



REPORT ON THE REVIEW OF THE ORGANIZATION AND POST ESTABLISHMENT OF THE OFFICE OF THE PUBLIC PROTECTOR BASED ON THE PERIOD JANUARY TO DECEMBER 2004

1 INTRODUCTION

- 1.1 On 27 January 2005, the Public Protector (PP) requested the assistance of the Department of Public Service and Administration (DPSA) to once again assist with the review of the Organization and Post Establishment of the Office of the Public Protector (OPP) which is a State Institution established in terms of section 181 (1) of the Constitution, 1996.

2 BACKGROUND

- 2.1 The OPP was last reviewed in 2003 by Mr. Johan van Rustenburg from the Government Internal Consultancy Component of the DPSA who has been assigned to once again assist the OPP.

3 OUTPUT AND SCOPE

- 3.1 The output of this review is the evaluation of the current approved organizational structure and post establishment relating to its relevance and adequacy in terms of appropriate service delivery and then the provision of a proposed blueprint organizational structure and post establishment that the OPP requires to provide an efficient, effective and economical service.
- 3.2 This document is therefore a planning instrument to identify priority areas that should be implemented to enhance service delivery.
- 3.3. In this report, structural changes is addressed first, followed by proposed post establishments starting with the core functions relating to the Branch: Special Investigations followed by the Branch: National Investigations and the Branch: Provincial Investigations. Thereafter the non-core components incorporating Corporate Services is dealt with culminating in the Direct Offices of the PP and the Deputy Public Protector (DPP). The financial implication for the proposed organization and post establishment of the OPP is attached hereto.

4 METHODOLOGY

- 4.1 The number of investigator posts for 2005 are determined based on statistics regarding the number of investigations received from 1 January 2004 to 31 December 2004.



- 4.2 In reviewing the post establishment, as was the case in the previous review period, only carry over cases more than 100 per investigator per Office excluding Control and Chief Investigators were taken into account. These cases (approximately 100) are distributed to each investigator to deal with on an ad hoc basis as and when time is available; for example when such an investigator for whatever reason, cannot proceed with a specific case, she/he would carry on with these cases.
- 4.3 The norm has now been changed by the OPP to align the organizational structure to strategic plan to 12 investigations finalized per month per investigator, i.e. $12 \times 12 = 144$ cases per investigator per year.
- 4.4 As investigator posts are determined by statistics and the norm, it is not necessary to provide motivation for such posts. Posts of Senior Investigator are provided based on a span-width of control i.e. 1 Senior Investigator on average to every 3 to 6 Investigator except for Head Office where the nature of cases requires Senior Investigators. Similarly, 1 Chief Investigator is normally provided per every 3 to 6 Senior Investigator.

5. STRUCTURAL CHANGES

- 5.1 A number of structural changes have been made. In the previous review, the Organizational Structure and Post Establishment comprised 4 pages. The proposed organizational structure attached as annexure A, comprises 9 pages. Each page where structural changes have been effected will now be dealt with separately.
- 5.2 The post of Chief Executive Officer (CEO) has been created and placed on post level 14 (Chief Director/ Executive Manager) and reports directly to the Deputy Public Protector (DPP). This component is featured in more detail on page 4 of Annexure A.
- 5.3 The component called Communications, International Relations, and Outreach Services, is also featured on page one with a direct communication line to the PP and a secondary line to the DPP and has been removed from the component Corporate Services. This component is indicated in more detail on page 9 of Annexure A.
- 5.4 On page two of Annexure A the two Control Investigators: Special Investigations and National Investigations now report directly to the DPP and the Sub-Component (Senior Investigator: Research) is transferred to the Knowledge Management component. Provision for this function has been made under a new component: Corporate Services called



Knowledge Management and Information Technology as shown in more detail on page 8 of Annexure A.

- 5.5 The Outreach Programme has been transferred from the Provincial co-ordinator to Communications and this will be explained later in the report.
- 5.6 The Chief Director: Provincial Co-ordination is now referred to as the Executive Manager: Provincial Co-ordination and given some under-build.
- 5.7 The North-West Provincial Office has been amended to indicate separately the Regional Offices of Mafikeng, Rustenburg, Kuruman, and Vryburg. Similarly the National Office (Provincial co-ordinator's office) has been amended to provide for a Mabopane Regional Office formerly in the North-West Provincial Office.
- 5.8 On page 4 the five Directors are now referred to as Senior Managers and their components are featured in more detail on pages 5, 6, 7 and 8 of Annexure A respectively. All Provincial Representatives are also now referred to as Senior Managers.

