

HAPPY OMBUDS DAY

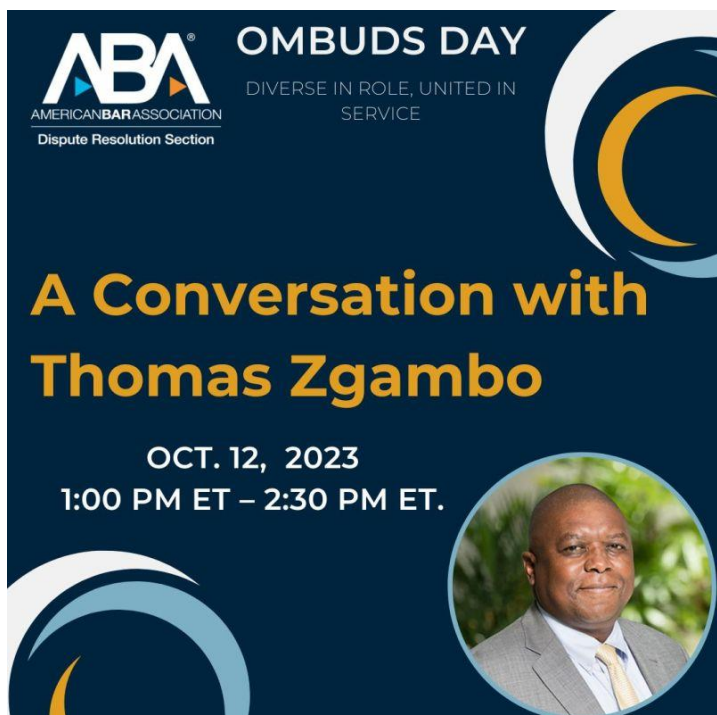


In my capacity as the University of Cape Town (UCT) Ombud and member of the International Ombuds Association, I join millions of other Ombuds across the globe in celebrating Ombuds Day on 12 October 2023. Happy Ombuds Day. Apart from celebrating the work that we do and ourselves as practitioners, we also use this day to help demystify 'Ombudsing' by educating people about this work and to highlight its value. We converge to discuss challenges, nuances, and breakthroughs. The theme for this year's Ombuds Day is **"Diverse in Role, United in Service"**.

I invite you to come and have a good cuppa with us on this day at our UCT Ombud's Office in Lovers Walk, Lower Campus; and to sign up for a webinar entitled "A Conversation with Thomas Zgambo." Dr Zgambo is currently the Ombud for the International Monetary Fund (IMF) and has served as an ombud for 26 years. In addition to his work at the IMF, he has also had roles at Polaroid, Coca Cola, MIT and the World Bank. We look forward to his insights, and a conversation about the growth and evolution of the ombuds profession.

- [Register for this year's FREE webinar.](#)

Please join us on 12 October 2023 at our offices and sign up for the webinar.



What is an Ombud?

The word “ombudsman” is Swedish for “legal representative”. It is not gender specific, although many universities are using “Ombud” or “Ombudsperson” to make the word gender neutral. Since the 1950s, many governments, universities and businesses have appointed Ombuds as a designated neutral and independent third parties who specialize in conflict resolution and receive confidential complaints, concerns or enquiries about alleged acts, omissions, improprieties and broader systematic problems within the institution. In this way, the Ombud serves the wider organisation and not just management. In fact, an Ombud is obligated **not** to be accountable to management, in order to guarantee impartiality in disputes that may involve management.

The Mandate of the Ombud’s Office

The main objective of the Ombud’s Office is to help seek fair and satisfactory action for the individual against bureaucratic unfairness and ensure that the university community fulfils their obligations. Ideally, the office of the Ombud is meant to be the last resort, not the early resolver of disputes. In a macro sense, the Ombud should oversee and give feedback to policymakers, when necessary, comment critically on how policies are implemented and recommend changes as appropriate. The role is the big picture role which comes from being well positioned, which enables the Ombud to appreciate all parts of the university, to observe what could cause harm, and to provide early warning to prevent the projected harm from happening. This is often explained as seeing the forest and not just the trees. But in this case the Ombud appreciates the trees within the forest.

None of the work of the Ombud can be delivered without appreciating and applying the organisational values to test the current policies and actions. For the Ombud to hear and understand issues brought to the office from diverse angles, it is critical to be granted access to all resources that will enable resolution.

