

# THE PUBLIC PROTECTOR

THE OFFICIAL NEWSLETTER OF PUBLIC PROTECTOR SOUTH AFRICA

www.pprotect.org 1st Edition 2023

### **Editor's Note**

It is our pleasure to once again bring to you the latest edition of The Public Protector Bulletin, our official newsletter. In this edition, we feature among others, the outcomes of our efforts as a constitutional body entrusted with supporting constitutional democracy in South Africa, by making a difference in people's lives through our investigations and interventions. This edition brings to the fore our commitment to serving the people of our nation.

In this edition read about how the Public Protector South Africa (PPSA) intervened in different matters of improper conduct and maladministration in certain state institutions.

Furthermore, read about how our intervention secured a home for a destitute family in Gopane village in the North West province. In the Northern Cape, two families can now have peace after our intervention ensured that the Sol Plaatjie Local Municipality rectifies its error of mis-allocating burial sites, which had resulted in their loved ones being buried in one grave and on top of each other.

Since November, the leadership of the institution has been on a stakeholder engagement drive in an effort to mend and solidify relations with various state institutions. This initiative was coupled with bringing to the attention of the authorities service delivery issues that are being brought to the institution by members of the public for investigation.

We caught up with our Senior Investigator Ms. Veronika Pillay who recently scooped the Mrs. Universe South Africa 2023 award. She will be representing the country at the global edition of the pageant in Manila, Philippines, in October.

Finally we would like to hear from you, our valued readers regarding this publication and our services. Kindly send your comments and inputs through any of these channels.

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Remember to follow us on our social media channels for additional information on how the PPSA continues to touch ordinary individuals' lives by holding public officials entrusted with the responsibility to preside over state affairs accountably.

# **Editorial Team**

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Photographer – images supplied by GCIS

and PPSA

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# An RDP house at long last for a destitute family

The North West provincial Department of Local Government and Human Settlement has finally delivered a Reconstruction and Development Programme (RDP) house to the Molokoane family in Gopane village outside Zeerust, following an intervention by the Public Protector South Africa (PPSA).

After being approached by a local community leader, PPSA mobilised the provincial departments of Social Development and Human Settlement to intervene and build a house for the family. The dilapidated shack the children had been residing in, was not conducive for human habitation as they had to contend with flooding during rainy seasons. The Community of Gopane village had raised funds to construct a decent home for the family, unfortunately the finances dried up before the completion of the house.

The PPSA asked the provincial departments to ensure that the family's situation was adequately addressed. The North West provincial Executive through various Members of the Executive Council (MECs) made an undertaking that the house would be built and delivered to the Molokoane family.

The PPSA thanks the departments concerned for their cooperation in ensuring that the house was delivered to the family and assisting the PPSA in performing its constitutional mandate.

For more about these kind of stories follow us on our social media pages Facebook and Twitter



# Let's get talking:

# Public Protector South Africa dialogue with stakeholders

# Taking public complaints to the authorities for action

While complicated and protracted processes of investigations by the Public Protector South Africa (PPSA) were underway, communities did not have the patience to wait for reports for action to be taken.

Authorities had an obligation to fix what is fixable within a short period of time, to ensure that

services are delivered to the public. These are some of the views expressed by the Acting Public Protector Adv. Kholeka Gcaleka during the stakeholder roadshow the PPSA had been embarking on since November last year.

"The communities cannot wait any longer for us to finish our investigation," she told the authorities. "We have to deliver the services now."

The PPSA team led by Adv. Gcaleka and a host of senior representatives from the provinces had been

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engaging with a multitude of stakeholders across the provinces on a series of conversations about the complaints communities all over the country were bringing to the attention of the institution.

According to Adv. Gcaleka, the complaints reflect systemic deficiencies propping up in every sphere of government and required attention. "We are coming to you to as your blind spot mirrors," she told one gathering. "Work with us to help you to help the people."

# Time to join hands

Adv. Gcaleka pointed out that no one was an island and all stakeholders across the various levels of the state and government had to work collaboratively to ensure that the constitutional dream of the country was visibly beneficial to its people.

She acknowledged that while differences in opinions are bound to happen along the way, it was important that all stakeholders focused on the bigger goal.

