



PUBLIC PROTECTOR
SOUTH AFRICA

Accountability • Integrity • Responsiveness

PUBLIC PROTECTOR SOUTH AFRICA

STRATEGIC PLAN

2020-2025



PUBLIC PROTECTOR VISION 2023

TAKING THE SERVICES OF THE PUBLIC PROTECTOR TO THE GRASSROOTS



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STATEMENT BY THE EXECUTIVE AUTHORITY



The year 2020 marks the fourth year of the implementation of what we term the Public Protector Vision 2023. This is a detailed plan through which we seek to take the services of this institution to grassroot communities, where they are direly needed.

As can be gleaned from the eight pillars which underpin the vision, the idea is that by the time I complete my term of office, I would have managed to inspire the Public Protector Team to significantly enhance the public's access to our services; always engage targeted linguistic communities in their mother tongue; expanding the office's footprint; and leveraging stakeholder relations by formalising those bonds in signed agreements.

In addition, I ought to have successfully led the team to empower the people of South Africa to understand their rights; by having this office project the image of a fortress for the poor and destitute; persuaded organs of state to establish effective internal complaints resolution units; and ultimately turn communities into being their own liberators.

This blueprint gives effect to the constitutional mandate, powers and functions of this institution as envisaged in section 181 of the Constitution read with section 182, its legislative powers under several pieces of legislation, in particular the Public Protector Act 23, 1994 and several authorities as established in various court rulings.

The vision remains the inspiration behind this Strategic Plan and its influence permeates both this document and the Annual Performance Plan. I will, over the remainder of my term of office, focus my energies in rallying the team towards an accelerated implementation of this vision in pursuit of good governance in all state affairs, the delivery of quality public services and accountability.

A handwritten signature in black ink, which appears to read 'Busisiwe Mkhwebane'. The signature is fluid and cursive, written over a thin horizontal line.

ADV. BUSISIWE MKHWEBANE
PUBLIC PROTECTOR OF SOUTH AFRICA
PUBLIC PROTECTOR SOUTH AFRICA

STATEMENT BY THE ACCOUNTING OFFICER



It is a pleasure to present the 2020-2025 Strategic Plan. Since Public Protector South Africa was established to among other things, assist individuals who have suffered disservice from organs of state with a purpose to place them as close as possible to where they could have been had the organs of state not acted improperly, this institution remains committed to making a difference in the lives of people it was created to serve.

Through our vision: “empowered people and accountable public administration”, our plan is to assist people through engagements with communities where they will be educated on what their rights are and how to exercise them. Additionally, PPSA has been engaging organs of state when conducting investigations and through dialogues to alert them of systemic problems in their processes which they need to improve in order to provide better services to their clientele.

Implementation of vision 2023 has been our focus since 2016 and will continue to be implemented in the current planning period. While the crux of vision 2023 is to empower people to exercise their rights, we engaged certain organs of state to assist us in increasing our footprint and making PPSA accessible to even more persons and communities. Furthermore, by conducting outreach clinics, Public Protector Roadshows, and radio interviews, we have been able to increase access to our services and plan to continue using the same modalities going forward.

We have entered into MOUs with other ombudsman institutions with a view to ensure proper case handling and re-routing of complaints to bodies that will best assist complainants timeously and effectively. To date, we have entered into MOUs with institutions such as the Health Ombudsman and Tax Ombudsman. Furthermore, in assisting organs of state to establish internal complaints handling mechanisms, we will identify institutions to work with. The aforementioned modalities employed by PPSA will free the institution to only deal with cases where complainants are still not satisfied with remedies effected by organs of state as well as systemic investigations.

We are increasingly putting more focus on finalising cases within the turnaround times

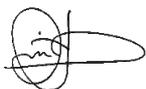
we adopted. As an institution of last resort, we understand that people who approach us for assistance, mostly, have already been through a long process of trying to get recourse from organs of state that allegedly acted prejudicially against them without success. This is the reason for prioritising clearing backlog cases whilst working towards assisting complainants without delay. In the 2018/19 financial year, we managed to finalise 77% of two years and older cases and intend to continue reducing their numbers within the period of this strategic plan.

Cost cutting measures were pivotal in our planning during the previous period, where successful measures employed to reduce spending included outright purchase of cars as opposed to leases, saving the state R11.2 million per annum. We also focused on leasing government-owned buildings as a cost saving measure in the near future. Thus far, we managed to acquire a list of government-owned buildings that we intend to utilise in the near future.

