative: 400)	Finalise 100 cases by means of advice given / assistance rendered by the end of the quarter (cumulative: 500)
Percentage of adherence to turnaround times in finalisation of cases	Finalise 80% of cases within the following turnaround times: ER: 6 months SD: 12 months GGI: 24 months GGI (Very complex): 36 months by 31 March 2024	Finalise 80% of cases within the following turnaround times: ER: 6 months SD: 12 months GGI: 24 months GGI (Very complex): 36 months by the end of the quarter	Finalise 80% of cases within the following turnaround times: ER: 6 months SD: 12 months GGI: 24 months GGI (Very complex): 36 months by the end of the quarter	Finalise 80% of cases within the following turnaround times: ER: 6 months SD: 12 months GGI: 24 months GGI (Very complex): 36 months by the end of the quarter	Finalise 80% of cases within the following turnaround times: ER: 6 months SD: 12 months GGI: 24 months GGI (Very complex): 36 months by the end of the quarter
Number of systemic investigations and/or interventions finalised	Finalise 2 systemic investigations and/or interventions by 31 March 2024	N/A	N/A	N/A	Finalise 2 systemic investigations and/or interventions by 31 March 2024

Explanation of planned performance over the medium-term period

The outputs on the investigations programme relate to finalising cases through investigations, by means of advice given/assistance rendered, finalising systemic investigations and finalising cases within turnaround times. Women, the youth, as well as people with disabilities, are welcome to lodge complaints that will be investigated and finalised. The intended outcome of the programme is the resolution of complaints that are lodged at the PPSA. Therefore, the resolution of the complaints will assist those complainants who were indeed prejudiced by organs to state to receive appropriate remedies.

The institution has planned to finalise 2000, 2300 and 2800 matters through investigation over the MTEF period. These numbers were arrived at after considering factors such as capacity (number of investigative staff) along with complexity of matters the office has been receiving lately. Whereas the investigation reports in previous years were only focused on the ones signed by the Public Protector, the matters investigated include those that are finalised at provincial and branch level.

PPSA will also finalise cases by means of advice given / assistance rendered. Furthermore, PPSA remains committed to finalising 80% of its cases within the prescribed turnaround times.

On systemic investigations, the plan is to finalise at least two systemic investigations/ interventions in the 2023/24 financial year, three systemic investigations/ interventions in 2024/25 financial year, and four systemic investigations/ interventions in the 2025/26 financial year. The purpose of these systemic investigations is to assist organs of state to resolve systemic challenges and to improve service delivery.

Table 11 Programme Resource Considerations

	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25
	Audited Outcome	Audited Outcome	Audited Outcome	Approved budget	Medium-term estimate		
Rand thousand	R'000	R'000	R'000	R'000	R'000	R'000	R'000
Objective/ Activity							
Investigations	183 080	180 388	178 163	200 159	201 121	208 471	217 810
Total	183 080	180 388	178 163	200 159	201 121	208 471	217 810

Explanation of the contribution of resources towards achievement of outputs

The major cost driver for core business responsible for investigating and finalising cases, is compensation of employees. Therefore, cost of employment (CoE) accounts for the bulk of the budget under the investigations programme. A portion of the budget will be allocated to appoint specialised skills to assist on parts of investigations where PPSA does not possess the capacity internally. The allocation under this programme is for the core function of the institution in line with the targets projected for the financial year. The Investigations programme is funded from National Treasury allocation to the PPSA. In short, with the bulk of PPSA resources are dedicated to this programme to ensure that cases that the office receives are

resolved promptly.

Table 12 Updated Key Risks

Outcome	Key Risk	Risk Mitigation
Resolution of complaints	Institutional reputational damage	Enforce compliance to standards, guidelines, SOPs Strengthen quality assurance
	Failure to make an impact (due to non-implementation of remedial action)	Strengthen relations with organs of state, Parliament and provincial legislature

Programme 3: Stakeholder Management

Purpose: The purpose of the programme is to enhance accessibility of Public Protector services to all persons and communities, as well as to assist in improving complaints handling mechanisms in organs of state and ombudsman institutions.