Turning to the work of the PPSA and its relations with the government, Adv. Gcaleka assured stakeholders that the institution had reflected on its own journey and learned a lot from the events that have occurred. She indicated that the institution is taking a new approach to resolving complaints and interacting with government departments.

Stakeholders appreciated the frankness of the discussions and committed to work and support the PPSA in its work of ensuring that there is good governance in state affairs and service delivery was not neglected.

# Inspection in loco and Memoranda of Understand (MOU)

During the visits to various provinces, the PPSA signed numerous agreements for cooperation with organs of the state. The objective of these agreements is to ensure that all existing hurdles that often occur during the processes of investigations or information collection are addressed. Furthermore, the agreements enjoin the PPSA, and the organs of state concerned to collaborate in among others, the areas of advocacy and public education.

Adv. Gcaleka and the PPSA team also conducted an inspection in loco at various service points to see for themselves some of the issues members of the public were complaining about. Speaking at one of such points, Adv. Gcaleka called out the officials of a municipality for not doing due diligence regarding the allocation of the RDP houses. "It does not make sense that I see an RDP house next to a big, tiled house," she said. "What is the criteria that is being used to determine who qualified for an RDP."

# Impact on the ground

The impact of the dialogue and the decisions taken on the spot during some of the discussions were already bearing fruits. One community in the Eastern Cape updated the institution that following its intervention, water tankers had been dispatched to bring water to the communities. Furthermore, following the investigation by the institution, a satellite police station had been established at the Glebelands hostel in Umlazi and the street lights had been installed and perimeter wall constructed to improve security.

### **Way Forward**

The PPSA has already held dialogues with Speakers of the Legislatures, Premiers and MECs across the provinces of Eastern Cape, KwaZulu-Natal, Free State, Western Cape and Northern Cape to date. Four more, similar engagements in the outstanding provinces of Limpopo, Mpumalanga, North West and Gauteng will be held in the coming months. At the end of the process, the PPSA would like to see an improved service delivery made possible by adherence to the principles of good governance in state affairs. The PPSA would further like to see improved relations between itself and the different stakeholder across the arms of the state.

For more information about the PPSA, visit www.pprotect.org









# A Western Cape hospital cooperates with a PPSA inquiry

Following an article published in the Cape Times about an alleged rape of a 15-year old at the Stellenbosch Hospital, the PPSA initiated its own investigation into the incident. The institution is permitted by law to conduct its own investigations into any alleged maladministration in connection with the affairs of government at any level, act or omission by a person in the employ of government at any level, or person performing a public function, which results in unlawful or improper prejudice to any person.

The PPSA commissioned an own initiative investigation of the aforesaid alleged incident to establish whether the Stellenbosch Hospital management failed to inform the parents of a 15-year-old minor patient and the South African Police Service (SAPS) about an alleged rape incident that occurred at the hospital and if so, whether such conduct constituted improper conduct as envisaged in section 182(1) of the Constitution and maladministration and improper prejudice as envisaged in section 6(4)(a)(i) and (v) of the Public Protector Act.

The 15-year-old patient had been admitted, according to the hospital's records, after being brought by her mother.

The investigation team met with the hospital management and conducted other pertinent investigation procedures, including an inspection in loco, to verify the accuracy of the assertions made. The investigation uncovered that the incident occurred and the hospital only informed the patient's family about the matter two days later. Furthermore, the South African Police Service (SAPS), was only informed about the incident four days later. During the information gathering process, the team established that the incident occurred on 23 September 2021 and the Hospital Management only informed the mother of the patient of the incident two days later (25 September 2021). It was also submitted by the Hospital Management that the incident was reported to SAPS by the mother of the patient

After the inspection in loco and a meeting that was held on 12 October 2021, the Head of Department for the Western Cape Provincial Department of Health, was informed about the investigation through a letter dated 04 February 2022. The Head of Department (HOD) responded to the Public Protector's letter on 18 February 2022, stated amongst others that the Department views the attitude of the hospital staff in a serious light as they are expected to uphold the values of the Department and as such disciplinary measures were taken against implicated personnel.

