



The office of the Ombudsperson

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FOREWORD

The promulgation of the National Health Act (Act 61 of 2003), together with the Free State Health Act (Currently a Bill), and the Health Charter represents the seriousness of the government of the day, in its commitment in ensuring that the individual's rights enshrined in the Bill of Rights (Chapter 2 of the Constitution of the Republic of South Africa – Act 108 of 1996), are practiced and enjoyed fully. The establishment of the office of the Ombudsperson is going to ensure that some of these rights are well promoted and protected, when the stakeholders of the Department of Health in the Free State Province make use of the Health facilities and Health establishments in the Free State Department of Health. The business plan of the office of the Ombudsperson presents detailed information on the functions and services rendered by this office.

The vision of this office, is to give effect to the Constitution, the National Health Act and the Free State Health Act (Bill), as well as the Health Charter and the Patients Rights Charter, and there is no doubt that it will develop on the already laid structures, to ensure a better life for all.



INTRODUCTION

The office of the Ombudsperson is established to give effect to the individuals' rights enshrined in the Bill of Rights i.e. (Chapter 2 of the Constitution – Act 108 of 1996), the National Health Act (Act 61 of 2003) and constituted in terms of section 18 of the 'New' Free State Health Act, currently a Free State Health Bill. The office of the Ombudsperson is an independent office by its nature of origin and it is going to ensure that the Public in the Free State is aware of their right to complain and exercise this right when they are faced with maladministration as well as corrupt activities. The National Health Act obliges a MEC to ensure that there is a complaints procedure that the stakeholders of the Department of Health in the Free State Province are fully aware of and use to lodge their complaints of poor service and maladministration against the Department. After thorough consultation with the relevant stakeholders, in an effort to come up with a procedure that is going to meet the expectations of the National Health Act, the MEC proposed the establishment of the office of an Ombudsperson. The office is expected to act as a catalyst between the Public and the Department to ensure that the Department carries out its mandate as expected. The office is not replacing any structure currently in place for lodging complaints or information mechanisms used to inform the Public about its right to complain. It is going to act as an oversight structure to ensure that there is compliance with the already existing guidelines, policies and procedures.



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Chapter 1

Vision

- ✚ To enable the Free State Department of Health to meet its Constitutional and legislative obligations as well as extirpation of corruption.

Mission

- ✚ To provide effective and efficient responses to complaints and investigations as well as a transparent, fair and non - discriminate service delivery to all ensuring reliability to the service rendered by the Free State Department of Health through commitment to Bathopele principles.

Principles and Values

The office of the Ombudsperson is an independent office by its nature of origin!

The Bill of Rights in the Constitution is the cornerstone of the values of this office and it is guided by the underlying principles of: -

- ✚ Independence
- ✚ Impartiality
- ✚ Fairness
- ✚ Integrity
- ✚ Equality
- ✚ Accountability and transparency
- ✚ Confidentiality



Chapter 2

FUNCTIONS OF THE OFFICE OF THE OMBUDSPERSON

- ✚ To ensure optimum service delivery to the users of Health facilities/establishments in the Free State Department of Health
- ✚ The office of the Ombudsperson represents the interests of the public
- ✚ To investigate complaints which are procedurally referred to the office of the Ombudsperson by the stakeholders of the Department of Health in the Free State,
- ✚ To ensure that complaints are addressed at the correct level.
- ✚ To make necessary recommendations to the relevant stakeholders
- ✚ To expedite the finalization of the complaints
- ✚ To advise and mediate on complaints.
- ✚ To ensure that dissemination of information is correctly done.
- ✚ To give reports and a feedback to the relevant stakeholders.
- ✚ To promote other relevant acts that are in line with its mandate

Jurisdiction

- ✚ The office cannot handle all complaints it handles only those that are within its mandate.
- ✚ (For example court decisions cannot be challenged by this office)
- ✚ It does not handle vexatious and frivolous complaints
- ✚ It does not entertain complaints where there is recourse and all other avenues were not exhausted.
- ✚ The office is not for labor relations matters – employee / employer.
- ✚ Employees as clients have the right to complain
- ✚ matters that are already reported to another forum but not yet resolved



Chapter 2

Reporting procedure

How to lodge a complaint?

