

How does one complain to the Public Protector?

Should your complaint be about prejudice, you should try to solve the problem yourself before complaining to the Public Protector, for example by:

- speaking to the official(s) involved or, if that does not help,
- writing to the person in charge of the official(s), for example the Head of the Department, or the Chief Executive Director, or the Town Clerk.

You may also consider approaching your member of the National or Provincial Parliament. Only if you are then still unable to solve the problem, should you write to the Public Protector. The following information should be contained in the letter:

- the nature of your complaint
- background and history of the complaint
- the reasons why you feel the complaint should be investigated by the Public Protector
- the steps you have taken to solve the problem yourself (if applicable). You should mention names of the officials you have been dealing with, on what dates, and what was said. Copies of any correspondence between you and the officials should be attached to your letter.
- a telephone number where you can be reached, if you have one.

In some instances the Public Protector may require a statement under oath before investigating.

If you are unsure whether your problem is something the Public Protector will investigate, or if you cannot write, you can phone the Public Protector's office. There are trained professional staff members who will listen to a complaint, big or small, and conduct investigations. In some cases the staff can help people to find quick solutions to their problems. The staff can also tell you where to complain if the Public Protector cannot help you.

You could also visit the Office for an interview or consultation, if you prefer. It is better to write first and ask for an interview in the letter. A complaint must be reported to the Public Protector within two years from the occurrence of the incident concerned.

Will anyone else hear about my complaint?

The Public Protector and staff will keep the name of a complainant confidential when necessary, and if at all possible.

How much does it cost to get help from the Public Protector?

Nothing. Services are free and available to anyone who has a problem as set out above.

What the Public Protector cannot or will not investigate

- Judgements by judges and magistrates, including sentences imposed by them
- Private acts by individuals
- Private companies
- Doctors or lawyers who are not working for the State.

However, staff of the Public Protector can help by telling you where to complain or what to do in the above cases.

In certain cases the Public Protector may refer you to a Court of Law where going to court is the best way to deal with the problem. Since the Public Protector does not act as anyone's legal representative, you will be advised to consult a lawyer if the matter must go to court.

Regional Offices

The National Office of the Public Protector is situated in Pretoria. Regional Offices have been established in various provinces.

Complainants will be expected to channel their complaints via the Regional Offices whenever complaints relate to provincial or local government.

National Office: Pretoria
Private Bag X677
Pretoria 0001
9th Floor, Sinodale Center Building
228 Visagie Street, Pretoria
Tel: (012) 392 7000/ 322 2916
Fax: (012) 222 5093
Tollfree: 0800 11 20 40

Limpopo Office
PO Box 4533
Polokwane 0700
Unit 2301, Wyndom Park
23 Rabie Street, Polokwane
Tel: (015) 295 6984
Fax: (015) 295 2870

Mpumalanga Office
PO Box 3373
Nelspruit
1200
Pinnacle Building
Suite 101
1 Parkin Street, Nelspruit
Tel: (013) 752 8543
Fax: (013) 752 7883

Free State Office
PO Box 383
Bloemfontein 9300
Public Protector House
82 Kellner Street
Westdene, Bloemfontein
Tel: (051) 442 6172/ 6185
Fax: (051) 448 6070

Kwazulu-natal Office
PO Box 4267
Durban 4000
21st Floor, Commercial City
Suite 2110
40 Commercial Road, Durban
Tel: (031) 307 5300/ 5250/ 5251
Fax: (031) 307 2424

North-west Office
PO Box 512
Mafikeng 2745
Public Protector's Chambers
Cnr Martin & Robinson Street
Mafikeng
Tel: (018) 381 1060/ 1/ 2
Fax: (018) 381 2066

Western Cape Office
PO Box 712
Cape Town 8000
2nd Floor, ABC Building
130 Adderley Street, Cape Town
Tel: (021) 423 8644
Fax: (021) 423 8708

Eastern Cape Office
PO Box 1400
Bisho 5605
Unathi House
Independent Avenue, Bisho
(Behind Pick 'n Pay Building)
Tel: (040) 635 1286/ 7/ 1145/ 1126
Fax: (040) 635 1291

Northern Cape Office
PO Box 1505
Kimberley 8300
4 Sydney Street
Pretmax Building
2nd & 3rd Floor, Kimberley
Tel: (053) 831 7766
Fax: (053) 832 3404

Issued by the Office of the Public Protector

PUBLIC PROTECTOR SOUTH AFRICA



What is a Public Protector?

The National Public Protector, or Ombudsman, as the Office was previously known:

- is a high level official
- is independent of Government and any political party
- is appointed by Parliament in terms of the Constitution
- receives complaints from aggrieved persons against government agencies or officials
- has the power to
 - investigate
 - recommend corrective action
 - issue reports.

How does the office of the Public Protector work?

Anyone can complain to the Public Protector, who will then investigate the complaint.

Think of the Public Protector as a referee who can look at all sides of a problem. If the Public Protector finds that the complaint is justified, he/she will do whatever possible to find a solution to the problem, which includes recommending changes to the system.

The Public Protector can also report the matter to Parliament, which will debate the matter and see to it that the recommendations are followed.

Investigations are mostly done informally, but the Public Protector can summons people to give evidence under oath or affirmation when this becomes necessary.

Who can be investigated by the Public Protector?

- Government at any level. This includes central and provincial government, State departments and local authorities.
- Any person performing a public function. This includes anyone performing any official duty which affects all, or part of, the people of South Africa, for example an employee of the State, such as a policeman or an electoral officer.
- Corporations or companies where the State is involved, for example Eskom and Telkom Ltd.
- Statutory councils, for example the Human Sciences Research Council and the Council for Scientific and Industrial Research.

What can the Public Protector investigate?

- Improper prejudice suffered by the complainant or another person, for example as a result of
 - abuse of power
 - unfair, capricious, discourteous or other improper conduct
 - undue delay
 - the violation of a human right
 - any other cause brought about, or decision taken by the authorities.
- Maladministration.
- Dishonesty or improper dealings with respect to public money.
- Improper enrichment.
- Receipt of improper advantage.