Following the receipt of the response from the HOD and the assessment of the interventions that were alleged to have been put in place to correct the situation, PPSA investigating team saw it prudent to conduct a follow up inspection in loco and meeting with the Hospital Management to observe the interventions that have been put in place. The follow up inspection in loco and meeting were conducted on 20 December 2022 and the following amongst others were established, renovations and refurbishment project of a new ward was in progress and it was observed that the ward will have four toilets and a security guard was permanently placed in the mental health care ward. Although there were no CCTV in the Ward, there is CCTV in the seclusion rooms.





# Hospital apologises over alleged rape of a minor by another patient

# AND OKUHLE HLATI

AN INTERNAL investigation is expected into the alleged rape of a 15-year-old at Stellenbosch Hospital.
 Health MEC Nomafrench Mbombo

terday visited the hospital, which has been accused of negligence and of trying to cover up the sexual assault matter that happened on September 16 - by only informing the parents of

the incident nine days later.

The teenager was admitted at the hospital after she allegedly tried to mit suicide.

Mbombo met with the minor's family, while the hospital manage-ment has since apologised on behalf of Stellenbosch health workers.

'I was informed on Wednesday that a teenager who is a patient at the hospital was allegedly sexually assaulted by another patient. I asked for a report from the department which I received, hence the visit.

"But Wednesday night, my staff also engaged with the family. "The other big issue the family had

a problem with was communication from the hospital about the incident."

Cape Winelands District spokes-person Sandra Maritz said while police were probing the incident they were also conducting an internal review of the matter and the circumstances of the incident.

Family spokesperson Bianca Booy sen said a peaceful demonstration would be held outside the facility

"We still have a lot of questions and we are hoping to see action soon. We don't know if the truth would have patient in the act."

Separately, Social Development Minister Lindiwe Zulu yesterday vis-ited Rosendaal High School in Delft to create awareness around rape prevention and sexual violence.

She said the department would deploy more social workers to schools to educate pupils about teenage preg-nancy, drug abuse and other social issues affecting communities. Child rights activists have contin-

ued to express outrage at the shocking

statistics that more than 23000 Gauteng teenagers had fallen pregnant over the past year, while the Western Cape recorded more than 11000 teenage pregnancies - 325 of these involving girls aged 10 to 14.

Among women aged 15 to 19, the figure is up from 10773 to 11342, and in the 10-14 age band the figure increased from 314 to 325 pregnancies recorded over the past 12 months. Zulu said that, working closely with

overnment departments and NGOs, he would make sure that social issues affecting the learners were reduced.

"As we were having a briefing with the principal of the school, they told us that the pregnancy rate has gone down at this school and that is because

they constantly talk to them. "Working with the Department of Basic Education and other departments, we need to make sure that each school has a qualified social worker and, as the department, it is a mandate for us to make sure that social workers are properly trained and are available ities and schools," Zulu

Having considered the evidence obtained as well as the information obtained and analysed by PPSA investigating team, the following findings were made, the Department has put measures in place to mitigate the risk of future occurrence of similar or related events and a contractor has been appointed to refurbish and renovate the ward to ensure that it conforms to the guidelines regulating the admission of mental health care patients.

It was through this own initiative investigation by the PPSA, following the publication of the incident in the print media, that the hospital developed and implemented certain interventions to mitigate the risk of future occurrence of a similar or related incident in the hospital. The PPSA expresses it gratitude to Stellenbosch Hospital management for their cooperation during the investigation.

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# Healthcare worker finally paid after PPSA's intervention

In every aspect of healthcare services, nurses play a vital role in the well-being of patients, especially in the public health sector where they are often required to work long hours in ensuring that patients that rely on the public health care receive the medical attention they require as enshrined in our constitution. Imagine a health care worker rendering such a important service and the Department of Health fails to pay a salary rightfully due to a nurse that was appointed.

This was an ordeal encountered by Mr. Thomas Zulu, a General Professional Nurse who was working at the Ngwelezana Hospital in KwaZulu-Natal from 2007 until 2016. Thereafter, Mr. Zulu applied for a nursing post at the Robert Mangaliso Sobukwe Hospital in Kimberley, Northern Cape and he was appointed on 1 July 2021.

He brought the matter to the attention of the hospital's Human Resources Department, and was informed that his Persal number had been deactivated on the Personnel and Salary System because it reflected that he had been dismissed by his former employer, Ngwelezana Hospital.

