



MANGAUNG
METRO MUNICIPALITY
METRO MUNISIPALITEIT
LEKGOTLA LA MOTSE

OFFICE OF THE
OMBUDSMAN

TERMS OF REFERENCE

OFFICE OF THE

OMBUDSMAN

MANGAUNG METROPOLITAN

MUNICIPALITY

PREAMBLE

WHEREAS the Mangaung Metropolitan Municipality Council approved the establishment of the Office of the City Ombudsman in 2018;

WHEREAS the Office of the City Ombudsman was launched on the 14th of November 2018;

WHEREAS four staff members have been seconded in the interim to establish the Office of the City Ombudsman;

WHEREAS, due to the vast number of complaints received by the Office of the City Ombudsman, the Office of the City Ombudsman was mandated to commence with work immediately upon being seconded;

WHEREAS currently, the Office of the City Ombudsman base acquires their powers from the 2018 Council Resolution;

NOW THEREFORE Council is requested to approve the Terms of Reference to clarify the powers and functions of the City Ombudsman Office.

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1. PURPOSE

The purpose of this Terms of Reference (ToR) is to:

- 1.1 Provide clarity on the mandate, authority, and operational framework of the Office of the City Ombudsman (OCO).
- 1.2 Grant the Ombudsman the delegated authority to hold municipal employees accountable for misconduct, maladministration, service failures, or non-compliance with municipal legislation, policies, and service standards.
- 1.3 Request Council to reaffirm the independence of the Office.
- 1.4 Request Council to ensure that the Office is protected from any intimidation, victimizations and threats from any third Parties and Municipal Employees.

2. DURATION

This ToR of the OCO shall be in force and effect until the By-laws for the OCO has been promulgated.

3. CONSTITUTION AND COMPOSITION

The OCO will consist of the City Ombudsman and such other persons who will have appropriate qualifications, certifications and competencies in line with the inherent job designation and the specific job responsibilities.

The OCO is on the approved Structure of Council and the following position who have appropriately qualified, skilled, experienced and competent members have been appointed in the interim to establish the Office of the City Ombudsman:

Ombudsman
Administrative Officer
Investigator
Secretary

4. AUTHORITY

Within its operating framework and mandate, the Office has the Authority to;

- 4.1 Unlimited access to all documents which fall within the jurisdiction of the Mangaung Metropolitan Municipality (MMM) for the purpose of investigating complaints;
- 4.2 Call any official with relevant information or person who was involved in a matter, to appear before the OCO;

- 4.3 Seek expert advice/opinion at the expense of the MMM on the interpretation or analysis of any statements, documents or recordings submitted to Office for performing its assigned tasks;
- 4.4 Seek Personal Protection Services at the expense of the MMM where life threatening incidents and threats are noticed or experienced during the execution of its function;
- 4.5 Interdict any employee who may withhold, alter, destroy, or tamper with information requested by the Ombudsman;
- 4.6 Request written explanations, documents, files, registers, records and cooperation from any MMM Employee;
- 4.7 Conduct interviews with employees and request access to municipal records;
- 4.8 Issue preliminary findings and corrective directives to employees or departments;
- 4.9 Refer matters of misconduct to HOD: Corporate Services for disciplinary action;
- 4.10 Escalate systemic failures or non-cooperation to the City Manager and Council;
- 4.11 Institute, should the parties consent thereto, informal mediation or other facilitative processes which are aimed at addressing the complaint; and
- 4.12 Exclude from any meeting any person whose presence, in the circumstances, is not desirable.
- 4.13 Investigate any matter which impacts on the MMM's constitutional mandate of ensuring effective and efficient service delivery.

5. BUDGET

- 5.1 The Chief Financial Officer (CFO) is mandated to secure funding for the OCO in the interim in terms of the 2018 Council resolution.
- 5.2 The CFO be further mandated to create a separate vote for the OCO.

6. REPORTING

The Office shall submit quarterly reports to Council for noting regarding *inter alia* the following matters:

- 6.1 Number of complaints lodged against each Department;
- 6.2 Summaries of cases;
- 6.3 Analysis of complaints lodged and cases investigated;
- 6.4 Statistical information on the determinations and recommendations reached;
- 6.5 Matters referred to NPA, Human Rights Commission and Public Protector;

- 6.6 Number of cases reported to the OCO per month; and
- 6.7 Number of cases received and were not processed due to lack of jurisdiction.
- 6.8 Matters which impede the OCO from executing its functions.

7. BINDING EFFECT OF OMBUDSMAN REPORTS

The recommendations of the OCO become:

- Official Council directives.
- Require mandatory compliance by all applicable MMM departments and employees; and
- Are enforceable actions to be implemented within specified timeframes.

8. LEGISLATIVE FRAMEWORK

- 8.1 In order for the OCO to have efficacy in executing its mandate and improving service delivery within the City, the OCO must adopt By-laws which will be binding on the City.
- 8.2 The OCO is mandated to draft By-Laws for the OCO and ensure legislative compliance for final promulgation.