Table 13 Outcomes, outputs, output indicators and targets

Outcome	Output	Output Indicator	Audited Performance			Estimated Performance	MTEF Period		
			2019/20	2020/21	2021/22		2022/23	2023/24 Target	2024/25 Target
Accessible PPSA services	Execution of activities in the implementation plan of an Integrated Access and Stakeholder Management Strategy	Number of activities executed in the implementation plan of an Integrated Access and Stakeholder Management Strategy	N/A	N/A	103 activities were executed in the implementation plan of an Integrated Access and Stakeholder Management Strategy (97 radio interviews were conducted + 5 National events were conducted + 1 Good	Execute 117 activities in the implementation plan of an Integrated Access and Stakeholder Management Strategy by 31 March 2023 (117 = 108 public awareness sessions+ 5 National events + 1 Good Governance Week + 3 collaborations with Community-	Execute 328 activities in the implementation plan of an Integrated Access and Stakeholder Management Strategy by 31 March 2024 (328 = 324 public awareness sessions + 1 Good Governance Week + 3 collaborations	Execute 328 activities in the implementation plan of an Integrated Access and Stakeholder Management Strategy by 31 March 2025	Execute 328 activities in the implementation plan of an Integrated Access and Stakeholder Management Strategy by 31 March 2026

Outcome	Output	Output Indicator	Audited Performance			Estimated Performance	MTEF Period		
			2019/20	2020/21	2021/22	2022/23	2023/24 Target	2024/25 Target	2025/26 Target
					Governance Week was conducted)	Based organisations on advocacy matters at the grass-roots level)	with Community-Based organisations on advocacy matters at the grass- roots level)		

Table 14 Output indicators: annual and quarterly targets

Output Indicators	2023/24 Target	Quarter 1	Quarter 2	Quarter 3	Quarter 4
Number of activities executed in the implementation plan of an Integrated Access and Stakeholder Management Strategy	Execute 328 activities in the implementation plan of an Integrated Access and Stakeholder Management Strategy by 31 March 2024 (328 = 324 public awareness sessions + 1 Good Governance Week + 3 collaborations with Community-Based Organisations on advocacy matters at the grassroots level)	Execute the following activities in the implementation plan of an Integrated Access and Stakeholder Management Strategy by the end of the quarter: (conduct 81 public awareness sessions, identify 3 CBOs for collaboration on advocacy matters at the grassroots level)	Execute the following activities in the implementation plan of an Integrated Access and Stakeholder Management Strategy by the end of the quarter: (conduct 81 public awareness sessions, negotiate with the 3 CBOs identified for collaboration on advocacy matters at the grassroots level)	Execute the following activities in the implementation plan of an Integrated Access and Stakeholder Management Strategy by the end of the quarter: (conduct 81 public awareness sessions, conduct 1 Good Governance Week, 3 cooperation/ collaboration letters signed with CBOs for collaboration on advocacy matters at the grassroots level)	Execute the following activities in the implementation plan of an Integrated Access and Stakeholder Management Strategy by the end of the quarter: (conduct 81 public awareness sessions)

Explanation of planned performance over the medium-term period

The output concerning implementation plan of the Integrated Access and Stakeholder Management Strategy is pivotal in making the PPSA accessible to as many people in South Africa as possible, in fulfilling the institution's mandate as stipulated in Section 182 (4) of the Constitution of being accessible to all persons and communities. The implementation includes public awareness sessions through outreach clinics, roadshows, radio and TV programming and social media platforms. It is expected that every province will conduct public awareness sessions in the MTEF.

With the implementation of these programmes, more South Africans will be aware of the services offered by PPSA, as well as the various modalities through which PPSA can be reached by those who wish to lodge complaints. These mechanisms will indeed contribute to making PPSA accessible to all persons and communities as stipulated in the Constitution of the Republic of South Africa.

Good Governance week is a campaign that seeks to raise awareness about the importance of clean administration in the public administration. These events are mainly aimed at organs of state (to improve their services to the people). Where organs of state heed the call to act ethically and prioritise service delivery, South African citizens will experience better service delivery. The collaboration with three CBOs is meant to assist communities with access to PPSA services, where the CBOs can advise on how to acquire PPSA services.

Table 15 Programme Resource Considerations

	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25
	Audited Outcome	Audited Outcome	Audited Outcome	Approved budget	Medium-term estimate		
Rand thousand	R'000	R'000	R'000	R'000	R'000	R'000	R'000
Objective/ Activity							
Stakeholder management	13 190	12 824	11 834	15 001	14 964	15 516	16 211
Total	13 190	12 824	11 834	15 001	14 964	15 516	16 211

Explanation of the contribution of resources towards achievement of outputs

The budget allocation for the Stakeholder Management programme is apportioned in line with the targets set to ensure that some of the goals of accessibility to PPSA service are attained, especially to those people staying in remote areas within the country. The public awareness session sessions funded through this programme include outreach clinics, roadshows and collaborations with CBO on advocacy matters at the grassroots level. The Stakeholder Management programme is funded from National Treasury allocation to PPSA.