On 17 February 2022 he received correspondence from the Northern Cape Department of Health acknowledging the error and informing him that his Persal number would be activated. However, despite the said correspondence, the department failed to pay his outstanding salary. Mr. Zulu resorted to the PPSA after exhausting all possible internal processes. He filed a complaint with the PPSA's Kimberley, Northern Cape Provincial Office on 7 June 2022.

As part of its investigation, the PPSA brought the matter to the attention of the HOD of the provincial Health Department. The complainant was recommended and hired for the position of General Professional Nurse at the Robert Mangaliso



Sobukwe Hospital on 1 July 2021, according to a letter from the HOD in response to the allegations.

Mr. Zulu's Persal function was closed in accordance with the Northern Cape's treasury closure period. The provincial Department of Health later struggled to validate the complainant's grounds for termination of employment with his prior employer, resulting in the deactivation on the Persal system. According to the department, this was done since there were no other options for confirming whether or not the inaccurate termination had been changed.

In its defence, the Northern Cape Department of Health blamed its counterparts in KwaZulu-Natal,

claiming that the complainant's termination was misrepresented. The Northern Cape HOD Health Department further stated that a system Change Control (SCC) submission was awaiting approval of the MEC to be submitted to the Northern Cape Treasury to amend the termination type and assist with the processing payment of the Complainant. After its intervention, Mr. Zulu, on 15 February 2023 contacted PPSA, Kimberley office confirming telephonically that he received payment of his outstanding three (3) months' salary.

\* Thomas Zulu not real name.

# Informal traders benefit from an intervention by Public Protector South Africa

According to the International Labour Organization's research titled "Women and Men in the Informal Economy: A Statistical Picture," the informal economy employs more than 60% of the world's workforce. Read the full report here: wcms\_626831.pdf(ilo.org)

Informality exists in all countries regardless of the level of socio-economic development, although it is more prevalent in developing countries. Informal traders who make their living in the informal economy are deprived of decent working conditions and most people enter the informal economy not by choice, but because of a lack of opportunities in the formal economy and in the absence of other means of livelihood.

This is the reality for Ms. Zelda Baxter, an informal trader in the Western Cape's Breede Valley Local Municipality. Ms Baxter lodged a complaint with the PPSA on 1 August 2019, alleging that during the financial year 2015/16, the Wholesale and Retail Sector Education and Training Authority (W&RSETA) in partnership with the Department of Trade Industry and Competition (the DTIC, formerly the Department of Trade and Industry), launched the Informal Traders Upliftment Project, partnering with the



# 'Joy' at long last for Koloane and Louw families as grave mix-up is resolved

The Koloane and Louw families in Kimberley, Northern Cape are finally at peace after a grave mix-up by the Sol Plaatje Municipality was finally resolved at West End Cemetery in June following an intervention by the Public Protector South Africa (PPSA).

The two families shook hands and exchanged pleasantries for the first time since they met in 2019 following the discovery of the grave site mix-up. Keitumetse Koloane was buried on November 30, 2019, on top of the late Richard Louw, who died in 2012, instead of her late father, Donald Semau, due to faulty grave markings.

The exhumation was overseen by the PPSA, which has pointed the finger at the municipality for the mix-up, as a remedial action following the conclusion of an investigation of Report No 65 of 2021/22.

The PPSA issued a report, in which it recommended that the municipality approach the High Court and ask for the exhumation order for the removal of the late Keitumetse Koloane from the grave of Richard Louw.

Members of the South African Police Service (SAPS), as well as other relevant parties, accompanied the two families to the grave during the exhumation. The mix-up was initially detected by Raymond Louw, who was visiting



his brother's grave at West End Cemetery when he came to Kimberley for the holidays in December 2019

They had to track down the Koloane family after Sol Plaatje Municipality was unhelpful. According

to Raymond, they had reserved the space that Koloane occupied for the deceased's twin brother who had fallen critically ill.

On behalf of the Louw family, Raymond expressed joy and relief that the exhumation finally happened after three years. They said the family was relieved that the PPSA took the matter seriously while Sol Plaatje Municipality saw it as a minor issue.

"We are relieved that this whole back-and-forth has come to an end. At least now both my brother and Keitumetse Koloane will rest in peace," said Raymond.

