

Annual  
Report  
2012



OMBUD'S OFFICE  
UNIVERSITY OF CAPE TOWN

Independent Informal  
Impartial Confidential

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## Message from the Ombud

It is a privilege to have this opportunity to present the second annual report of the Office of the Ombud. The University of Cape Town has the distinction of being one of the first universities in South Africa to create an Office of the Ombud. Interpersonal and work-related conflicts are a normal part of human interaction. Universities and academia, due to their nature, structure and character, provide fertile ground for disagreements, conflict, problems and disputes. While differences in opinion can result in creative outcomes, the same differences can lead to serious communication breakdowns and lost opportunities if the parties involved lack the skills to engage in conflict in a constructive manner.

The University of Cape Town has demonstrated exceptional commitment to employees, students and others with links to the university by acknowledging the benefit of providing a neutral and confidential resource on campus to which they can take conflicts.

The establishment of the organisational Ombuds function is consistent with the core values of the university that are aimed at fostering a campus culture of respect and inclusivity that is insistent upon fair process.

This annual report is presented in the spirit of transparency and open communication of issues brought to the Office of the Ombud, while maintaining the confidentiality of the individuals who have approached me over the past 14 months with the trust that I will impartially hear about their work-related issues.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Zetu Makamandela-Mguqulwa'. The signature is stylized and cursive.

ZETU MAKAMANDELA-MGUQULWA

# Introduction

The Office of the Ombud provides informal dispute resolution services to the university community and serves as a place where all members of the university can confidentially voice concerns, seek guidance, discuss and develop their options, obtain information about policy or procedure or simply discuss a matter with an objective, neutral party and be assured of confidentiality.

There are many different models for ombuds used worldwide. The models differ significantly depending on the specific organisation or user-base they serve. There are further variations in approaches within each of the predominant models. The major types include Classical Ombud (which includes both Legislative and Executive Ombuds) and Organisational Ombud.


**Legislative Ombuds:** A legislative ombud is established by the legislature as part of the legislative branch who receives complaints from the general public or internally and addresses actions and failures to act of a government agency, official, public employee, or contractor.

**Executive Ombuds:** An executive ombud may be located in either the public or private sector and receives complaints from the general public or internally and addresses actions and failures to act of the entity, its officials, employees, and contractors.

## Organizational Ombuds

**University Ombuds and Corporate Ombuds Programmes** typically use an organisational ombud office to foster values and behaviour such as fairness, equity, justice, equality of opportunity and respect. According to Rowe<sup>1</sup>, Organisational Ombuds essentially have all the functions of any conflict resolution specialist except those of being a formal fact finder for disciplinary purposes, a judge, an arbitrator or an advocate. They work for system change and resolution of individual disputes.

The Ombud confidentially receives complaints, concerns or questions about alleged acts, omissions, improprieties and broader systemic problems. Since no two situations are the same, the Ombud's response is tailored to the dynamics of the situation and the visitor's concerns. Primarily the Ombud listens to the visitor and may make informal inquiries or review matters received, offer resolution options, make referrals to other offices, explain university procedures and policies, coach visitors to help themselves, engage in shuttle diplomacy and/or facilitate the resolution of disputes independently and impartially and, if possible, informally.



The Ombud assists the parties in a dispute in reaching resolutions that are consistent with the articulated values and objectives of the University. The function of the Ombud supplements and does not replace other more formal processes available to the university community.

The Ombud publicises the confidential, independent, neutral and informal nature of her services and explains ethical standards to each visitor. Where administrative issues can only be resolved if the name of the person is made known, the Ombud confirms with the visitor that this will be done before proceeding.

The Office of the Ombud is also responsible for providing the university community with information at regular intervals about the role of the University Ombud.

In addition, the Ombud serves as a source of informal feedback and recommendations for university management in respect of institutional improvement and change. As an early warning system, through this report as well as through meetings with various stakeholders, the Ombud provides feedback on trends and patterns that indicate conflict or warrant attention. The identification of trends and patterns is done in a way that protects the confidentiality and identity of visitors unless there is express consent from the visitor.

## How we operate

The Ombud practises according to the International Ombudsman Association (IOA) Standards of Practice and Code of Ethics. These standards are available at <http://ombudsassociation.org>. The Ombud is a member of the IOA and attends periodic training and the annual conference. The key elements of these standards and code are:

### Independence

To ensure objectivity, the Office operates independently of university entities and reports to Council rather than to the university executive.

### Neutrality

The Ombud remains unaligned and impartial. The role of the Ombud is to consider facts and interests in a search for a fair solution.

### Confidentiality

All conversations, contacts and information exchanged with the Ombud remain confidential and are not disclosed without the consent of the parties involved. Exceptions occur only when disclosure is necessary to protect someone from harm.