Table 16 Updated Key Risks

Outcome	Key Risk	Risk Mitigation
Accessible PPSA services	Inability to access full PPSA services	Outreach interventions to target far flung/remote areas will include: Increased use of public awareness sessions, mainly done through physical meetings and radio to communicate PPSA messages PPSA to collaborate with CBOs on advocacy matters at the grassroots level

PART D: TECHNICAL INDICATOR DESCRIPTIONS

Programme 1: Administration

Table 17 Obtain clean audit annually

Indicator title	Obtain clean audit annually
Definition	The PPSA to obtain and sustain a clean audit opinion from Auditor- General South Africa
Source of data	2022/2023 AGSA audit report
Method of calculation / Assessment	Verification against audit opinion expressed in the AGSA audit report
Means of verification	2022/2023 AGSA audit report
Assumptions	The AGSA will express unqualified audit opinion
Disaggregation of beneficiaries (where applicable)	Target for women: N/A Target for youth: N/A Target for people with disabilities: N/A
Spatial Transformation (where applicable)	N/A
Calculation Type	Non-Cumulative
Reporting cycle	Annual
Desired performance	To maintain a clean audit opinion
Indicator responsibility	CFO, All executive managers All senior managers

Table 18 Implementation of ICT

Indicator title	Implementation of the ICT system
Definition	The CMS self-service portal is an electronic system that will be used by PPSA complainants to lodge and receive updates on complaints
Source of data	Case Management System
Method of calculation / Assessment	Functional self-service portal Functional: system that meets business case objectives
Means of verification	Post implementation review report Functional self-service portal
Assumptions	Complainants will have the resources to access the self-service portal
Disaggregation of beneficiaries (where applicable)	Target for women: N/A Target for youth: N/A Target for people with disabilities: N/A
Spatial Transformation (where applicable)	N/A
Calculation Type	Cumulative (year-to-date)
Reporting cycle	Quarterly
Desired performance	Functional self-service portal
Indicator responsibility	Senior Manager: ICT Executive Manager: Corporate Services

Table 19 Development of ICT system

Indicator title	Development of the ICT system.
Definition	ERP is an electronic system used to integrate business units in a single entity and optimise resources
Source of data	SAP ESS Enterprise Resource Planning System
Method of calculation / Assessment	Functional enterprise resource planning system Functional: system that meets business case objectives
Means of verification	Post implementation review report Functional enterprise resource planning system
Assumptions	Business units will be integrated into a single system
Disaggregation of beneficiaries (where applicable)	Target for women: N/A Target for youth: N/A Target for people with disabilities: N/A
Spatial Transformation (where applicable)	N/A
Calculation Type	Cumulative (year-to-date)
Reporting cycle	Quarterly

Indicator title	Development of the ICT system.
Desired performance	Functional Enterprise Resource planning System
Indicator responsibility	Senior Manager: ICT Senior Manager: HMR Senior Manager: Finance Senior Manager: SCM 3 Executive Manager: Corporate Services Chief Financial Officer

Table 20 No of business continuity plan monitoring reports finalised

Indicator title	Number of Business Continuity Plan Monitoring Reports finalised
Definition	The Business Continuity Plan is a plan to ensure continuation of PPSA services and to minimise service interruptions irrespective of prevailing circumstances. The Plan will be developed and its implementation will be monitored.
Source of data	Business Continuity Plan monitoring reports on its implementation
Method of calculation / Assessment	Simple count of Business Continuity Plan Monitoring Reports
Means of verification	Approved Business Continuity Plan monitoring reports on its implementation
Assumptions	Processes pertaining to the Business Continuity Management Policy will be followed
Disaggregation of beneficiaries (where applicable)	Target for women: N/A Target for youth: N/A Target for people with disabilities: N/A
Spatial Transformation (where applicable)	N/A
Calculation Type	Non-cumulative
Reporting cycle	Annually
Desired performance	Produce business continuity plan monitoring reports
Indicator responsibility	Senior Manager: Risk Management