The focus on implementing ICT systems to support our operations was hampered by inadequate funding, though we managed to implement hard drive encryption and e-mail encryption in previous years to safeguard institutional information. ICT projects that could not be implemented include the Case Management System, video conferencing, as well as an integrated telephone management system.

In the five years covered by this strategic plan, the institution will streamline the intake and assessment process. Furthermore, we will make efforts to finalise cases with the required speed and quality while clearing majority of superannuated cases. Finalisation of systemic investigations is prioritised with a view to assist organs of state to address root causes, thus preventing many more service recipients suffering. We remain committed to implementing a functional Case Management Application before the end of 2025. The institution will continue to be part of AOMA and AORC with an intention of contributing and learning from fellow ombudsman institutions in Africa.

My team and I, with support of the Executive Authority, are committed to making this strategic plan a success to benefit the lives of people the constitution has entrusted us with.



MS YALEKILE LUSIBANE

ACTING CHIEF EXECUTIVE OFFICER

Public Protector South Africa

OFFICIAL SIGN-OFF

It is hereby certified that this Strategic Plan:

- ▶ Was developed by employees and management of the Public Protector South Africa under the guidance of Advocate Busisiwe Mkhwebane
- ▶ Takes into account all relevant policies, legislation and other mandates for which the Public Protector South Africa is responsible
- ▶ Accurately reflects the Impact and Outcomes which the Public Protector South Africa will endeavour to achieve over the period 2020-2025.

Mr Sibusiso Nyembe

Acting Executive Manager: Administrative Justice and Service Delivery and Good Governance and Integrity

Signature: _____



Ms Nelisiwe Thejane

Executive Manager: Provincial Investigation and Integration (Inland)

Signature: _____



Adv. Stoffel Fourie

Executive Manager: Provincial Investigation and Integration (Coastal)

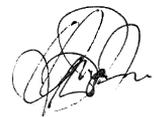
Signature: _____



Ms Nthoriseng Motsitsi

Executive Manager: Complaints and Stakeholder Management

Signature: _____



Mr Futana Tebele

Acting Executive Manager: Corporate Services

Signature: _____



Mr Tshiamo Senosi
Acting Chief Financial Officer

Signature: 

Ms Machebane Mothiba
Senior Manager: Strategic Support

Signature: 

Ms Yalekile Lusibane
Acting Accounting Officer

Signature: 

Adv. Kholeka Gcaleka
Deputy Public Protector

Signature: 

Approved by:
Adv. Busisiwe Mkhwebane

Signature: 

Public Protector of South Africa

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PART A: OUR MANDATE

1. 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) with a mandate to support and strengthen constitutional democracy and operating 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.”

The additional powers and functions prescribed by national legislation referred to above in Section 182 (2) of the constitution are detailed in the next paragraph dealing with legislative mandates.

2. Legislative and policy mandates

The Public Protector South Africa's mandate is to strengthen constitutional democracy through the pursuit of the Constitution and the following key statutory mandate areas:

2.1 Maladministration and related improprieties

- a) To implement the Public Protector Act 23 of 1994 through investigating maladministration or improper or prejudicial conduct, including abuse of power and abuse of state resources in all state affairs;
- b) To resolve administrative disputes or rectifying any act or omission in administrative conduct through mediation, conciliation or negotiation; and
- c) To advise on appropriate remedies or employing any other expedient means.

2.2 Executive Ethics Enforcement

To enforce the Executive Ethics Code as mandated by the Executive Members' Ethics Act 82 of 1998.

2.3 Investigating Corruption

To investigate allegations of corruption as mandated by section 6(4) (a) (iv) of the Public Protector Act, read with the Prevention and Combating of Corrupt Activities Act 12 of 2004.

2.4 Protected Disclosures

To receive and address protected disclosures from whistle blowers as mandated by the Protected Disclosures Act 26 of 2000.

2.5 Review of decisions of the National Home Builders Registration Council (NHBRC)

To review decisions of the National Home Builders Registration Council as mandated by the Housing Protection Measures Act 95 of 1998.

2.6 In addition, the following laws either recognise the inherent investigative powers of the Public Protector or assign some administrative role to the office:

2.6.1 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

2.6.2 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

2.6.3 National Energy Act 40 of 2004 – 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.

2.6.4 Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000 – recognises the Public Protector as an alternative forum to resolve equality disputes.

2.6.5 Promotion of Access to Information Act: Access to information disputes under the Promotion of Access to Information Act (PAIA) 2 of 2000 (The function will no longer rest with the PPSA once the process of transferring this mandate to a specialised information regulator is finalised);

2.6.6 Public Finance Management Act 1 of 1999 – The Public Protector must receive a certificate from 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. This provision does not limit the Public Protector from supplying this information to his/her staff, and where he/she deems it in the public interest, to report on this.