The Value of the Ombuds Office to UCT and its Community¹

Conflict is inevitable and can be expensive. The normal alternatives for dealing with conflict are administrative hearings, formal grievances, or lawsuits. All of these options drain institutional resources. The opportunities for conflict to occur within educational bureaucracies are endless. Some examples include perceptions of fairness related to the application of policies, evaluation criteria, money and other kinds of limited resources, priorities, appropriate uses of power, incivility and bullying, interpretations of rules, cultural differences, values, attitudes, and perceived insensitivity. Ombuds services also "humanise" institutions for many constituents. The existence of an Ombuds Office sends the message that the institution cares about its people and recognises the value of providing informal dispute resolution for members of the campus community.

Cornerstone Principles²

Confidential:

Ombuds maintain the privacy of the identity of visitors to the office as well as the content of their conversations. With a visitor's permission, the Ombud's Office may contact individuals within the institution whose help is necessary to resolve a problem. The Ombud's Office staff do not testify in formal proceedings. The only exception to this privilege of confidentiality is where there appears to be imminent risk of serious harm, and where there is no reasonable option other than disclosure. Whether this risk exists is a determination to be made by the Ombud.

Informal:

All members of the university community have a right to consult voluntarily with the Ombud's Office. The office has no authority to make decisions on behalf of the institution and maintains no official records.

Neutral or Impartial:

Ombuds have no personal interest or stake in and incur no personal gain or loss from the outcome of any disputes. Ombuds avoid situations that may cause or result in conflicts of interest. Ombuds attempt to promote fair processes but do not advocate for individuals on the basis of affiliation or constituency status.

¹ "Nuts and Bolts: Establishing and Operating a College or University Ombuds Office", International Ombudsman Association (www.ombudsassociation.org)

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Independent:

Ombuds report to the highest possible level of the university, being the university Council, and operate independently of ordinary line and staff structures. The Ombud's reporting relationship to the Vice-Chancellor is for administrative and budgetary purposes only. The Ombud exercises total discretion regarding their responsibilities. They are not part of and does not take part in any administrative or formal complaint processes.

Accountability³

Periodic informal discussions with the administrator to whom the office reports can also be helpful in promoting accountability. Discussions might focus on general office activities and needs, the identification of trends or problem areas, and pervasive campus concerns. The reporting relationship is primarily administrative, rather than supervisory, in that day-to-day case management issues are not discussed (discussions requiring identification of individuals occur only with permission.).

The Ombud's Office must maintain independence and accountability simultaneously. The degree to which this is possible depends largely on the quality of the working relationship between the Ombud and their supervisor. Clearly, it is incumbent upon the Ombud to demonstrate how the office is fulfilling its mission while enhancing the administrator's appreciation for the importance of maintaining independence and confidentiality.

Annual Report

Offering annual reports can also serve as a means of accountability to the university as well as the general public while forming part of educating the university community about the nature and the role of the Ombud's Office. It is chiefly the combination of the independence of my office and the complex nature of the reporting line between the office and the Chair of Council. My independence results in a position unlike that of any other UCT staff member, furthermore my role demands that I remain true to what has been brought to my office.

Reporting

As specified in the Terms of Reference for the Ombud's Office, a written report is submitted annually to Council through the Chair. The purpose of the report is to summarise the activities of the Ombud's Office and to identify trends, patterns, and new complaints. These indicate what is not working well and what fails to meet the expectations of the university community; which may lead to a grievance or an unmet reasonable expectation or violate

³ "Nuts and Bolts: Establishing and Operating a College or University Ombuds Office", International Ombudsman Association (www.ombudsassociation.org)

trust. Most importantly, the Ombud's reports ensure accountability between the office and the UCT community. The **report process** is as follows:

- a. The Ombud prepares a report and submits it to the Office of the Chair of Council
- b. The Chair/Deputy sends the report to the VC asking them to respond if they so wish.
- c. Common practice has been to respond as the Executive, where the report is responded to by the team led by the VC. This gives the Executive room to ask additional questions or seek clarification and, crucially, comment on the implementation of the recommendations.
- d. The Executive's response is submitted to the Ombud for additional comments, if any.
- e. Both reports are submitted to Council, after which the Ombud is invited to present the report to Council and take questions.

This process will be re-implemented again as of this year – 2023.

On this special day, let us celebrate the invaluable role of ombuds in promoting fairness, justice, and transparency. May our dedication to resolving conflicts, upholding ethics, and ensuring accountability continue to make a positive impact in the lives of many. Here's to a day filled with recognition and appreciation for our essential work! ✨ #OmbudsDay

Yours Sincerely,



Nashira Abrahams .