Programme 2: Investigations

Table 21 No of cases finalised through investigation

Indicator title	Number of cases finalised through investigation
Definition	<p>The indicator refers to investigations that are finalised by PPSA that are classified as Service Delivery, Good Governance and Integrity and Good Governance and Integrity (very complex). The matters are finalised through:</p> <ul style="list-style-type: none"> • <u>Closing reports</u> – these reports are issued after an investigation has confirmed that the allegations were unsubstantiated or matters were resolved before the issuing of the report. The closing reports are signed by Provincial Representative/Chief Investigator/Executive Managers/Chief Operations Officer/Deputy Public Protector/Public Protector • <u>Formal reports</u> with findings and remedial action – these refer to a report issued at the conclusion of the investigation, where the allegations are substantiated. The report covers the findings as well as detailing the remedial action to be taken. Formal reports are signed by Executive Managers/Chief Operations Officer/Deputy Public Protector/Public Protector. • <u>Advisory reports</u> – reports issued to communicate the Public Protector’s point of view or recommendation in respect of a matter investigated by her, or to refer a matter for action by another appropriate public body or authority, without necessarily having made a finding or taking remedial action as envisaged in Section 182(1) (b) and (c) of the Constitution. Advisory reports are signed by the Executive Managers/Chief Operations Officer/Deputy Public Protector/Public Protector • <u>Intervention reports</u> – An intervention report seeks to communicate the action taken by the Public Protector in terms of Section 6(4)(c)(ii) of the Public Protector Act, 1994 before or during an investigation to communicate clear and simple observations of the cause of problems experienced as well as proposed or required remedial measures and improvements to the processes of a public body or authority, to address any a specific problems or trends identified (as opposed to substantive Public

Indicator title	Number of cases finalised through investigation
	<p>Protector's findings into the merits of a complaint and remedial action as envisaged in Section 182(1)(b) and (c) of the Constitution).</p> <p>Intervention Reports are signed by Executive Managers/Chief Operations Officer/Deputy Public Protector/Public Protector</p> <ul style="list-style-type: none"> • <u>Closing letter</u>: This is a letter that is submitted to a complainant at the closure of a matter. These closing letters are signed by Senior Investigators/Provincial Representative/Chief Investigator/Executive Managers/Chief Operations Officer
Source of data	Investigation files/ CMS report/ Statistical reports / Formal report/Closing report/closing letter/intervention report/advisory report
Method of calculation / Assessment	Simple count
Means of verification	<p>List of finalised cases with the classification of SD, GGI and GGI (very complex)</p> <p>Assessment form or investigation file cover indicating how the cases were classified or reclassified as SD, GGI or GGI (very complex) / alternatively, classification or reclassification of the cases as SD, GGI or GGI (very complex) on the Case Management Application/System</p> <p>Formal report/Closing report/closing letter/intervention report/advisory report</p>
Assumptions	Remedial actions will resolve the root causes that led to the maladministration, improper or prejudicial conduct, abuse of power and abuse of state resources and service delivery failures.
Disaggregation of Beneficiaries (where applicable)	Target for women: N/A Target for youth: N/A Target for people with disabilities: N/A
Spatial Transformation (where applicable)	The spatial impact area is in all nine provinces within South Africa
Calculation Type	Cumulative (year-to-date)
Reporting cycle	Quarterly
Desired performance	Performance higher than the one targeted is desired
Indicator responsibility	Chief Operations Officer, Executive Managers for: Investigations and PII (Inland and Coastal)

Table 22 No of cases finalised by means of advice given/assistance rendered

Indicator title	Number of cases finalised by means of advice given / assistance rendered
Definition	<p>The indicator refers to cases that are finalised by PPSA by means of advice given/assistance rendered/ referral. These are cases with classifications of Early Resolution or either Referral, Rejection and No jurisdiction complaints. When a case is finalised, either a closing letter/closing note, referral letter or consultation form issued for non-jurisdiction cases will serve as evidence.</p> <p>Closing letter This is a letter that is submitted to a complainant at the closure of a matter. These closing letters are signed by Senior Investigator/Provincial Representative/Chief Investigator/Executive Managers/Chief Operations Officer.</p> <p>Closing notes are summarised reports detailing the processes an investigator followed in closing a case. These closing notes are signed by Senior Investigator/Provincial Representative/Chief Investigator/Executive Managers/Chief Operations Officer.</p> <p>Referral letters of complaints to a public body or authority are signed by Senior Investigator/Provincial Representative/Chief Investigator/Executive Managers/Chief Operations Officer.</p> <p>Consultation form is used by PPSA to record no-jurisdiction cases that walk-in complainants wished to lodge with the office. An investigator on duty would fill and sign the consultation form.</p>
Source of data	Investigation files / consultation forms issued for non-jurisdiction cases / Statistical reports / closing letters/ closing notes/ referral letters and register of finalised cases
Method of calculation / Assessment	Simple count
Means of verification	List of cases that are finalised by PPSA by means of advice given/assistance rendered/ referral. Closing letters/ closing notes/ referral letters/ consultation forms issued for non-jurisdiction cases
Assumptions	Remedial actions will resolve the root causes that led to the maladministration, improper or prejudicial conduct, abuse of power and abuse of state resources and service delivery failures.
Disaggregation of Beneficiaries (where applicable)	Target for women: N/A Target for youth: N/A Target for people with disabilities: N/A