2.6.7 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

2.6.8 Special Investigating Units and Special Tribunals Act 74 of 1996 – Referral of cases between the Public Protector and the SIU.

2.6.9 National Environmental Management Act 108 of 1999 – Records and annual reports on environmental conflict management referred to in the Act include proceedings by the Public Protector

2.6.10 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 Hawks for further investigations.

2.7 Policy mandates

2.7.1 The National Development Plan, 2030 (NDP)

Chapter 14 of the NDP states that corruption undermines good governance, and that poor governance “can critically undermine national development”. The NDP reiterates that it is crucial in an effective and democratic state that political leaders and public officials account to the citizens for their actions.

According to the NDP the country needs an anti-corruption system that “makes public servants accountable, protects whistle-blowers and closely monitors procurement.”

The NDP singles out four areas in which policies should be implemented towards an accountable state:

- a) Building a resilient anti-corruption system
- b) Strengthen accountability and responsibility of public servants
- c) Create a transparent, responsive and accountable public service
- d) Strengthen judicial governance and the rule of law.

The NDP calls for South Africa's "anti-corruption arsenal", including the Public Protector and the Auditor-General "to have the resources, independence from political influence, powers to investigate corruption, and their investigations should be acted upon". The NDP highlighted 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". Independence entails insulating institutions from political pressure and interference. The NDP 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." And further "Strengthening the anti-corruption system requires increasing the agencies' specialist resources. More capacity should be created for corruption investigations – more funding is required to employ skilled personnel and sophisticated investigative techniques".

The following proposals of the NDP impact directly on the mandate areas of the Public Protector:

- a) Strengthen the multi-agency anti-corruption system
- b) Strengthen the protection of whistle-blowers
- c) Greater central oversight over the awarding of large tenders or tenders with long duration
- d) Empower the tender compliance monitoring office to investigate corruption and the value for money of tenders.

2.7.2 The Sustainable Development Goals

The Sustainable development Goals (Goal 16: Peace, Justice and Strong Institutions) Promoting peace and justice is one of 17 Global Goals that make up the 2030 Agenda for Sustainable Development. Peace, stability, human rights and effective governance based on the rule of law are regarded as important conduits for sustainable development.

Goal 16, 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.

3. Institutional Policies and Strategies over the five year planning period

Key policies and strategies that Public Protector South Africa plans to initiate/implement are the following:

- ▶ Vision 2023
- ▶ Public Protector rules
- ▶ Clean audit strategy
- ▶ Institutional Turnaround Strategy

4. Relevant Court Ruling

4.1. In *Economic Freedom Fighters v Speaker of the National Assembly and Others; Democratic Alliance v Speaker of the National Assembly and Others*[1], the Constitutional Court per Chief Justice Mogoeng stated the following when confirming the powers of the Public Protector:

4.1.1. Complaints are lodged with the Public Protector to cure incidents of impropriety, prejudice, unlawful enrichment or corruption in government circles;

4.1.2. 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;

4.1.3. 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;

4.1.4. 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;

4.1.5. 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;

4.1.6. 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;

4.1.7. 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;

4.1.8. She has the power to determine the appropriate remedy and prescribe the manner of its implementation;

4.1.9. “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.

4.1.10. 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.”

PART B: OUR STRATEGIC FOCUS

5. Vision

Empowered people and accountable public administration

6. Mission

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

7. Institutional Purpose Statement

A catalyst for change in pursuit of good governance.