## Informality

All consultations are carried out “off the record”. The Ombud will not serve as a witness nor offer testimony to any formal proceedings. Although the process is informal, individuals using the services of the Ombud retain their rights to all formal procedures ordinarily available to them.

# Annual reporting

The Office of the Ombud produces an annual report each year. This report covers the period from 1 September 2011 to 30 October 2012. The report includes statistical data on the number of cases seen by the Ombud and procedural or policy issues that have arisen in the course of dealing with the cases. The data facilitate the work of the Ombud with regard to where the focus of outreach should be in the future, identification of trends and provision of information to the university management in the form of aggregated systemic feedback.

In reviewing the profile of concerns described below, it needs to be borne in mind that the data in this report reflect self-selected individuals who chose to visit the office rather than from a random and unbiased survey. By its nature, the Office of the Ombud is unlikely to hear about aspects of the university that are working well. While the cases that come to the Ombud are not random, the aspects that arise in repeated cases thus represent an indication of areas which might need further investigation to determine whether they need general attention.

## Case Load

For the purposes of reporting, a “case” is defined as a new or recurrent issue that is brought to the Ombud’s attention by one or more individuals seeking assistance. A case can vary from a single informational visit to a highly complex and involved intervention that requires multiple meetings with multiple parties, complex issues, direct intervention and considerable time.

## Types of cases

This report includes a count of the number of people who initiated contact with the Office of the Ombud over the reporting period. This count does not include other people contacted with the permission of the initiator as respondents. The latter may, for example, have been contacted to gather relevant information regarding the matter at hand.

Not all the people who come to the Ombud had a case that requires resolution. Some seek information and/or assistance in “thinking through” an issue with an impartial person.

During the 14 months under review, the Ombud:

- Dealt with 260 cases, which involved a total of 441 initiating individuals and contact with a further 563 individuals
- Provided information to 181 individuals (or groups of individuals) who sought such information

## Year in review

Within the reporting period, 441 people visited the office of the Ombud. This number is five times more than for the five-month period covered by the 2011 report, in which 85 people were seen. There are many possible reasons for this sharp increase. These include:

- The 2011 report covered just over five months of office visits whereas this report covers 14 months.
- The office was relatively unknown in the earlier period in comparison to 2012, where efforts had been directed at marketing the office using various forums and media.
- An increase in the number of cases could also mean that there is growing trust in the Office of the Ombud as some visitors come through word of mouth recommendations. The
- university community is taking advantage of approaches at their disposal to resolve their disputes amicably.

## Classification of issues

The Office of the Ombud uses the classification system developed by the IOA to describe the reasons visitors make contact with the office. This system includes nine broad categories and approximately 85 subcategories.

The issues that come to the Ombud are primarily about conflicts and differences of opinion. There is thus inevitably often more than one interpretation of the circumstances that give rise to a visit to the Ombud. In the discussion below of the cases that have come before the Ombud in each of the various categories, the description of the issues reflects the experiences of the visitor. As an independent neutral party, it is not my responsibility to establish who is wrong or right. My visitors and respondents often find comfort in knowing that in my office there is no blame or judgment.

The total number of issues shown in [Table 1](#) - at 642 - is greater than the number of cases (441) because many cases involve multiple issues and are thus classified in more than one category.

While 30 of the 441 visitors were outsourced staff members, their concerns are not part of the 642 issues. They are discussed separately below.

IOA Issues Category	Total concerns
<b>Compensation and Benefits:</b> Questions, concerns, issues or inquiries about benefits and benefit programmes.	53
<b>Evaluative Relationships:</b> Questions, concerns, issues or inquiries arising between people in evaluative relationships (such as supervisor-employee, staff-student)	196
<b>Peer and Colleague Relationships:</b> Questions, concerns, issues or inquiries involving peers or colleagues who do not have a supervisory-employee or student-teacher relationship (for example, two staff members within the same department or conflict involving members of a student organisation).	60
<b>Career Progression and Development:</b> Questions, concerns, issues or inquiries about administrative processes and decisions regarding entering and leaving a job, and what the job entails (for example, nature and place of assignment, job security, and separation).	60
<b>Legal, Regulatory, Financial, and Compliance:</b> Questions, concerns, issues or inquiries that may create a legal risk (financial, sanction etc.) for the organisation or its members if not addressed, including issues related to waste, fraud or abuse.	49
<b>Safety, Health, and Physical Environment:</b> Questions, concerns, issues or inquiries about safety, health and infrastructure-related issues.	48
<b>Services/Administration Issues:</b> Questions, concerns, issues or inquiries about services or administrative offices including from external parties.	33
<b>Organisational, Strategic, and Mission Related:</b> Questions, concerns, issues or inquiries that relate to the whole or some part of an organisation.	72
<b>Values, Ethics, and Standards:</b> Questions, concerns, issues or inquiries about the fairness of organisational values, ethics, and/or standards, the application of related policies and/or procedures, or the need for creation or revision of policies, and/or standards.	71
<b>Total number of issues</b>	<b>642</b>

**Table 1:** IOA Number of cases by standard reporting categories

The data suggest that the Office of the Ombud has been well utilised by members of the University community. However, it is worth noting that there are fewer visitors from other campuses besides Rondebosch. This could be because travelling distances presents a challenge.