POST ESTABLISHMENTS

6. NATIONAL OFFICE

The approved National Office consists of a Special Investigations Unit and a National Investigations Unit.

6.1 Special Investigations Unit

This unit was created for the following reasons:

- (a) To deal with urgent investigations
- (b) To deal with lengthy and complex matters
- (c) To deal with matters of high political profile as well sensitive matters that would otherwise be dealt with directly by the Public Protector
- (d) To serve as an intervention to deal with specific targeted backlogs and others as directed by the Public Protector
- (e) To deal with legislation



6.1.1 The approved and proposed post establishments are as follows-

Special Investigations Unit		
POST DESIGNATION	APPROVED	RECOMMENDED
Control Investigator	1	1
Secretary	1	1
Senior Investigator	0	2
Administrative Assistant	0	1
Total	2	5

6.1.2 The Control Investigator alone cannot cope with the workload pertaining to special investigations. The incumbent undertakes investigations throughout South Africa and needs the support of at least two Senior Investigators and an Administrative Assistant. The main idea is that when an investigation is carried out in a particular Province, such an investigation will be carried out in collaboration with an investigator designated by a Provincial representative.

6.1.3 There is one Senior Investigator in this unit who is permanent and deals with Military investigations, while the other Senior Investigator is appointed on rotational basis to afford other Senior Investigators an opportunity to be exposed to more serious cases.

6.2 National Investigations

6.2.1 This component deals with all other investigations that are not referred to the Special Investigations.

6.2.2 The approved and proposed post establishments are as follows-

National Investigations Unit		
Post designation	Approved	Recommended
Control Investigator	1	1
Chief Investigator	3	3
Senior Investigator	29	30
Senior Investigator Research	1	0
Investigator Assistant	9	9
Secretary	4	4
Administrative Assistant	0	6
Total	47	53



- 6.2.3 The National Investigations Unit received 4455 cases in 2004 and carried 2840 cases over from 2003. In determining the number of Investigators required, a hundred carried-over cases per investigator are disregarded as explained in paragraph 8 *supra*.
- 6.2.4 This would amount to 29X100 i.e. 2900 cases that have to be subtracted from 2840 which are in excess. The annual number of 4455 cases must now be divided by the norm which is 12 cases per month and 12X12 i.e. 144 cases per year to indicate the number of investigators required which is 4455 divided by 144= 30.9 i.e. 31 Investigators.
- 6.2.5 In an attempt to save additional personnel costs, it was decided that 30 posts of Senior Investigator would suffice. Currently there are 29 approved posts of Senior Investigator and the post of Senior Investigator Research is transferred to Knowledge Management section
- 6.2.6 It is however recommended that, 30 posts of Senior Investigators be maintained to maintain a balance within the three units under the control investigator.
- 6.2.7 The National Investigations unit is divided into three Divisions. Direct administrative assistance and back up has become necessary for each one of these divisions and 2 posts of Administrative Assistant is created on the post establishment of each one of these divisions. Staff assigned to these units are transferred from what used to be called typing pool.

7. PROVINCIAL INVESTIGATIONS

7.1 Provincial Co-ordinator

- 7.1.1 The approved post of Chief Director: Provincial Co-ordination is renamed as Executive Manager: Provincial Co-ordination. It has become necessary to provide direct support for the Executive Manager and one post of Senior Manager, one of Assistant Manager and two posts of Secretary are provided to cope with the workload of this branch which includes co-ordinating nine provincial offices and a regional office
- 7.1.2 The approved and recommended post establishments are as follows-



PROVINCIAL CO-ORDINATION		
POST DESIGNATION	APPROVED	RECOMMENDED
Executive Manager	1	1
Senior Manager	0	1
Secretary	1	2
Assistant Manager	0	1
Senior Investigator	1	0
Investigator Assistant	1	0
Subtotal	4	5

7.1.3 The Mabopane Regional Office that formed part of the North West Province forms part of the National office and reports directly to the Provincial co-coordinator.