8. Principles and Values

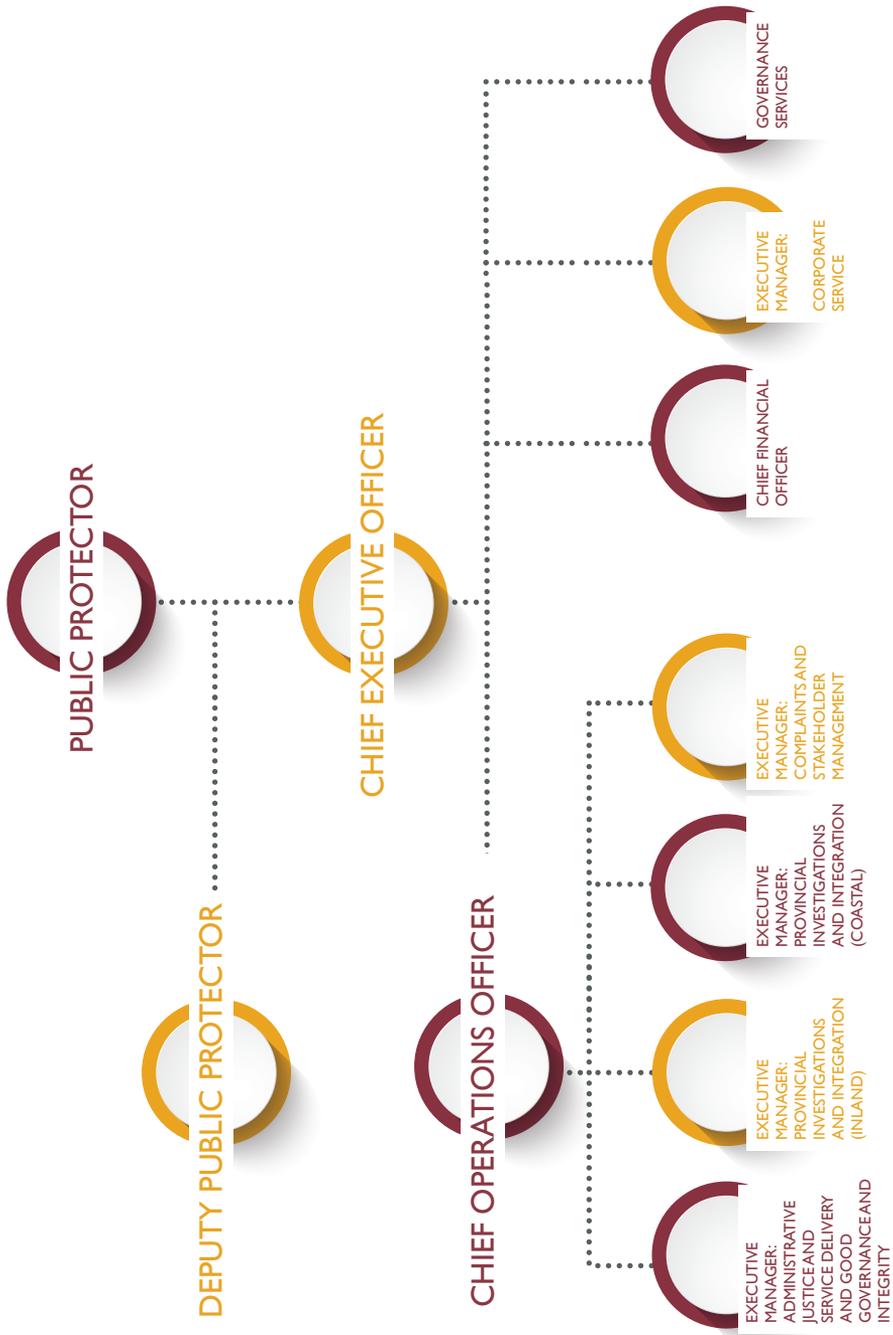
Anchored in the pursuit of proper conduct in state affairs and the Batho Pele principles, we seek to uphold and promote the principles of:

- ▶ Accountability;
- ▶ Integrity;
- ▶ Responsiveness; (AIR)

Furthermore our Institutional Value System is articulated by (PULE):

Passion	we will conduct our investigations with passion to ensure that no one suffers prejudice
Ubuntu	we respect the constitutionally protected dignity of all those we interact with as we deliver services and manage our affairs and serve professionally with humanity, empathy, compassion, understanding and respect for every person's human rights
Leadership	we intend to lead by example in how we conduct ourselves in the institution; from the lowest to the highest position
Efficiency	we will deal with our customers and stakeholders with a high level of professionalism, skill, good judgement while ensuring speed and responsiveness in the delivery of our services

9. High Level Organisational Structure



10. Situational Analysis

In an endeavour to better understand the environment within which PPSA operates, the institution used the SWOT analysis below:

SWOT Analysis

<p>Strengths</p>	<ul style="list-style-type: none"> ▶ The mandate of the Public Protector is derived from the Constitution and subject only to the Constitution and law ▶ The Public Protector is part of Chapter 9 institutions that uphold our constitutional democracy ▶ PPSA is generally regarded as a professional institution with a good reputation for resolving complaints of conduct and service delivery failures by organs of state. ▶ Sound financial management ▶ Knowledgeable and competent staff ▶ Outcomes of PPSA investigations that changes the lives of ordinary South Africans ▶ Accessible to the public
<p>Weaknesses</p>	<ul style="list-style-type: none"> ▶ Inadequate publishing/sharing of good work performed by PPSA ▶ Absence of a Case Management System ▶ Inadequate subject matter specialists (e.g. forensic investigators) ▶ Inadequate office space
<p>Opportunities</p>	<ul style="list-style-type: none"> ▶ Referral of matters in terms of section 6(4) of the Public Protector Act ▶ Sharing resources with other investigative organs of state and stakeholders to improve accessibility. ▶ Income generation (funding model) ▶ Expand PPSA footprint to reach far flung areas ▶ Reach out to people with disabilities ▶ Leverage on PPSA success stories in the media coverage ▶ Intake of interns ▶ Involvement in AOMA and AORC to influence and learn from ombudsman institutions in Africa ▶ Leverage relations with FIRD for mutual benefit ▶ Escalate non-implementation of remedial action to Parliament to improve the effectiveness of the office ▶ Recover money from cases we defend
<p>Threats</p>	<ul style="list-style-type: none"> ▶ Inadequate funding ▶ Unstable electricity supply in the country (load-shedding) ▶ Increase in litigation and associated costs ▶ Negative press/media coverage ▶ No security provision in the Provinces and Regions ▶ Non-implementation of remedial action ▶ Decay in governance within the state

10.1 External Environment Analysis

During our planning, 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.

<p>Political factors</p>	<ul style="list-style-type: none"> ▶ New government policies and/or the failure on the part of organs of state to effectively implement and sustain the impact of existing policies resulting in many complaints to the PPSA
<p>Economic factors</p>	<ul style="list-style-type: none"> ▶ Competing demands (e.g. service delivery) on a dwindling budget resulting in less resources being available to fund institutions such as the PPSA. ▶ PPSA is solely dependent on allocations of funding by the national government. ▶ Budget cuts to different spheres of government may lead to more service failure complaints ▶ The slow growth in the country's economy affects allocation of budgets, resulting into the office's operations being negatively affected
<p>Social factors</p>	<ul style="list-style-type: none"> ▶ The demographics of the country: the poorest of the poor in vast areas in provinces that do not have access to the services of the PPSA ▶ Media influence to the public on reporting ▶ Impact of service delivery protests ▶ Ordinary people are really benefiting from the PPSA
<p>Technological factors</p>	<ul style="list-style-type: none"> ▶ The use of technology to develop a cellular phone application for better accessibility to PPSA and referral services ▶ Impact of the fourth industrial revolution and automation of processes ▶ Technology as a vehicle for communication with complainants ▶ The lack of an electronic Case Management System
<p>Environmental factors</p>	<ul style="list-style-type: none"> ▶ The ongoing development of townships and suburbs which result in an increase in the population in certain areas requiring access to basic services, the lack of which will lead to more people approaching to the PPSA for assistance.
<p>Legal factors</p>	<ul style="list-style-type: none"> ▶ The PPSA has a strong legal basis in terms of its empowering legislation. ▶ High number of review and other court applications against the Public Protector as a result of binding remedial action ▶ Application and implementation of the relevant jurisprudence and Public Protector Rules

PPSA services people in all nine provinces, thus the representation of our offices in all provinces though the provincial and regional offices. We took into account the people who need to access our services in the development of the strategic plan.

The challenges that PPSA need to address range from organs of state that may not respond to PPSA timeously during investigations to non-implementation of remedial action by organs of state. 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.

The nature of complaints received by the institution is affected 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 issues the institution receive. Another notable trend is the increase in the number of conduct failure complaints against office bearers close to election periods, which are taken into account when planning. There are also a notable receipt of complaints of a similar nature which point to systemic administrative deficiencies in state organs.

Throughout the years, the Auditor-General has been reporting on irregular expenditure and fruitless and wasteful expenditure 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 office is in a position to deal with specific requests for investigations from the Auditor-General.

Organs of state have a right to exercise their legal remedies to take my reports on judicial review. This legal right however, has led to certain organs of state taking matters on judicial review even though they know they are wrong. The process of judicial review also prejudices complainants who need their matters resolved timeously.

An increasing number of complaints such as those pertaining to tender irregularities was on the rise, prompting PPSA to prepare for such complex investigations, such as training investigators and coming up with more efficient ways of investigating such matters.

