



- In terms of Complaints Handling, a 7 day target was set to screen, assess and respond to a complaint after its receipt. This target is reported as achieved. The Strategic Plan, however, sets different targets. For 'Screen / Assess complaints' the target is within 7 days of receipt. For Response to complaints (allegation, referral, rejection) the target is 3 days after completion of assessment. The target for Capturing, auditing and tracing of complaints according to system is 14 days as per the Strategic Plan. The Annual Report does not state whether this target was met.
- The target of setting up a call centre was achieved.
- The target of 90% of complaints not being subjected to litigation or public hearings is reported as partially achieved, with 438 complaints resolved and 18 litigated matters finalised.

#### Questions

- ~ How long does the initial stage of the complaints handling process take?
- ~ Are all calls to the SAHRC (national and provincial) channelled to the call centre? Is there a single accessible number that the Call Centre can be contacted on?
- ~ What percentage of matters was not subject to litigation or public hearings and how is this computed?

- 'Registering with Law Society/ Training / Candidate attorneys' was identified as an output. The target during the reporting period was to employ 2-4 Candidate Attorneys, a national pilot and for the project to be rolled out to provinces. This target is reported as only partially achieved, with policy having been developed.

#### Questions

- ~ What are the reasons as to why this target has not been achieved?
- ~ What measures has the SAHRC taken to expedite this process?
- ~ How many SAHRC offices have been granted law clinic status and has the law society approved candidate attorneys being articulated to these offices?
- ~ How many legal staff are admitted attorneys? Does the legal staff have the status of principal attorneys?
- ~ Have any Candidate Attorneys been employed?
- ~ What sort of matters will the law clinics deal with and how will these matters be funded?

- In respect of Public Hearings, 2 out of 3 targets were achieved. Two public hearing were conducted. However, the submission of the reports in respect of these hearings have not been finalised within the 3 months as per the target. The hearings on School-based violence took place on the 28<sup>th</sup> and 29<sup>th</sup> September 2006<sup>9</sup> while the hearings on Initiation Schools took place in October 2006<sup>10</sup>. Reports in these matters will be compiled in the 2007/08 financial year.
- The target of quarterly follow-ups after public hearings was partially met with one follow-up on the Right to Basic Education Hearing for 2005/06. There is no report of any follow up on the hearings on Voluntary Associations from the 2005/06 financial year, and this may suggest that none was conducted.

<sup>9</sup> [http://www.sahrc.org.za/sahrc/cms/publish/article\\_220.shtml](http://www.sahrc.org.za/sahrc/cms/publish/article_220.shtml)

<sup>10</sup> [www.crlcommission.org.za/docs/proposalofthepublichearingoninitiationschools4.doc](http://www.crlcommission.org.za/docs/proposalofthepublichearingoninitiationschools4.doc) -



#### Questions

- ~ Why were the reports on the public hearing in 2006/07 not finalised even after the 3 month target period had lapsed?
- ~ What form does the follow-up after a hearing take?
- ~ What monitoring mechanisms are in place after a hearing?

- The output of 'Comprehensive and integrated management and quality assurance systems' was not achieved. The Norms and Standards Document is in the draft phase.

#### Questions

- ~ What quality assurance mechanisms are currently in place to ensure quality legal services?
- ~ How often does quality reviews take place? And by whom are such review conducted?
- ~ When will the Norms and Standards document be finalised and implemented (across all programmes)?

- Although the SAHRC is empowered to assist litigants in Equality Court matters, there is no specific reporting on this.
- The SAHRC is also empowered to assist complainants in PAIA appeals. Again there is no statistics provided in this regard.

#### Questions

- ~ How many cases in terms of PEPUDA and PAIA have been handled in the reporting period?
- ~ What are the main obstacles in providing services in these areas?

#### 6.4.3. Complaints Handling

- The number of complaints received in 2006/07 was 11 867 compared to last year 11 710.<sup>11</sup>
- The number of resolved complaints<sup>12</sup> in 2006/07 was 438 compared to 732 in 2005/06.
- The number of finalised complaints was 1 360 in 2005/06 and 1 968 in 2006/07. However there cannot be a comparison between these two figures as the definition of finalised complaints was changed. In 2005/06 finalised complaints were defined as referring to complaints where a finding/decision has been made after receiving both versions of the parties. In 2006/07 finalised complaints refers to all the files that have been closed because complainants are not taking the matter further.
- A further point is that the total of number of complaints handled includes both telephone and walk-in complaints. However, in terms of the SAHRC's all complaints must be reduced to writing before being accepted.<sup>13</sup> This may result in some complaints being counted twice i.e. as both a telephone and written complaints.