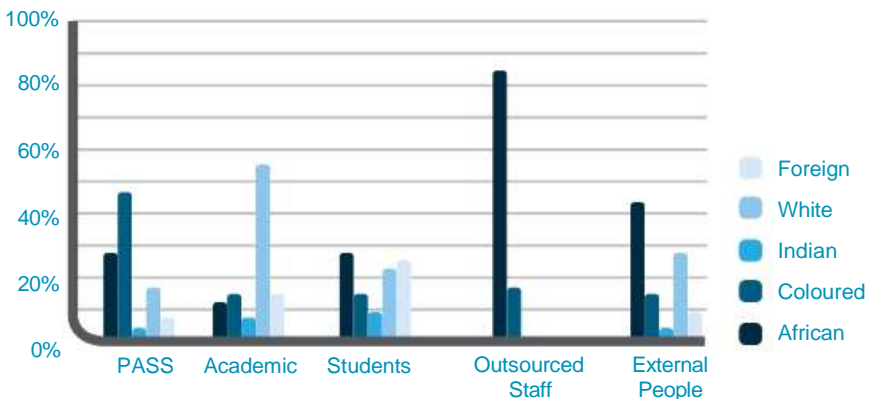
The following paragraphs summarise the issues that were reported in each of the IOA categories.

- a. Compensation and benefits (1 percentage point increase from 2011)
- b. Evaluative Relationships (14 percentage point increase from 2011)
- c. Peer and Colleague Relationships (11 percentage point decrease from 2011)
- d. Career progression and development (same as 2011 at 9%)
- e. Legal, Regulatory, Financial and Compliance (same as 2011 at 8%)
- f. Safety, Health and Physical Environment (1 percentage point increase from 2011)
- g. Services/Administrative issues (5 percentage point decrease from 2011)
- h. Organisational, Strategic and Mission Related (1 percentage point increase from 2011)
- i. Values, Ethics and Standards (1 percentage point increase from 2011)

## Profile of visitors

In terms of the standard South African “population group” classification, there were more or less equal numbers of African, coloured and white visitors (each 29-30% of the total), with a smaller number of international and Indian visitors.

In terms of university constituencies, professional, administrative and support staff (PASS) accounted for 40% of total visitors, with a further 22% of visitors being academic staff, 17% external people, 15% students, and 7% service providers’ staff. (“External” refers to retired staff members, UCT alumni, parents, spouses of staff, members of the public or potential students, and people who visit the university).



**Table 2: Visitor Profile**

Table 2 reveals that African visitors were the largest single grouping among the students, outsourced service provider staff, and external visitors, while coloured people dominated among PASS staff and white people among academics.

The additional 563 people contacted as “other participants” were contacted with the permission of the visitor, either because they were involved in the conflict in some way or to gather policy or procedural information that would help the initiator. Some of those contacted in this manner effectively formed a network that subsequently referred people to our Office or made use of the Office themselves.

## Observations and Recommendations

The following observations and recommendations arise from the concerns raised by visitors.

### Supervisory feedback and relationship

Everyone enjoys giving good news and praise. But delivering bad news such as the need for employee discipline or non-confirmation of the post beyond probation presents unwelcome challenges to most managers. I have heard from managers that they are unsure on how to best give feedback to colleagues who may respond defensively or angrily. I also have heard from staff who feel inappropriately and unfairly criticised.

This is not only a managerial dilemma but also a leadership issue. Effective communication is the bedrock of the workplace. Training and advance planning is helpful. Understanding of the bigger picture and management role, training interventions and planning can help address this problem.

On performance management, continuous feedback should take place outside the set review times as a precursor to the structured meetings.

### Communication

I have seen situations where conflict had been escalated by use of email in communication. Those who have communicated in this way may explain their action as motivated by the desire to create a record, to be clear and to avoid face-to-face conversation. The risk is that emails can be sent to many other unintended recipients and are public records that can come back to haunt the sender. The same caution goes for social media as I have done mediation referrals to DISCHO for conflicts that erupted on social media sites.