10.2 Internal Environment Analysis

The institution is structured mainly in terms of core and support functions. The institution is also represented in all nine provinces, including nine regional offices. In total, there are nineteen offices across the country. Key to the performance of the institution is our ability to fulfil our legislative mandate and the realisation of vision 2023. We receive cases that are categorised as Early Resolution, Service Delivery and Good Governance. Early Resolution cases are predominantly simple matters that deal with bread and butter issues such as the undue delay in processing a pension pay out. Service Delivery cases deal with alleged failure of organs of state to deliver services to communities such as water provision. Good Governance cases focuses on conduct failure

investigations where allegations such as tender irregularities and conduct of members of the Executive are investigated. Furthermore, it is vital for the Public Protector to work with organs of State on a continuous basis until the remedial action imposed by the Public Protector is implemented.

The institution has an obligation to finalise cases that have already superannuated, while at the same time having to deal with new cases with limited resources at hand. The caseload per investigator is unreasonably high considering the increasing number of complex cases received by the institution. Complex cases take time to be finalised and may require specialised skills in other fields such as forensics, quantity surveying, etc. that the institution does not have in-house.

In terms of remedial action, the compliance unit is under capacitated to effectively deal with all the required follow-ups with organs of state. The effectiveness of this office may be undermined by the non-implementation of remedial action and organs of state are therefore urged to comply with the implementation of remedial action.

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 register and as a result, the institution is in a better position to respond to such early warnings. Therefore the Risk Management Unit needs to have increased capacity.

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. We are exploring options for optimal physical access by approaching organs of State to utilise state owned buildings such as magistrates courts based on the conclusion of relevant Memoranda of Understanding (MOUs) with the Department of Justice and Correctional Services and other institutions such as traditional councils and municipalities.

As a result of budgetary constraints, the institution has had to cut down on important projects or defer them to other financial years. Such projects include implementation of the Disaster Recovery System, having an integrated security system, expanding the footprint of the office as well as training and development of staff. The financial situation has gotten worse and threatens the institution's ability to execute its constitutional mandate effectively.

The approved organisational structure of PPSA has never been fully funded, which hampers its ability to rigorously investigate and finalise cases on time. When compared with the corporate structure of the Auditor General, a fellow Chapter 9 institution with a similar oversight mandate covering the entire state and even more, the PPSA's approved organisational structure is grossly inadequate. PPSA is expected to investigate any conduct in state affairs meaning, the kind of resourcing is inadequate for an institution whose mandate is so broad it covers over a thousand organs of state including, National Government Departments, Provincial Government

Departments, Municipalities, State-Owned Enterprises, universities, etc.

Limited office space also continues to be a challenge. This has resulted in a deterioration of working conditions with several employees being forced to share offices and some offices not meeting the basic requirements of the Occupational Health and Safety Act. Security in various offices has also become a major risk and several break-ins and muggings have been reported in Provincial and Regional Offices. This is a matter of serious concern. Due to financial constraints, PPSA has not been able to relocate high risk Provincial Offices with the required urgency. Over the medium term, PPSA will explore the option of procuring/renting state-owned buildings.

Pertaining to Broad-Based Black Economic Empowerment Act 53 of 2003 compliance, the institution is in a process of acquiring a compliance certificate.

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 PPSA premises and events. In as much as implementation of the policy is dependent on financial resources, 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 our offices cater for the needs to people using wheelchairs.

The institution is playing an important role in empowering the youth through a partnership with 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. AORC's main 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. AORC is funded by the Department of International Relations' (DIRCO's) African Renaissance Fund. The Public Protector is the chairperson of AORC.

PART C: MEASURING OUR PERFORMANCE

11. Institutional Performance Information

11.1 **Impact statement:** Empower everyone at all levels of society to effectively engage organs of state about any injustice, service delivery failure or improper conduct and assist organs of state to establish and maintain efficient and effective governance and administration

11.2 Measuring Outcomes

Outcome	Outcome indicator	Baseline	Five year target
Programme 3: Stakeholder Management			
Accessible PPSA services	Number of outreach methods employed to reach people and communities	3 (clinics, Public Protector roadshows and Radio interviews)	4 (clinics, Public Protector Roadshows, Radio interviews and Mobile Referral Application)
	Number of new service points established	0	3
Programme 2: Investigations			
Investigations finalised within turnaround times	Percentage of investigations finalised within approved turnaround times	99%	80%
	Number of systemic investigations finalised	2 systemic investigations were identified in 2019/20 financial year	6
Programme 1: Administration			
Clean audit achieved and maintained	Number of clean audit outcomes over a 5 year period	0	5
Implementation of ICT systems to optimally support business objectives	Functional Mobile Referral Application	No Mobile Referral Application	Implement a functional Mobile Referral Application
	Functional Case management Application	No Case Management Application (manual excel spreadsheets are used to manage data)	Implement a functional Case Management Application