<sup>11</sup> Although it is pointed out early that this figure is incorrectly computed, for the purpose of this section the original total will be used.

<sup>12</sup> 'Resolved complaints refers to all complaints that have been investigated and resolved through the Commission's intervention.' Annual Report pg 47.

<sup>13</sup> SAHRC: Complaints Handling Manual. Pg 10



- There is no indication as to the number of subpoenas issued during the report period, although it is reported elsewhere that there is a problem with receiving responses especially from government departments.
- **New Written Complaints**

**Table 3: A Breakdown of matters received during 2006/07 in comparison to 2005/06**

PROVINCES	INVESTIGATIONS		REJECTIONS		REFERRALS		TOTAL	
	2006/07	2005/06	2006/07	2005/06	2006/07	2005/06	2006/07	2005/06
Gauteng	352	957	108	111	256	480	716	1 548
Eastern Cape	370	646	412	45	52	219	834	910
Limpopo	231	194	79	54	33	131	343	379
Free State	600	707	22	-	21	237	643	944
KwaZulu-Natal	270	226	30	19	81	30	381	275
Western Cape	83	508	168	221	218	268	469	997
Northern Cape	256	242	1	86	27	222	284	550
Mpumalanga	307	423	32	11	50	49	389	483
<b>TOTAL</b>	<b>2469</b>	<b>3 903</b>	<b>852</b>	<b>547</b>	<b>738</b>	<b>1 636</b>	<b>4059</b>	<b>6086</b>

- The table on page 46 of the Annual Report does not provide an indication of new matters received during 2006/07. However from Table 3 it is clear that there is a decline in the number of written complaints received in comparison to 2005/06.

#### Questions

- ~ What strategy does the SAHRC have to make legal services more accessible?
- ~ What mechanisms are in place to follow-up on referred complaints?

- **Carried over Complaints**

**Table 4: A Breakdown of matters carried over from the 2005/06 financial year.**

PROVINCES	INVESTIGATIONS	REJECTIONS	REFERRALS	TOTAL
Gauteng	295	16	29	340
Eastern Cape	27	152	24	203
Limpopo	50	2		52
Free State	380	3	23	406
KwaZulu-Natal	No data	No data	No data	359
Western Cape	317	0	0	317
Northern Cape	175	0	21	196
Mpumalanga	77	0	0	77
<b>TOTAL</b>	<b>1321</b>	<b>173</b>	<b>97</b>	<b>1950</b>

- The total number of complaints carried over from the 2005/06 financial year was 1950.



- The Eastern Cape has 152 carried over rejections. It is unclear as to why such a large number of rejections are outstanding as the SAHRC has a 7 day response period to complaints.

**Table 5: A Breakdown of matters carried over from the 2006/07 financial year to 2007/08.**

PROVINCES	CARRIED OVER	CURRENT	TOTAL
Gauteng	131	271	402
Eastern Cape	27	334	361
Limpopo	35	149	184
Free State	43	295	338
KwaZulu-Natal	187	270	457
Western Cape	84	82	166
Northern Cape	5	82	87
Mpumalanga	77	179	256
<b>TOTAL</b>	<b>589</b>	<b>1 662</b>	<b>2 251</b>

- The number of carried over complaints in 2006/07 to 2007/08 is 2251
- The table on page 46 as indicated above (Table 5), shows carried over matters and current matters. It is unclear as what the carried over matters refers to. These files may be matters carried over from the 2005/06 financial year, and represent matters that have still not been resolved. Clarity in this regard is required.

#### Questions

- ~ What are the reasons why matters are delayed from being finalised?
- ~ How many subpoenas were issued during the reporting period?
- ~ In what circumstances are subpoenas issued?
- ~ What other mechanisms are utilised to expedite matters?