### Formal and Informal Processes

People should have the right to explore both formal and informal approaches at will. A number of visitors reported being discouraged from raising a grievance to avoid being seen as “trouble makers” or even losing their jobs in doing so. Informal routes such as the Ombud should not be presented as an easy way out from complex problems.

## Policies and Procedures

Common themes that emerge in respect of policies and procedures are the need for:

- Simplification of policies and incorporating flow charts where possible
- Consolidation and reduction where possible
- Making dormant policies known
- Training and updating administrative staff on policies and procedure that apply in their roles
- Encouraging consistency in decision making even where there is a measure of discretion involved.

In respect of policies and procedures relating to human resources, in resolving a number of concerns that came to my office I observed an impression from some of the visitors that the Human Resources (HR) department supports management rather than all staff. This limits what staff may gain from HR. I am often asked if an employee conversation with HR will be confidential and whether the ensuing advice will consider the best interests of both the employee and manager or staff and university. The HR site is explicit on the role of HR and they should be the first people to be contacted especially for operational matters. I am in constant discussions with HR on how we can collaborate on improvement of staff experiences at UCT.

## Student Deaths

While support was provided to affected families and post-traumatic support made available to the campus community, visitors expressed concern about the capacity of the university to prevent such incidents. The university may want to consider seeking best practice on prevention mechanisms.

## Outsourced Service Providers

Complaints herein were brought to the attention of the Ombud by groups of Service Provider employees from several provider companies. At different times the Ombud met with some (but not all) service providers managers on the issues raised. Availability of the Ombud to outsourced workers may be seen as another layer of ensuring that fairness in how staff is treated prevails. This access does not monitor adherence to the code but may be used to ascertain consistency in reporting and most importantly, as feedback mechanism to self improve. These concerns had been discussed with the university ED.

Issues from the service provider employees centred on industrial relations and general human resource management practice, e.g. collective bargaining, working conditions, hours of work and pay, discrimination, leave, staff empowerment, and communication problems.

## Activities of the Ombud's Office other than dealing with visitors

- The Ombud has requested Disability Services to facilitate accessibility of the office. During January the entrance to the Ombud's Office has been suitably modified.
- A toilet facility and a kitchenette have been built to address the visitors' concern of being seen by neighbours (with whom I used to share office space).
- Brochures and posters on the Office of the Ombud have been designed, produced and posted all over campus including residences.
- Council has approved terms of reference for the Ombud and these can be found on the website.
- A visitor intake form had been prepared to facilitate data capturing, issue tracking and reporting.
- The Ombud has visited several faculty boards, all deans and executive directors, and several transformation committees. She has also accepted select invitations from departments and schools across the university totalling 563 contacts.
- The Ombud has been requested by HR to have regular conversation with them on matters that people come to the Ombud about so as to explore proactive mechanisms and gaps that need addressing.
- The Ombud chaired an annual Purchasing Consortium (PURCO) conference on "Unlocking value through best practice" hosted by the Western Cape Universities.
- The Ombud attended an International Ombuds Association conference and was elected to serve on two of their seven service committees.
- The Ombud attended a conference of the International Association for Conflict Management.
- The Ombud meets with the Vice-Chancellor on a monthly basis to provide feedback and meets with other senior management as necessary.
- Meetings with the trade unions are held on request.

In the first year, the Ombud mediated in a number of disputes. The Ombud has now handed mediation back to the Transformation Services Unit.

## Examples of feedback

Sometimes people come to the office of the Ombud after attempting, without success, to resolve the problem closest to where it occurred. The Office's willingness to listen attentively and assist with clarifying options was often sincerely appreciated.

The following are examples of feedback received from visitors:

"Thank you very much for the superb assistance, care and inspirational guidance you gave at the meeting today. This is the first time I experienced somebody at UCT who cared so much and had the vision to see the broader issues. I am very motivated now after the meeting".

"I also appreciate the effort you made to get hold of ..., and also the follow-up call to me; this touched me deeply".

"Thank you for the excellent assistance you offer; you have made a huge beneficial difference in my outlook on the situation and have also given me the confidence to keep going on. I was at a very low point after... and today for the first time could smile again".

"Your office is providing an essential service to UCT and is helping to enhance the climate". "It has been a privilege to receive guidance from you".

## Conclusion

Whatever success was achieved during this past year by the Office of the Ombud is attributable to the cooperation and support of many people across campus including the university leadership and departments who were willing to listen to various matters brought to their attention and prove their commitment to finding a fair and just solution to the issues presented. People who choose to use the office of the Ombud to resolve their complaints give meaning to the office and to them I am truly grateful.

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<sup>1</sup> Rowe, Mary "What is it like to be an organizational ombudsman?." Perspectives on Work 1.2 (1997): 60-63.

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