Ongoing engagements with ombudsman and organs of state	Number of bodies being engaged on Ombudsman related matters	The body PPSA is part of is AOMA, while ombudsman we entered into MOUs with in the past two financial years are the Health Ombudsman and Tax Ombudsman. PPSA also entered into and MOUs with CCMA, SAPO and AGSA	6 (AOMA, and 4 institutions to be identified)
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11.3 Explanation of Planned Performance over the Five Year Planning Period

The chosen outcomes pertaining to finalising investigations as well as systemic investigations will contribute towards fighting corruption as per one of the National Development Plan’s objectives. At the same time, the outcomes contribute towards the implementation of PPSA mandate of investigating organs of state alleged to have acted improperly, reporting on the conduct and taking appropriate remedial action. PPSA is also mandated by the Constitution to be accessible to all persons and communities, thus the outcome that deals with the accessibility aspect. The outcome indicators selected are quantitative and focus on our impact in terms of reaching numbers that will be beneficial in implementing the PPSA mandate as well a Vision 2023.

To achieve the five-year targets, a number of factors will act as enablers. Pertaining to the target of reaching people through outreach activities, the interest people have in events organised by PPSA will enable the attendance and uptake of PPSA offering. Establishing service points is dependent on cooperation from identified organs of state to avail requested office space. Finalising investigations within approved turnaround times is dependent of organs of state cooperating with PPSA by providing requested information timeously.

The achievement of the abovementioned outcomes will go a long way in assisting individuals who have complaints against organs of state to have their challenges resolved.

12. Key Risks

Outcome	Key Risk	Risk Mitigation
Accessible PPSA services	Inability to reach people in remote areas/Inadequate inaccessibility to rural/ remote areas	<p>Outreach interventions to target far flung/remote areas will include:</p> <ul style="list-style-type: none"> ▶ The use of local radio stations to get the message PPSA needs to communicate to those communities ▶ Outreach clinics being held in some of the identified remote areas
Investigations finalised within turnaround times	<ul style="list-style-type: none"> ▶ Lack of cooperation from organs of state ▶ Possible budget cuts that can potentially lead to fewer investigators being in the employ of PPSA and limited funding to acquire specialised skills (e.g.forensic investigators) to assist in certain investigations 	<ul style="list-style-type: none"> ▶ Apply the Public Protector rules ▶ Adjust targets in line with investigative capacity
Clean audit achieved and maintained	Inadequate monitoring of internal controls and inadequate implementation of internal controls	Strengthen internal controls and monitoring mechanisms by improving compliance monitoring
Implementation of ICT systems optimally to support business objectives	Inadequate funding	Use an alternative Open Source System
Ongoing engagements with ombudsman and organs of state	Non-cooperation from identified ombudsman and/or organs of state	Identify more organs of state to engage with as a mitigation against those that may not be interested in cooperating with PPSA

PART D: TECHNICAL INDICATOR DESCRIPTIONS

Indicator title	Number of outreach methods employed to reach people and communities
Definition	<p>The indicator is focusing on the methods used by PPSA to reach persons and communities in communicating the mandate of the office and how people can be assisted by PPSA with complaints against organs of state. Explanation of technical terms used in the indicator:</p> <p>Outreach Clinics: an event arranged by PPSA or a collaboration even organised by an organ of state where PPSA officials explain the service offering of PPSA to attendees where the attendees may also be given an opportunity to lodge complaints</p> <p>Public Protector roadshows: these are events where the Public Protector addressed communities about the mandate of the office and how people can be assisted by PPSA. The roadshows may also target organs of state in order to discuss ways in which maladministration, among others can be avoided.</p> <p>Radio interviews: An interview where the Public Protector or any designated employee is interviewed on radio</p>
Source of data	<p>Information is collected from:</p> <ul style="list-style-type: none"> ▶ Reports ▶ Attendance registers ▶ Recordings
Method of calculation / Assessment	Simple count
Assumptions	Budget will be available
Disaggregation of beneficiaries (where applicable)	<p>Target for women: N/A Target for youth: N/A Target for people with disabilities: N/A</p>
Spatial Transformation (where applicable)	The target area is all 9 provinces within which the outreach activities will be conducted.
Desired performance	Performance higher than the one targeted is desired
Indicator responsibility	Executive Manager: Complaints and Stakeholder Management Provincial Representatives