Requirements

- ✚ The complaint must be submitted in writing

NB! It must be directly from you unless you are physically unable to do so and must have happened within a period of 12 months

- ✚ You must fill a form that will serve as a guide

The form is obtained from the office of the ombudsperson only

What happens to your complaint after it has been received by the office of the ombudsperson?

It follows the following steps

Step no. 1

- ✚ Assessment for jurisdiction is done and if the complaint does not fall within the jurisdiction of this office it is referred to the relevant structure / office, and the complainant is immediately informed of the action taken and reasons given.

Step no. 2

Once jurisdiction has been established: -

- ✚ The institution / Department implicated must provide details / information on the allegations.

The allegations are tested against legislation (Constitutional guidelines, Promotion of Administrative Justice Act, etc...), policies and procedures

- ✚ The complainant must receive a provisional outcome based on the provisional review within a stated period based on the seriousness of the complaint but must not exceed fourteen (14) working days..

An outcome of the final review will follow after the determined period above.



Chapter 2

Step no.3

- ✚ The matter is put to rest if there are no further objections or comments. The complainant is informed that the matter is closed.

Step no. 4

- ✚ The complainants are encouraged to voice out their satisfaction about the service
- ✚ A form is provided for this purpose

Authority

The office of the Ombudsperson is authorized to do the following: -

- ✚ To have access to relevant records
- ✚ To call witnesses
- ✚ To determine procedures at inquiries
- ✚ To enter all health facilities
- ✚ To criticize and make recommendations
- ✚ To investigate any individual or entity that is alleged that his/her acts or omissions have prejudiced the Free State Department of Health
- ✚ The Free State Department of Health where it is alleged that its acts or omissions through its employees have prejudiced individuals' rights



Chapter 2

OFFICE OF THE OMBUDSPERSON

COMPLAINT FORM

1. Personal details of the complainant

First name: _____

Surname: _____

Address: _____

Post code: _____

(H) Tel no. _____

(W) Tel no. _____

Cell no. _____

Email: _____

2. The Complaint

Name of the Health facility/Health establishment the complaint is about:

Where you told about the procedure that you must follow when you lodge a complaint?

Have you followed the procedure as explained to you?

If no give reasons:

If yes, did you receive any reply?

Have you contacted the Head of the Health facility/establishment before completing the form?

Have you received a reply from the Head of the facility/establishment?

Was your complaint lodged in writing?

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What action/s are you suggesting that the Department or the Office should take?

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(NB! To be filled in only when a complaint is made on behalf of someone else)

2. Personal details of the person lodging a complaint on behalf of someone else

First name: _____

Surname: _____

Address: _____

Post code: _____

(H) Tel no. _____ **(W) Tel no.** _____

Email: _____

Relationship:



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SECTION 3

To support your complaint it is important that you forward your complaint with all supporting documents (Previous correspondence etc...)

Have you submitted any documents? If yes kindly list them below: -.

1.
2.
3.
4.
5.
6.
7.
8.
9.
10.

Do you grant permission that the office of the Ombudsperson be handed over all relevant information/documents including medical records, concerning your complaint?

I/We.....agree /do not agree to the abovementioned statement.

Signed.....At.....

Date.....200

Chapter 3

Service delivery operational plan

Objectives

1. Accessible and quality service

1. To give members of the community a means of effectively lodging a complaint about the health services rendered by the Free State Department of Health.
2. To independently and impartially respond to health service providers and community complaints.
3. To act as a central oversight agency for receiving and finalizing all health service complaints in Free State Department of Health.