Indicator title	Number of cases finalised by means of advice given / assistance rendered
Spatial Transformation (where applicable)	The spatial impact area is in all nine provinces within South Africa
Calculation Type	Cumulative (year-to-date)
Reporting cycle	Quarterly
Desired performance	Performance higher than the one targeted is desired
Indicator responsibility	COO, Executive Managers for: Investigations and PII (Inland and Coastal)

Table 23 Percentage of adherence to turnaround times in finalisation of cases

Indicator title	Percentage of adherence to turnaround times in finalisation of cases
Definition	<p>The indicator measures the percentage of cases that get finalised within stipulated timeframes [from the date of receipt by PPSA] of 6 months for Early Resolution (simple) cases, 12 months for Service Delivery cases, 24 months for Good Governance and Integrity (conduct failure) cases and 36 months for very complex Good Governance and Integrity (conduct failure) cases. These are cases that were within their turnaround times as at 1 April 2023 with the following parameters below:</p> <p>Parameter for the population as at 31 March 2023:</p> <p>ER 4 months and younger; SD 10 months and younger; GGI 18 months and younger; GGI (Complex) 30 months and younger.</p>
Source of data	Investigation files / Statistical reports / investigations reports / closing letters / intervention letters / reports / advisory reports and register of finalised cases and aged cases per classification of ER, SD, GGI, GGI (very complex)
Method of calculation / Assessment	<p>Percentage = Numerator: number of finalised cases within turnaround times per parameter</p> <p>/ Denominator: total number of cases finalised + aged cases at each reporting period X 100</p>
Means of verification	<p>List of finalised cases and aged cases at each reporting period active cases that exceeded their turnaround times after 1 April 2023 indicating the date on which files were received, the classification of cases [ER, SD, GGI, GGI (very complex)] and the date of finalisation of cases;</p> <p>Complaint form/complaint e-mail/complaint letter with the date on which the complaint was received. Alternatively, the date as captured on the Case Management System/Application;</p> <p>Assessment form or investigation file cover indicating how the as registered cases were classified or reclassified as ER, SD, GGI or</p>

Indicator title	Percentage of adherence to turnaround times in finalisation of cases
	GGI (very complex) alternatively, the assessment appearing on the Case Management System/Application Formal report/Closing report/closing letter/Advisory report/Intervention letters
Assumptions	All cases received per classification, should be finalised within the turnaround times.
Disaggregation of beneficiaries (where applicable)	Target for women: N/A Target for youth: N/A Target for people with disabilities: N/A
Spatial Transformation (where applicable)	The spatial impact area is in all nine provinces within South Africa
Calculation Type	Cumulative (year-to-date)
Reporting cycle	Quarterly
Desired performance	Performance higher than the one targeted is desired
Indicator responsibility	COO, Executive Managers for: CSM, Investigations and PII (Inland and Coastal)

Table 24 No of systemic investigations/interventions

Indicator title	Number of systemic investigations/interventions
Definition	<p>The indicator pertains to the finalisation of systemic investigations and/or interventions.</p> <p>Systemic Investigations: Challenges that result in systemic investigations and/or interventions that may result in a higher impact on communities or are recurring problems in organs of state that usually result in similar complaints reported to PPSA. By resolving systemic challenges in organs of state, recipients of services benefit as they will not experience the type of challenges, as the investigation will address the root causes, thus minimising the number of complaints.</p> <p>An intervention refers to action taken by the Public Protector in terms of Section 6(4) of the Public Protector Act, 1994 before or, during or after an investigation to communicate a clear and simple observations of the cause of problems experienced, as well as proposed or required improvements to the processes of a public body or authority, to address any systematic problems or trends identified (as opposed to substantive Public Protector's findings into the merits of a complaint and remedial action as envisaged in Section 182(1)(b) and (c) of the Constitution)</p>
Source of data	Investigation files / investigations reports (formal reports or closing reports or advisory reports or intervention reports or Stakeholder engagements and dialogues) and register of finalised systemic investigations/ interventions.