Indicator title	Number of new service points established
Definition	The indicator is focusing on creating new service points where complainants will be in a position to send their complaints through. Explanation of technical terms used in the indicator:
	Service point: An office where complainants will be in a position to submit complaints, where a PPSA official will collect complaints regularly.
Source of data	MOUs on the establishment of the service points, Registers
Method of calculation / Assessment	Simple count
Assumptions	Budget will be available
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 target area is selected provinces within which service points will be established
Desired performance	Performance higher than the one targeted is desired
Indicator responsibility	Executive Manager: Complaints and Stakeholder Management Provincial Representatives

Indicator title	Percentage of investigations finalised within approved turnaround times
Definition	The indicator measures the number of cases that get finalised within stipulated timeframes 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
Source of data	Investigation files / Statistical reports / investigations reports / closing letters / Register of cases
Method of calculation / Assessment	Percentage = number of finalised cases within turnaround times/total number of cases finalised X 100
Assumptions	All finalised investigations followed processes stipulated in PPSA policies, manuals and procedures
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
Desired performance	Performance higher than the one targeted is desired
Indicator responsibility	Executive Managers for: CSM, AJSD, GGI and PII

Indicator title	Number of systemic investigations finalised
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. Systemic challenges that result in systemic investigations/interventions are recurring problems in organs of state that usually increase the number of cases received by PPSA. By resolving systemic challenges in organs of state, recipients of services benefit as they will not experience the type of challenges that would have been addressed
Source of data	Investigation files / investigations reports (formal and closing reports) signed by the Public Protector / register of systemic investigations
Method of calculation / Assessment	Simple count
Assumptions	All finalised investigations followed processes stipulated in PPSA policies, manuals and procedures
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 limited to provinces where systemic investigations/interventions are carried out
Desired performance	Performance higher than the one targeted is desired
Indicator responsibility	Executive Managers for:AJSD and PII

Indicator title	Number of clean audit outcomes over a 5 year period
Definition	The Public Protector South Africa to obtain and sustain a clean audit opinion from Auditor-General South Africa year on year
Source of data	AGSA audit report
Method of calculation / Assessment	Simple count
Assumptions	Operational systems of producing financial statements
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
Desired performance	100% achievement of the target
Indicator responsibility	CFO, all executive managers, all senior managers

Indicator title	Functional Mobile Referral Application
Definition	PPSA will develop a Mobile Referral Application that will serve as a guide to prospective complainants on appropriate complaint handling mechanisms available prior to approaching the Public Protector
Source of data	Mobile Referral Application
Method of calculation / Assessment	Testing the functionality of the Mobile Referral Application
Assumptions	People have access to mobile technology
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)	Prospective complainants in all provinces will benefit from the Mobile Referral Application
Desired performance	100% achievement of the target
Indicator responsibility	Senior Manager: ICT, Executive Manager: CSM and Manager: Knowledge Management

Indicator title	Functional Case Management Application
Definition	A Case Management Application (CMA) is an electronic system that is used in registering cases, storing data pertaining to investigations and used to generate reports on investigation files
Source of data	Electronic Case Management Application
Method of calculation / Assessment	Testing the functionality of the CMA in all provinces
Assumptions	Users will be able to operate the CMA
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
Desired performance	100% achievement of the target
Indicator responsibility	Senior Manager: ICT, Executive Manager: CSM and Manager: Knowledge Management

Indicator title	Number of bodies being engaged on Ombudsman related matters
Definition	PPSA to engage ombudsman institutions and organs of state with a purpose of strengthening the role ombudsman institutions play as well as to assist organs of state to establish internal complaints handling mechanisms
Source of data	MOUs, attendance registers for meetings
Method of calculation / Assessment	Simple count
Assumptions	PPSA will pursue relations with ombudsman institutions and organs of state
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
Desired performance	Performance higher than the one targeted is desired
Indicator responsibility	Executive Manager: CSM

ACRONYMS

AGSA	Auditor-General South Africa
AIR	Accountability, Integrity and Responsiveness
AJSD	Administrative Justice and Service Delivery
AOMA	African Ombudsman and Mediators Association
AORC	African Ombudsman Research Centre
CCMA	Commission for Conciliation, Mediation and Arbitration
CFO	Chief Financial Officer
CSM	Complaints and Stakeholder Management
DIRCO	Department of International Relations and Cooperation
FISD	Forum for Institutions Supporting Democracy
GGI	Good Governance and Integrity
ICT	Information and Communications Technology
MOU	Memorandum of Understanding
N/A	Not Applicable
NDP	National Development Plan
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
PULE	Passion, Ubuntu, Leadership and Efficiency
SAPO	South African Post Office
SIU	Special Investigating Unit
SWOT	Strengths, Weaknesses, Opportunities, Threats



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