




PUBLIC COMPLAINTS COMMISSION


(THE NIGERIAN OMBUDSMAN)

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MEDIUM TERM STRATEGIC PLAN
2023 - 2027



PREFACE

I am delighted to present to you, the Public Complaints Commission (PCC) five (5) year strategic plan (2023 – 2027), prepared in Collaboration with UNODC in line with the mandate of the Commission.

In order to achieve its core mandate, the Commission needs a strategic plan, since planning is central to the operations of any organisation. For an organisation to realise its objectives; the vision and mission statements must be clearly articulated. Also, any organisation that wants to grow as a matter of necessity, must develop an actionable strategic plan.

Strategic plan creates clarity, alignment and identifies both human and material resources required to attain organisational set goals/objectives. It is also crucial to the success of any organisation, as it ensures the survival of the organisation within its internal and external environments. As a plan, it attempts to move the organisation from its present position to greater heights with cutting edge performance.

In Nigeria, the Commission is one of the foremost Anti-Corruption agencies established in 1975. It is mandated as the sole agency under the National Assembly to address all administrative injustices at Federal, State, Local Government levels, and any Company registered under CAMA.

The Commission is citizens-centred and structured to attain to aggrieved persons at all levels. It has offices in the 36 States of the Federation and FCT. The headquarter is where the Chief Commissioner sits and coordinates the activities of the Commission. The success of this strategic plan will depend largely on its effective implementation amongst all staff; while coordination of the plan implementation, will be the responsibility of the Management.

Hon. Abimbola Ayo Yusuf

Hon. Chief Commissioner PCC Headquarters, Abuja.

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OVERVIEW OF THE ORGANISATION

The Public Complaints Commission (PCC) was established by Decree No 31 on 16th October, 1975. It is preserved in Section 315(5b) of the 1999 Constitution which is now referred to as CAP P37 LFN 2004 as amended. Its importance is underscored by the fact that it is one of the Commissions inserted in Section 315(5b) of the 1999 Constitution. It is classified as an Ombudsman type agency and is headed by a Chief Commissioner working together with other Commissioners, whose tenure are statutorily secured. The Commission operates from 38 offices, one in each State of the Federation, Federal Capital Territory and its Headquarters at the Federal Capital Territory.

The Chief Commissioner and other Commissioners are appointed by the National Assembly for a three-year term each renewable only once. Commissioners enjoy security of tenure as they can only be removed by the National Assembly, though the Act does not prescribe the grounds upon which a Commissioner may be removed.