#### • Telephone Complaints and Interviews

**Table 6: A Comparison of the number of Telephone Complaints and Interviews conducted between 2005/06**

PROVINCES	TELEPHONE COMPLAINTS		INTERVIEWS	
	2006/07	2005/06	2006/07	2005/06
Gauteng	826	750	485	469
Eastern Cape	52	253	116	285
Limpopo	626	220	517	222
Free State	99	140	120	198
KwaZulu-Natal	300	235	361	306
Western Cape	562	650	875	874
Northern Cape	65	352	680	598
Mpumalanga	74	24	?	48
<b>TOTAL</b>	<b>2604</b>	<b>2624</b>	<b>3154</b>	<b>3000</b>



- The number of complaints via telephone decreased slightly whilst the number of interviews increased by 154.

#### Questions

- ~ Why was there a significant decline in the number of telephone complaints and interviews in the Eastern Cape?

#### 6.4.4. Research and Documentation

- **ESR**

Out of 10 targets, 7 were fully achieved, 2 were partially achieved and 1 was not achieved. Some notable achievements were the conducting of 21 workshops/ seminars across the provinces. The target of contribution to the Human Rights Development Report did not reach its 60% completion target. Further, the target of 1 journal article a year was also not met.

- **Library and Documentation**

Out of 4 targets, 3 were achieved. The Library resource is available to the public. During the reporting period 809 titles were borrowed from the Library mainly by senior students.

- **Equality (PEPUDA)**

Out of 9 targets, 5 were achieved. The target in respect of s28 Equality Reports was not achieved due the regulations in terms of the Act having not yet been promulgated. Notable achievements were that 16 papers and opinions were produced against a target of 4 per year and 27 workshops, seminars, conferences and meetings were attended.

#### Questions

Has there been any recent discussion with the Department as to when the regulations will come into operation?

- **PAIA<sup>14</sup>**

Out of 10 targets for this sub programme, 7 were achieved. The target in respect of section 32 Reports could not be achieved as all public bodies submitted these reports. The SAHRC responded to 100% of requests for education and training with 28 workshops, 2 speeches and numerous speeches conducted.

#### Questions

- ~ What obstacles does the SAHRC face in fulfilling its mandate in terms of PAIA?
- ~ What measures does the SAHRC have at its disposal to deal with non-compliant bodies?
- ~ How many complaints have been assisted with PAIA appeals?

#### 6.5. PROGRAMME 5: SPECIAL AND DONOR-FUNDED PROJECTS

---

<sup>14</sup> See Annexure: Issues Arising from the Report on the Ad Hoc Committee on the Review of Chapter 9 and Associate Institutions. Pg 19



#### **6.5.1. Civil Society Advocacy Programme (Csap)/ Community Outreach and Advocacy (Comout)**

- **Civil Society Advocacy Programme**

The aim of this programme is to facilitate the access of vulnerable groups to Constitutional rights by providing mechanisms for advocacy, communication, awareness and engagement between communities, community structures, civil society organisations and government. The SAHRC has delivered on each of its 4 targets in respect of this programme.

- **Community Outreach and Advocacy (Comout)**

This programme is aimed at interacting in disadvantaged and marginalised communities with Eastern Cape, Limpopo and KwaZulu-Natal being priority provinces. The programme began in January 2007 and 11 interventions were made by the end of the reporting period.

#### **6.5.2. Information Management Systems**

- The SAHRC has adopted a three-phase programme that sees to set a best practice standard for information management systems, due to its obligations in terms of PAIA.

### **7. HUMAN RESOURCES**

#### **7.1 Employment And Vacancies**

The SAHRC has a staff complement of 107, with 129 posts created and 22 vacant, amounting to a relatively high vacancy rate of 17,05%. A very high vacancy rate (20% and above) exists in the Research, Education and Provinces programmes. Vacancy rates in critical occupations such as Legal, Training and Research is 25%.

#### **7.2 Terminations And Promotions**

The SAHRC has a staff turnover rate of 16,34% with high turnover in higher salary bands. Highly skilled supervision (Level 9-12) has a turnover rate of 28%, Senior Management Service Band A with 20% and Senior Management Service Band B with 20%. In terms of critical occupations, Research had a turnover rate of 34.61% with an overall rate of 20,33% in critical occupations.

Of the 17 people who left the SAHRC, 16 (94%) resigned and 1 (6%) was dismissed for misconduct. 14 employees were promoted to another salary level and 88 progressed to another salary level.