7.1.4 The Mabopane Regional Office received 1489 cases to deal with during 2004. Based on the number of cases the number of investigators required amounts to 1489 divided by 144 which= 10.34 i.e. 10 investigators. This should be structured as 1 Senior Manager, 2 Senior Investigators and 8 Investigators.

7.1.5 The approved and recommended post establishments for the Mabopane Regional office are as follows-

MABOPANE REGIONAL OFFICE		
POST DESIGNATION	APPROVED	RECOMMENDED
Senior Manager	0	1
Secretary	0	1
Senior Investigator	1	2
Investigator	3	8
Senior Admin Clerk	3	3
Auxiliary Services Assistant	1	1
Sub-Total	8	16

7.1.6 The Organizational Structure and Post Establishment of the Provincial Investigations Component is set out on page 3 of Annexure A of the report.

7.1.7 It will be noticed that the Outreach program has been transferred to Communications component and this will be dealt with later in this report.

7.2 GAUTENG PROVINCIAL OFFICE.

7.2.1 The Gauteng Provincial office was approved during the last review and it was stated that the National office dealt with all complaints from Gauteng Province and to determine the number of posts for the Gauteng office, the statistics kept by the National office during the year under review will be split. It was estimated that from the available statistics that 60% of the cases were National cases and 40% Provincial cases

7.2.2 The Gauteng Provincial Office has been expanded by one post namely that of Chief Administration Clerk and a post of Typist is replaced with a post of Administrative Assistant. The post of Chief Administration clerk is justified as, further administrative support is necessary.

7.2.3 The approved and proposed post establishments for the Gauteng Provincial office are as follows-

GAUTENG PROVINCIAL OFFICE		
POST DESIGNATION	APPROVED	RECOMMENDED
Senior Manager	1	1
Secretary	1	1
Senior Investigator	2	2
Investigator	8	8
Investigator Assistant (Outreach)	2	2
Chief Administration Clerk	0	1
Administration Clerk	1	1
Administrative Assistant	0	1
Typist	1	0
Messenger/Driver	1	1
Security Officer	1	1
Sub-Total	18	19

7.2.4 The Organizational Structure and Post Establishment of this Provincial Office, is set out on page 3 of Annexure A of the report.

7.3 NORTH-WEST PROVINCIAL OFFICE.

7.3.1 The approved and recommended post establishments are as follows-

NORTH-WEST PROVINCIAL OFFICE		
POST DESIGNATION	APPROVED	RECOMMENDED
Senior Manager	1	1
Secretary	1	1
Senior investigator	4	6
Investigator	24	20



NORTH-WEST PROVINCIAL OFFICE		
POST DESIGNATION	APPROVED	RECOMMENDED
Investigator Assistant	2	2
Administration Officer	1	1
Library Assistant	1	1
Chief Administration Clerk	1	1
Administration Clerk	8	5
Admin. Asst/ Sen. Admin. Asst	0	5
Typist	5	0
Grounds Foreman (Auxy Services Asst.)	1	1
Grounds man (Auxiliary Services Asst.)	3	3
Cleaner (Auxiliary Services Asst.)	2	1
Messenger/Driver	1	1
Security Officer	1	1
TOTAL	56	50

7.3.2 The statistics show that the North-West Province requires a Senior Manager and 26 Investigators that is distributed in the Province as follows:

Mafikeng: 1 Senior Manager
4 Senior Investigators
10 Investigators

Vryburg: 2 Investigators

Rustenburg: 1 Senior Investigator
5 Investigators

Kuruman: 1 Senior Investigator
3 Investigators

7.3.3 Three posts of Administration Clerk and one post of Auxiliary Services Assistant (Cleaner) have been abolished on the post establishment of North-West to accommodate the required three posts of Senior Administration Clerk and Auxiliary Services Assistant (cleaner) for Mabopane Regional office.

7.3.4 The posts of Grounds Foreman and Groundsman have also been reclassified to Auxiliary Services Assistant and five posts of Typist have been reclassified Assistant/Senior Administration Assistants.

7.3.5 The Organizational Structure and Post Establishment of this Provincial Office, is set out on page 3 of Annexure A of the report.