9. APPLICABLE LEGISLATION

The following Legislation also finds application and shall be relevant in executing the functions of the Office of the City Ombudsman:

- The Constitution of the Republic of South Africa, Act of 1996
- The Protection of Personal Information Act, Act 4 of 2013 (As amended)
- Promotion of Administrative Justice Act 3 of 2000 (As amended).
- Promotion of Access to Information Act 2 of 2000 (As amended).
- Protected Disclosure Act 26 of 2000 (As amended).
- Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000 (As amended).
- Prevention and Combating of Corrupt Activities Act 12 of 2004 (As amended).
- Preferential Procurement Policy Framework Act 5 of 2000 (As amended).
- Municipal Finance Management Act 56 of 2003 (As amended).
- Public Protector Act 23 of 1994 (As amended).
- Municipal Systems Act 32 of 2000 (As amended).
- Municipal Structures Act 117 of 1998 (As amended).
- The Labour Relations Act 66 of 1995(As amended).
- The Employment Equity Act, Act 55 of 1998 (As Amended)
- The Protection from Harassment Act, Act 17 of 2011(As Amended)

- All By-laws and Policies of the Mangaung Metropolitan Municipality

10. INDEPENDENCE OF THE OMBUDSMAN

- 10.1 The Ombudsman shall operate independently from political office bearers, administrative structures, and external influence.
- 10.2 No person may interfere, obstruct, or unduly influence the Ombudsman in the execution of any function or conducting of any investigation.
- 10.3 The Ombudsman reports directly to Council via the Speaker to safeguard independence and fairness.
- 10.4 The establishment of an independent Ombudsman's Office assists the MMM in fulfilling its legislative obligation to provide accountable, impartial and transparent service delivery to the residents of MMM.

11. ACCOUNTABILITY AND ENFORCEMENT POWERS

11.1 Authority to Hold Employees Accountable

To fulfil its mandate of ensuring service delivery, the Ombudsman is granted the authority to:

- Request written explanations, documents, and cooperation from any MMM employee.
- Conduct interviews with staff and request access to MMM records.
- Conduct hearings on matters not complied with.
- Issue preliminary findings and corrective directives to employees or departments.
- Refer matters of misconduct to Human Resources for disciplinary action.
- Escalate systemic failures or non-cooperation to the City Manager and Council.

11.2 Binding Nature of Accountability Measures

- All MMM employees are legally obligated to comply with the directives of the Ombudsman and cooperate in investigation processes.
- Failure to comply constitutes:
 - 1. Misconduct
 - 2. Obstruction of an official investigation
- The Ombudsman may refer any non-compliance of the Administration to Council for further action.

12. IMPLEMENTATION AND MONITORING

- 12.1 The City Manager must ensure that all departments implement the recommendations and directives of the Ombudsman.
- 12.2 The Ombudsman must follow up, monitor progress, and report non-implementation of matters to Council.
- 12.3 As part of awareness and skills development, the Ombudsman may engage in the following activities:
 - (a) Training of Staff of MMM.
 - (b) Participation in Awareness Campaigns pertaining to the OCO.
 - (c) Draft By-Laws for the OCO and ensure approval, adoption and promulgation in terms with the Constitution and relevant legislation.
 - (d) Conduct workshops on relevant matters affecting service delivery.

13. MATTERS NOT FOR INVESTIGATION BY MMM'S OCO

The Office of MMM's Ombudsman shall not investigate any of the following matters:

- (a) any legislative or executive decisions by the Council, any of its portfolio committees or Sub-committees;
- (b) any matter involving allegations of fraud, corruption or corporate crime as referred to MMM's Anti-Fraud and Corruption Unit;
- (c) Disciplinary matters;
- (d) any allegation relating to financial misconduct which must be referred to the Financial Misconduct and criminal procedure and disciplinary board;
- (e) any cases where the complainant has not reported the matter to the line department;
- (f) with the exception of service delivery matters, any alleged irregular conduct of a councillor;
- (g) any complaint that is vexatious or frivolous;
- (h) any tender-related matter; and
- (i) administrative appeals.

14. JURISDICTION

The authority of the OCO extends within the geographical jurisdiction of the MMM.

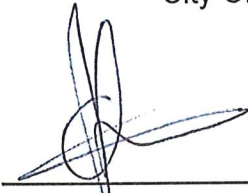
15. APPLICABILITY

This Terms of Reference shall apply to the OCO from the date approved by Council until the By-Laws for the OCO has been promulgated.

16. RECOMMENDATIONS

It is therefore recommended that:

- 16.1 Council takes note of the Terms of Reference;
- 16.2 Council approves the Terms of Reference; and
- 16.3 Council mandate the CFO to create a separate vote for the Office of the City Ombudsman.



SUBMITTED BY
ADV CHARLIE NAIDOO (OMBUDSMAN)

7/4/2026
DATE:



RECOMMENDED BY
CLLR LAWRENCE MATHAE (SPEAKER OF COUNCIL)

8/4/2026
DATE:

COUNCIL APPROVAL

DATE