PPSA Provincial Representative in Northern Cape Mr. Mlungisi Khanya, expressed appreciation to the municipality for the manner in which it handled the situation.

"We appreciate it because there was improper conduct on their part, and they were willing and committed to ensuring that they did the right thing by exhuming the body. This is closure for the families," said Khanya.

\* This story is adapted from the newspaper Diamond Field Advertiser (DFA)

Local Municipality in which W&RSETA played a facilitative and supportive role within the project which was meant to develop the capacity of informal traders, by amongst others, identifying the training, coaching and mentoring needs of the informal traders in the aforesaid municipality and to provide infrastructure and equipment support to the identified informal traders. Ms Baxter was identified as one of the beneficiaries of the Upliftment Project. The informal traders were required to obtain price quotations from suppliers, in line with the requirements of the project. The price quotations were sourced from different suppliers during September 2015, through the facilitation and support of the Municipality's Local Economic Development Division and submitted to W&RSETA. The PPSA investigated whether there was undue delay by the W&RSETA and the Department to deliver the infrastructure and equipment promised to the recipients of the Upliftment Project.

As the initiator of the Upliftment Project, W&RSETA assumed the role of Procurement Agent in this regard, mandated to ensure that all participants received their infrastructure and equipment.

However, the Complainant and other informal traders did not receive the infrastructure and equipment as

promised. Ms Baxter and her fellow informal traders did not know what was happening or what happened to the Upliftment Project, as there was no communication provided by either the officials of W&RSETA or those of the Department, which took over the project from the DTIC. Bearing in mind that Ms Baxter participated and successfully completed the Upliftment Project Training Programme on 20 January 2016, as reflected on the copy of a certificate issued to her.

On 14 September 2021, a meeting was held between the W&RSETA, the Department and the PPSA Investigating Team, in an attempt to determine how the matter could be resolved. It was agreed that a session will be held to reconsider other areas and revisit the Partnership Agreement with the W&RSETA, to deal with outstanding commitments towards supporting informal businesses outside the Upliftment Project.

On 03 February 2022, Ms Baxter was contacted by PPSA Investigating Team, inquiring on the status of the project and she indicated that all the informal traders, including herself, received the equipment on 19 January 2022.





From left to right are Buhler Mjiyakho, Rirandzu Mathebula, Rendani Ramagoma, Thakhalani Makwarela and Jay Nkuna. They were photographed on Tuesday, 20 June, when the office of the Public Protector introduced the drop box for complaints at Thusa Lushaka Paralegal and Advice's office. Photo: Bernard Chiguvare.

# Public Protector South Africa joins hands with paralegal to ease complaints procedure

On Tuesday, 20 June 2023, the Public Protector South Africa (PPSA), Limpopo Provincial office introduced a drop box to submit complaints, which will be located at the offices of Thusa Lushaka Paralegal and Advice, a non-profit organisation (NPO) operating from the Maranatha complex in Louis Trichardt (Makhado). The complaint forms will be collected monthly by Outreach Officers based at the Limpopo provincial office.

The Director of the NPO Mr. Rendani Ramagoma, said they were optimistic that the partnership would go a long way and will benefit residents within the Makhado Municipality. He pointed out that residents often face challenges with state entities when trying to seek justice.

Ms. Jay Nkuna from the Limpopo Public Protector's office's outreach unit said, "This partnership is an additional platform through which the PPSA can be reached. We hope that, through this partnership, many residents will be aware of our services."

The Limpopo provincial office of PPSA is reachable on 015 295 5712 or 061 435 9382.

\*This story is adapted from the online publication Zoutnet

If you have any complaint regarding any conduct in state affairs or public administration that is improper or prejudicial, the PPSA could help you.

Call our toll-free number 0800 11 20 40 for assistance!





# **Letters to the Editor**

Thank you all so, so much! WOW I just called my daughter to give her the fantastic news and she is ecstatic. Today after 1 049 days I can say my daughters name and surname have been changed.

Its been a long road with over 150 emails send and even more phone calls made. Once again to every single person Thank you! Thobi 72 hours WOW girl THANK YOU!!!