Activities

- ✚ To ensure that there are well established procedures for laying and resolving complaints.
- ✚ To ensure that there is a well structured, formulated and user friendly complaints form for referring complaints to the office of the Ombudsperson.
- ✚ Handling/investigation of the complaints – analysis, findings and recommendations on complaints.
- ✚ Quarterly review of complaints and reports.
- ✚ Compilation of questionnaires about the service rendered by the office.
- ✚ Monitoring of suggestion boxes and compliments
- ✚ Consolidation and keeping of statistics of all complaints.

2. Effective marketing of the service

1. The public exercises its right of complaining to the relevant structures.
2. To ensure that there is awareness of the available complaints procedures.

Activities

- ✚ Arrange slots with the local radio stations
- ✚ Arrange interviews with print media and ICAM
- ✚ Out reach programs
- ✚ Workshops
- ✚ Create posters and brochures



Chapter 4

List of definitions

Accountability and transparency – People are timely informed about the decisions, underlying reasons and recourse

- ✚ Bathopele – Considering people first in your actions, thoughts, dealings, service delivery and care.
- ✚ Business plan – Is a strategy applied to set out the goals that will enable the office of the Ombudsperson, to best meet the health needs of the Free State Province population. It is based on the challenges identified and the resources that are available.
- ✚ Confidentiality – Keeping in trust
- ✚ Complaint – Written statement that one is dissatisfied
- ✚ Department – Free State Department of Health
- ✚ Equality – All people are equal and this is consistently applied
- ✚ Fairness – Principles of natural justice are applied to all cases
- ✚ Health facility – In terms of section 1 of the draft bill (Free State Health Act)
- ✚ Health establishment - In terms of section 1 of the draft bill (Free State Health Act)
- ✚ Impartiality – Not favoring anybody more than the other
- ✚ Independence – Not controlled by anybody or thing
- ✚ Integrity – Everyone is treated with respect and dignity
- ✚ Maladministration – Management of public affairs badly or improperly
- ✚ MEC - means the Member of the Executive Council responsible for Health in the Free State Province
- ✚ Ombudsperson – Protector or defender of the Citizens

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Office – Office of the Ombudsperson



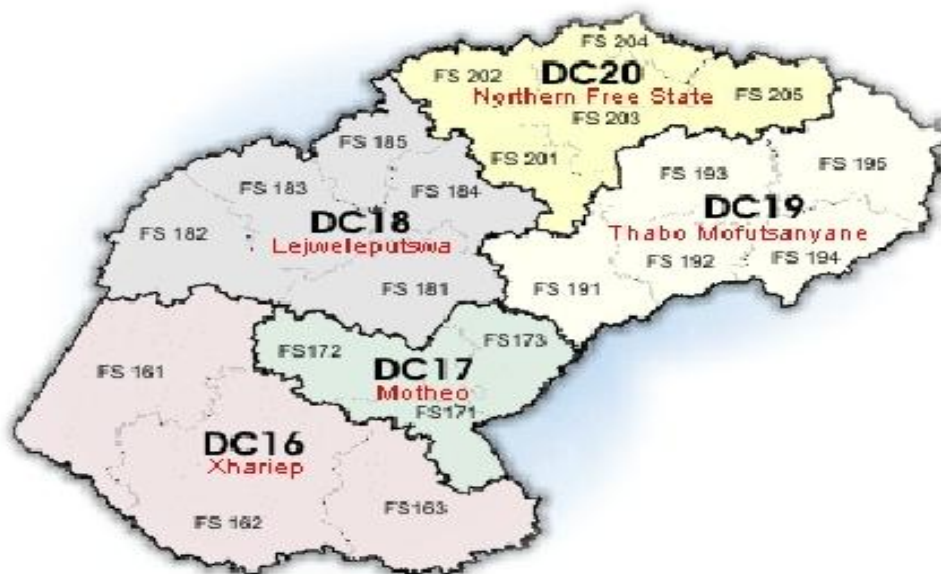
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OFFICE OF THE OMBUDSPERSON

BUSSINESS PLAN

2006/2009



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