### 7.3 Employment Equity

Occupation	MALES					FEMALES					
	African	Coloured	Indian	White	Total	African	Coloured	Indian	White	Total	Total
Top Management	2 (33%)	1 (16,7%)	1 (16,7%)	1 (16,7%)	5 (83%)	1 (16,7%)				1 (16,7%)	6
Senior Management	2 (50%)					2 (50%)					4
Professionally qualified and experienced specialists and mid-management	9 (36%)	1 (4%)	1 (4%)	0	11 (44%)	10 (40%)	2 (8%)	1 (4%)	1 (4%)	14 (56%)	25
Skilled technical and academically qualified workers, junior management, supervisors, foreman and superintendents	11 (37%)	1 (3%)	0	0	12 (40%)	13 (43%)	4 (13%)	1 (3%)	0	18 (60%)	30
Semi-skilled and discretionary decision making	5 (18%)	0	0	1 (3,5%)	6 (21%)	17 (61%)	3 (11%)		2 (7%)	22 (78,5%)	28
Unskilled and defined decision making	3 (21%)	0	0	0	3 (21%)	10 (71%)	1 (7%)	0	0	11 (79%)	14
<b>Total</b>	<b>32 (30%)</b>	<b>3 (3%)</b>	<b>2 (2%)</b>	<b>2 (2%)</b>	<b>39 (36%)</b>	<b>53 (49,5%)</b>	<b>10 (9%)</b>	<b>2 (2%)</b>	<b>3 (3%)</b>	<b>68 (64%)</b>	<b>107</b>

- In all categories except Top Management, women make up more than 50% of employees. In all categories except Top Management African women make up at least 40% of employees and overall 49,5%. Women make up 64% of total employees.
- The SAHRC has met employment equity targets in all except Top Management.
- As in many other sectors women are usually underrepresented in the highest level of management often due to the "glass ceiling". Women are usually overrepresented in the lower levels. During the reporting period 2 males were promoted to Top Management and no females were promoted. No new staff were recruited in this category.
- The Commission has 1 disabled employee.

#### Questions

- ~ What is the SAHRC doing to attract more female employees in Top Management and more disabled people in general?

### 7.4 Performance Rewards

- 78,5% of employees received performance rewards during the reporting period.



#### Questions

~ Have all employees signed performance contracts and how often is performance assessed?

#### 7.5 Skills Development

- Only 18 out of 104 employees received training.
- It is reported that the SAHRC developed a 3 year Personal Development Plan<sup>15</sup> which identified the training needs of each employee.

#### Questions

~ What is the SAHRC doing to increase skills development?

#### 8. REPORT OF THE AUDITOR GENERAL

- The Report of the Auditor General for 2006/07 indicates the SAHRC received an unqualified audit report. However attention was drawn to certain ancillary matters. These included:
  - Non-compliance with rules and regulations due to a lack of monitoring or compliance with policies and procedures as well as poor governance structures.
  - The SAHRC had not complied with National Treasury Regulations that insurance expenses not amount to more than R250 000. This was subsequently rectified.
  - Prior approval was not obtained from National Treasury to update the financial system.
  - Separate annual financial statements for trust accounts were not prepared.
  - The Audit Committee failed to evaluate the performance of the internal audit for the financial period under review.
  - A material correction was made to the financial statements after expenses were initially overstated by R7 531 189.

#### 9. FINANCIAL STATEMENTS

In the 2006/07 reporting period, the SAHRC was allocated an amount of R49 220 000. The total income for the year was R49 477 037<sup>16</sup> and total expenditure was R45 574 082. A surplus of R4 592 563 accumulated at the end of the reporting period. These surplus funds have been committed to pay suppliers for items purchased in the reporting period.

#### Questions

~ What is the reason for the under-expenditure for 2006/07 and did Treasury agree to rollover these surplus funds for 2007/08?

#### 10. CONCLUSION

<sup>15</sup> Annual Report. Pg 26

<sup>16</sup> Income comprises government grant, donations and other income.





The SAHRC has performed well during the 2006/07 financial year meeting the majority of its targets. It must accordingly be commended.

However, an area where improvement is required is in complaints handling. There is a greater need for matters to be finalised as expeditiously as possible. There is also a need for monitoring mechanisms to ensure that matters are not unnecessarily delayed. The SAHRC has a responsibility to use its powers to subpoena non-compliant respondents. A tougher and more determined approach in this regard is suggested.



## **ANNEXURE 1.**

### **ISSUES ARISING FROM THE REPORT ON THE AD HOC COMMITTEE ON THE REVIEW OF CHAPTER 9 AND ASSOCIATE INSTITUTIONS**