Indicator title	Number of systemic investigations/interventions
Method of calculation / Assessment	Simple count
Means of verification	Systemic investigation/ intervention reports (formal reports or closing reports or advisory reports or interventions reports or stakeholder engagements report)
Assumptions	Remedial actions will resolve the root causes that led to the systemic challenges
Disaggregation of beneficiaries (where applicable)	Target for women: N/A Target for youth: N/A Target for people with disabilities: N/A
Spatial Transformation (where applicable)	The spatial impact area is within the provinces where the investigations will be identified and finalised
Calculation Type	Non-cumulative
Reporting cycle	Annual
Desired performance	Finalise systemic investigations and/or interventions as undertaken
Indicator responsibility	COO, Executive Managers for: Investigations and PII (Inland and Coastal)

Programme 3: Stakeholder Management

Table 25 Number of activities executed in the implementation plan of an Integrated Access and Stakeholder Management Strategy

Indicator title	Number of activities executed in the implementation plan of an Integrated Access and Stakeholder Management Strategy
Definition	<p>The PPSA has an approved Integrated Access and Stakeholder Management Strategy which specifies broad focus areas on how to make the institution accessible, as well as dealing with stakeholders. The implementation plan pertaining to the Integrated Access and Stakeholder Management Strategy details how the strategy will be implemented.</p> <p>The implementation plan aims to execute:</p> <ul style="list-style-type: none"> • Public awareness sessions – public awareness sessions address and/or engage people on issues pertaining to PPSA mandate and its service offering. These are executed using outreach clinics, radio as a medium of communication, TV, social media or roadshows. • Road shows: These are meetings to engage with stakeholders for better cooperation, to promote PPSA interest in line with our mandate; • Good Governance week: – awareness campaign and commemoration of good governance and ethics in the Republic;

Indicator title	Number of activities executed in the implementation plan of an Integrated Access and Stakeholder Management Strategy
	<ul style="list-style-type: none"> • Outreach Clinics: Advocacy at clinics • Radio: Radio media houses • Social media: Various platforms <p>Collaborations with Community-Based Organisations on advocacy matters at the grassroots level. The purpose is to enter into collaboration with CBOs to access densely populated, rural and far-flung areas to promote accessibility and awareness.</p> <p>The Good Governance Week will take place through simulcast streaming / radio/ webinars/ hybrid event or physical meetings.</p>
Source of data	Attendance registers for outreach clinics and roadshows. Registers or signed letters/ forms or email confirmation by radio stations as evidence of public awareness sessions having taken place. Confirmation by service provider of simulcast streaming of Good Governance week, signed letters of cooperation by PPSA and CBOs.
Method of calculation / Assessment	Simple count
Means of verification	Attendance registers for outreach clinics Attendance registers for roadshows Completed forms by PPSA and radio stations or email confirmation by radio stations as evidence of public awareness sessions having taken place Good Governance Week attendance registers/screenshots of online meetings/Recording of online meetings or confirmation by service provider of simulcast streaming of Good Governance Week Signed letters of cooperation by PPSA and CBOs.
Assumptions	Cooperation from stakeholders
Disaggregation of beneficiaries (where applicable)	N/A
Spatial Transformation (where applicable)	The execution of the implementation plan will incorporate outputs from all the nine provinces, with the exception of simulcast coordinated at Head Office.
Calculation Type	Cumulative (year-to-date)
Reporting cycle	Quarterly
Desired performance	Performance higher than the one targeted is desired
Indicator responsibility	Executive Manager: CSM

Annexure A: Amendments to the existing 2020-2025 Strategic Plan

12. Amendments approved in the 2021/22 APP

1. Page 24: the outcome indicator; “Number of outreach methods employed to reach people and communities” is replaced with the indicator below because of COVID-19 restrictions on large gatherings:

Table 26 Amended Outcome Indicator - Stakeholder Management

Outcome	Outcome indicator	Baseline	Five-year target
Programme 3: Stakeholder Management			
Accessible PPSA	Number of activities executed in the implementation plan of an Integrated Access and Stakeholder Management Strategy	Approved Integrated Access and Stakeholder Management Strategy	Execute 777 activities in the annual implementation plan of an Integrated Access and Stakeholder Management Strategy (42 in 2021/22 and 245 in subsequent years)

2. On page 24, outcome indicator on “number of new service points established” is removed because of COVID-19 restrictions.
3. On page 24, the outcome: “Investigations finalised within turnaround times” is replaced with “Successful resolution of complaints” due to better phrasing of the outcome.
4. On page 25, the outcome of “ongoing engagements with ombudsman and organs of state” is removed due to shifting of the target to operations.
5. On page 26, the risk pertaining to outcome: “Ongoing engagements with ombudsman and organs of state” is removed following the removal of the outcome “ongoing engagements with ombudsman and organs of state”
6. On page 27, the table with indicator title: “Number of outreach methods employed to reach people and communities” is deleted and replaced with the table below because of the changed indicator:

Table 27 Amended Outcome Indicator - Number of outreach methods

Indicator title	Number of activities executed in the implementation plan of an Integrated access and Stakeholder Management Strategy
Definition	<p>PPSA has an approved Stakeholder Management Strategy, which specifies broad focus areas on how to make the institution accessible as well as dealing with stakeholders. The implementation plan pertaining to the Stakeholder Management Strategy details how the strategy will be implemented.</p> <p>The implementation plan aims to execute:</p> <ul style="list-style-type: none"> • Radio interviews – Radio interviews attended by PP or delegated official to address and/or engage listeners on • Issues pertaining to PPSA mandate and service delivery. • MOUs – Partnership agreements entered into with stakeholders for mutual benefit as well as to assist organs of state to establish complaints handling mechanisms • National events - Public Holidays and ordinary period to commemorate specific events – Youth Day, Women’s Day, • The National events and Good Governance Week will take place through simulcast streaming / regional radios/ webinars/ hybrid event.
Source of data	Attendance registers/screenshots for webinars, registers or signed letters/form by radio stations as evidence of radio slots having taking place, signed MOUs
Method of calculation / Assessment	Simple count
Assumptions	None
Disaggregation of beneficiaries (where applicable)	N/A
Spatial Transformation (where applicable)	The execution of the implementation plan will cover all the nine provinces within South Africa
Desired performance	Performance higher than the one targeted is desired
Indicator responsibility	Executive Manager: CSM

7. On page 28, the table with indicator title: “Number of new service points established” is removed following the removal of outcome indicator “number of new service points established
8. On page 29, the table with indicator title: “Number of systemic investigations finalised”: under definition, “The indicator on systemic investigations/interventions pertains to identification of 2 systemic investigations in one financial year and completion in the

next financial year” is removed. The reason for the revision is based on the fact that the PPSA resolved to finalise systemic investigations every financial year.

- On page 31: the table with indicator title: “Number of bodies being engaged on Ombudsman related matters” is removed following the removal of the outcome “Ongoing engagements with ombudsman and organs of state”

13. Amendments approved in the 2022/23 APP

Amendments to the Strategic Plan below were prompted by the Disaster Management Act (No. 57 of 2002), in response to the COVID-19 pandemic that limits large gatherings and made it necessary to review the outcome on “Accessible PPSA”. It was also necessary to review the risks PPSA faces in the implementation of the Strategic Plan.

- Page 24: the outcome indicator; “Number of outreach methods employed to reach people and communities” is replaced with the indicator below because of COVID-19 restrictions:

Table 28 Amended Outcome Indicator - Stakeholder Management

Outcome	Outcome indicator	Baseline	Five-year target
Programme 3: Stakeholder Management			
Accessible PPSA	Number of activities executed in the implementation plan of an Integrated access and Stakeholder Management Strategy	Integrated access and Stakeholder Management Strategy is approved	Execute 393 activities in the annual implementation plan of an Integrated Access and Stakeholder Management Strategy (42 in 2021/22 and 117 in subsequent years)

- On page 27, the table with indicator title: “Number of outreach methods employed to reach people and communities” is deleted and replaced with the table below because of the change in the indicator:

Table 29 Amended Outcome Indicator - Number of outreach methods

Indicator title	Number of activities executed in the implementation plan of an Integrated Access and Stakeholder Management Strategy
Definition	<p>The PPSA has an approved Stakeholder Management Strategy which specifies broad focus areas on how to make the institution accessible as well as dealing with stakeholders.</p> <p>The implementation plan pertaining to the Stakeholder Management Strategy details how the strategy will be implemented.</p> <p>The implementation plan aims to execute:</p> <ul style="list-style-type: none"> • Public awareness sessions – public awareness sessions attended by PP or delegated officials to address and/or engage listeners on issues pertaining to PPSA mandate and its service offering. These are executed using radio as a medium of communication. • National events - Public Holidays and ordinary period to commemorate specific events – Youth Day, Women’s Day, Heritage Day, 16 Days of Activism and Human Rights Day • Good Governance week – awareness campaign and commemoration of good governance and ethics in RSA • Collaborations with Community-Based Organisations on advocacy matters at the grassroots level. The purpose is to enter into collaboration with CBOs to access densely populated, rural and far-flung areas to promote accessibility and awareness. <p>The National events and Good Governance Week will take place through simulcast streaming / radios/ webinars/ hybrid event or physical meetings.</p>
Source of data	Attendance registers/screenshots for National events and Good Governance Week, registers or signed letters/ forms or email confirmation by radio stations as evidence of public awareness sessions having taken place, confirmation by service provider of simulcast streaming of National events and Good Governance week, signed letters of cooperation by PPSA and CBOs
Method of calculation / Assessment	Simple count
Assumptions	Cooperation from stakeholders
Disaggregation of beneficiaries (where applicable)	N/A
Spatial Transformation (where applicable)	The execution of the implementation plan will cover all the nine provinces
Calculation Type	Cumulative (year-end)
Reporting cycle	Quarterly

Indicator title	Number of activities executed in the implementation plan of an Integrated Access and Stakeholder Management Strategy
Desired performance	Performance higher than the one targeted is desired
Indicator responsibility	Executive Manager: CSM

3. Page 26: The table on key risks is replaced by the following table due to the COVID-19 work environment:

Table 30 Amended Key Risks table

Outcome	Key Risk	Risk Mitigation
Accessible PPSA services	Inability to access full PPSA services	Outreach interventions to target far flung/remote areas will include: Increased use of public awareness sessions, mainly done through radio to communicate PPSA messages PPSA to collaborate with CBOs on advocacy matters at the grassroots level
	Inadequate visibility of PPSA offices due to lack of signage	Communications Unit to audit available signage and obtain approval from municipalities to place the signage
	Insufficient budget to take services to the people	Constant engagement with the National Treasury for additional funding
Successful resolution of complaints	Lack of cooperation from organs of state	Apply the Public Protector rules and PPA (subpoena, search and seizure) Strengthen project management
	Lack of capacity to conduct specialised investigations	Appointing investigations staff with varied skills (e.g. forensic investigators, auditors, etc.) Institutionalise training and development through:
	Litigation	<ul style="list-style-type: none"> • Conducting on the job training such as file inspections • Training investigators with the assistance of other institutions such as AORC, SIU, FIC, etc. • Creation of e-library Continuously reviewing, adapting and improving the PPSA investigation operating procedures to incorporate lessons learned from observations and findings of the Courts involving the Public Protector, with the view to

		try and manage the risk of investigations ending up in judicial review. Strengthening business processes through the implementation of technology (for example, the CMA)
Clean audit achieved and maintained	Negative audit opinion	Strengthen internal controls Monitor implementation of internal controls Strengthen implementation of the combined assurance model
Implementation of ICT systems to optimally support business objectives	Inadequate capacity to accommodate requirements of the fourth industrial revolution (e.g. virtual meeting, saving large amounts of data, digitalising the work environment	Implementation of critical ICT solutions

- Page 28: The method of calculation on indicator "Percentage of investigations finalised within approved turnaround times" changed to $\text{Percentage} = \frac{\text{number of finalised cases within turnaround times}}{\text{total number of cases finalised} + \text{active cases that have already exceeded their turnaround times}} \times 100$. The reason for the amendment is to take into account cases not yet finalised, yet have exceeded their turnaround times.



**175 LUNNON ROAD
HILLCREST OFFICE PARK,
PRETORIA,
0001**

**PRIVATE BAG X677,
PRETORIA
0001**

WEBSITE: WWW.PPROTECT.ORG

CONTACT INFO

**TEL: (012) 366 7000/7112,
FAX: (012) 362 3473
TOLL-FREE LINE: 0800 11 20 40
REGISTRATION2@PPROTECT.ORG**

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