Esna Burger (via email)

Good morning Adv. Baloyi

Kindly note that the matter of reconnection of my electricity is resolved and reconnection was effected yesterday morning.

I therefore appreciate your speedy response to this matter. It really demonstrates how effective is your office in assisting those who are referred to as "gogo Dlamini" of this country.

Continue with your good work.

PR Sesenyi (via email)



# Investigator Pillay scoops Mrs. Universe South Africa 2023 award

Public Protector South Africa (PPSA) team is in a celebratory mood after their Senior Investigator Ms. Veronika Pillay was crowned Mrs. Universe South Africa 2023. Ms. Pillay beat other contestants to the coveted crown to earn herself a spot at the global pageant to be held in Manila, Philippines in October.

She joined the PPSA team seven (7) years ago from a fellow Chapter 9 institution, the Commission for Gender Equality (CGE) in the Northern Cape.

Ms. Pillay is a passionate gender activist who says she is fueled by her undying desire to serve.

"The fact that I have the ability to possibly make a positive impact in someone else's life, for the greater good of others in my work space, fuels me", she said.

Asked what her recent success meant, Ms. Pillay indicated that the opportunity to be an ambassador of a cause she is passionate about filled her with a sense of duty and responsibility.

"Having the opportunity to be an ambassador for a cause that I am so passionate about fills me with a sense of duty and responsibility, and I pray that I can bring hope and inspire others to speak out and break the cycle of abuse," she said. "I believe that each woman who stands up for herself, stands up for all women."

She believes that working in the field of law, particularly in the space of human rights, has provided her an opportunity to work for a purpose she is passionate about. According to her, she aspires to use her talents to be a catalyst for positive change. Ms. Pillay who hails from KwaZulu-Natal, holds an LLB degree from the University of

KwaZulu-Natal and is also a businesswoman and an entrepreneur.

For her success, she thanks her family, friends, community and the PPSA for supporting her journey in the fight to eradicate the scourge of domestic violence and abuse plaguing our society.

Congratulations to Ms. Pillay and we wish her all the best at the global pageant in the Philippines in October.



L to R Veronika and Acting Public Protector Adv. Kholeka Gcaleka







The Acting Public Protector, Advocate Kholeka Gcaleka, extends her sincere gratitude to the dedicated and hardworking men and women of the PPSA, who displayed an unrelenting commitment to the production of quality investigation reports during the first quarter of the 2022/2023 financial year. Their efforts continue to reaffirm the PPSA as a vanguard of South Africa's Constitutional democracy.

# Investigations

# **Annual Target**

Finalise 2000 cases through investigation by 31 March 2024

# **Quarter 1 Target**

Finalise 500 case through investigation by the end of the quarter

# **Actual performance**

562 cases finalised through investigation

# **Comments**

Target exceeded due to close monitoring of performance to ensure compliance with standard operating procedures and turn around times

# **Investigations**

# **Annual Target**

Finalise 80% of cases within the following turnaround times: Early Resolution matters (ER): 6 months Service Delivery (SD): 12 months Good Governance and Integrity (GGI): 24 months GGI (Very complex): 36 months by 31 March 2024

# **Quarter 1 Target**

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

### **Actual performance**

### **EXCEEDED**

96% (557/578) of cases were finalised within turnaround times

# **Comments**

Close monitoring of performance to ensure compliance with standard operating procedures and turnaround times

# Cases finalised through investigations

Branch/Province	Figures as per branch	Figures as per CMS	
Head office	121	133	
Eastern Cape	13	54	
Free State	29	37	
Gauteng	23	24	
KwaZulu-Natal	133	106	
Limpopo	38	32	
Mpumlanga	23	39	
Northern Cape	21	25	
North West	50	83	
Western Cape	111	90	
Total	562	623	

# **Turnaround times breakdown**

Branch/Province	Figures as per CMS		
Dianon, Frontice	Early Resolution matters	Service Delivery	Good Governance and Integrity
Eastern Cape	1	32	17
Free State	0	20	6
Western Cape	9	52	20
KwaZulu-Natal	7	81	12
Head office	15	87	12
Gauteng	4	21	2
Northern Cape	1	11	5
North West	4	76	5
Mpumlanga	2	25	8
Limpopo	2	17	6
Total	45	422	93

# **Head office**

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