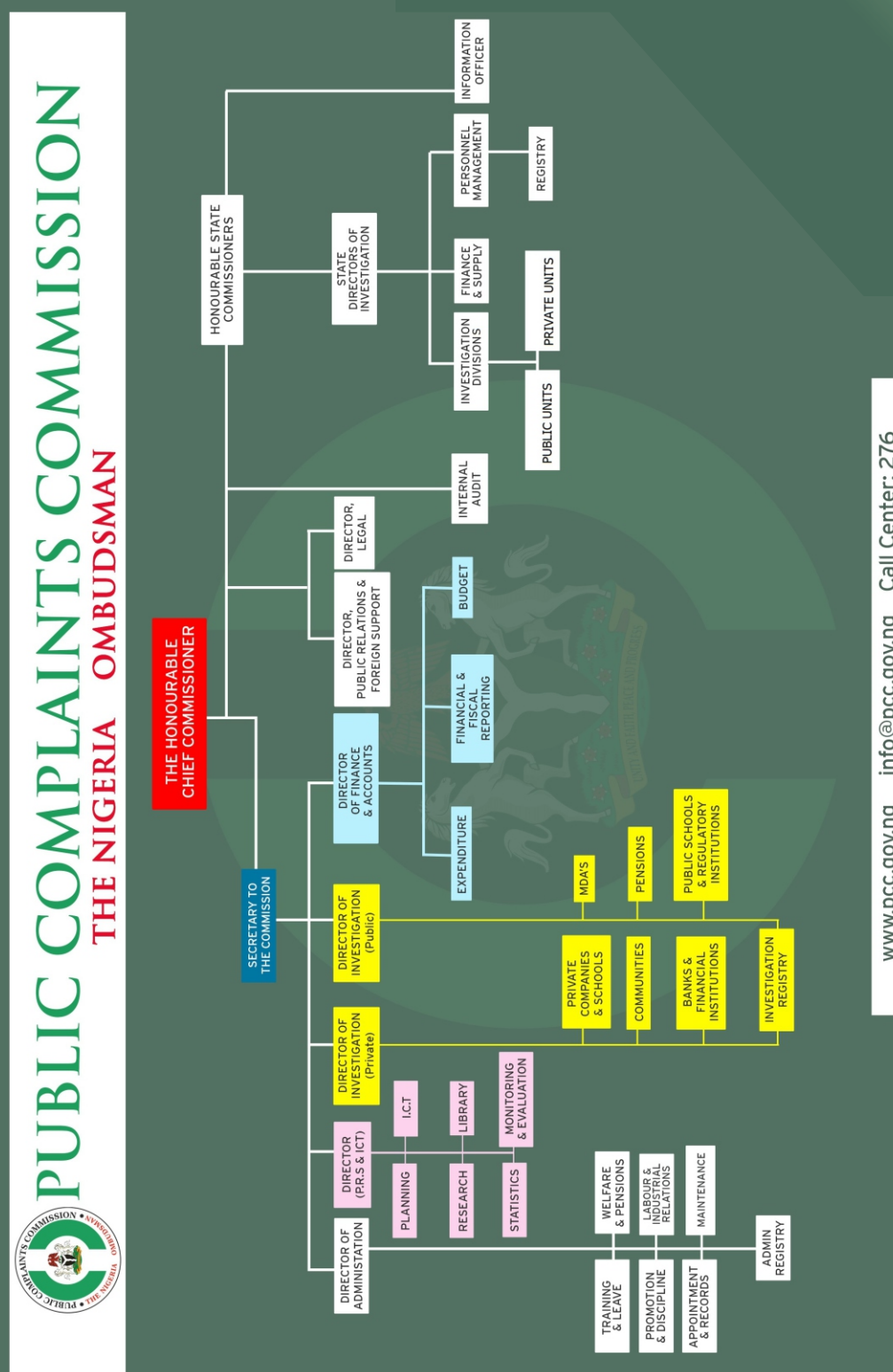
Vision

To restores the dignity of Man through the enthronement of Rule of Law and the protection of an Individual / Organization.

Mission

To promotes an effective and efficient service that is responsible and responsive to the needs of the citizens through investigation and resolution of Complaints against Federal, States, Local Governments, Public Corporations, Private Companies and their Officials and to institutes proactive measures towards the improvement of systems and development of strong and efficient Institutions.

COMPOSITION/ORGANOGRAM OF THE COMMISSION



FUNCTIONS AND POWERS OF THE PCC

The Commission's statutory mandate is "to inquiries into complaints by members of the public concerning the administrative actions of any public authority and companies or their officials".

In fulfilling its mandate, PCC performs functions including the following:

- Investigation of administrative injustices in MDAs, Public and Private corporations and the administrative procedures of courts of law;
- Interpretation of government policies;
- System analysis of MDAs, corporations and court bureaucracies and advising these bodies; and
- Whistle blowing

It is inferable from the above that the mandate of the PCC comprises, the promotion of effectiveness and efficiency in both the public and private sectors in manners responsible and responsive to the needs of the citizenry through the investigation and resolution of complaints against Federal, States, Local Governments, Public Corporations and Private Organisations and their officials. Therefore, one can safely concludes that anti-corruption is not a primary mandate of the Commission. However, administrative processes in both the public and private sectors are fertile grounds for corruption.

Section 5 of the PCC Act sets out the mandate of the Commission. Among these are powers to proactively or reactively investigates administrative actions "which are or appear to be" unlawful, unreasonable, unfair, oppressive, unclear administrative actions which are premised on improper motivation or based on irrelevant considerations. It is not difficult to link these types of administrative actions to corruption. This proactive power to investigates actual or perceived misdeed is so broad to accommodates the investigation of administrative procedures in whole sectors or industries. However, the Commission has to a large extent relies on its power of reactive, complaints driven and individualistic investigations. Complaints received from the public are in the tens of thousands annually and beyond the man power capacity of the Commission to handles as suggested in the table below.

Activity	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
No of Processed cases between	44,239	38,323	35,473	43,096	21,699	58,504	71,529	61,469	78,992	88,897
No of cases resolved from	24,954	12,976	13,963	13,963	25,106	21,597	23,815	18,138	41,330	39,053
No of cases pending	19,285	25,350	16,319	26,777	29,549	36,907	47,714	43,331	37,662	49,844

Table 1. Complaints Handled by PCC from Year 2013 – 2022

The annual backlog of complaints is large and cumulative, and it is doubtful if the Commission can carry out investigations on these complaints and conclude them. This in part is because of lack of adequate funds and necessary materials for investigation. There is also a catalogue of restrictions on the implementation of the mandate of the Commission. By the Act, the Commission cannot investigate matters pending before the National Assembly, the Council of State or the President; matters relating to the Armed Forces in Nigeria or the Nigeria Police Force or their personnel, and matters where the complainant has no personal interest among others. These restrictions seem to take away with one hand what the Act gives with another hand, and thereby crippling the Commission. These restrictions are traceable to the military era history of the legislation. However, the legislation is due for reforms, to bring it in line with the current democratic dispensation.

There is no evidence of a functional archiving system in place. Virtually all complaints are still held in paper formats which do not easily lend themselves to automated routine analysis. A system of capturing this database in digital form with proper indexing needs to be explored. Also there appears to be no case management system in place for the purpose of assigning, tracking and monitoring cases. Though each Commissioner is autonomous, the Act prescribes that the Chief Commissioner is to coordinate their work and resolves issues of duplication of efforts. This cannot be effectively done across the 37 state offices without a functional and regularly updated case management system.

Furthermore, the Act saddles the Chief Commissioner with the task of determining how complaints may be made to the Commission. Yet, there is no evidence that the Chief Commissioner has exercised this power to make subsidiary legislation. Since its inception in 1975, complaints have been made in writing. However, the digital age is upon us now and there is a need for the Commission to re-strategizes in this regard and takes advantage of modern ICT tools and the move of a large segment of the population to digital platforms.

An online complaint receiving platform may be considered. Additionally, there is a need to consider for inclusion in such subsidiary legislation, whistle-blower provision, oral complaints, feedback mechanisms and simple formats from which data of age, sex, geographic location and population demographic can be harvested for routines trends analysis.

GOVERNANCE (ORGANISATIONAL STRUCTURE OF THE PCC)

The Public Complaints Commission Act 1975 provides that the Commission shall be composed of a Chief Commissioner and as many Commissioners as the National Assembly may appoints. As at the date of this assessment, we have 37 Commissioners, one in each state of the Federation including FCT and a Chief Commissioner at the Headquarters.

The PCC Act does not elaborate on the administrative or operational structure of the Commission. However, the management of the Commission has created departments and units along operational lines for administrative and management convenience. The PCC structure may be divided broadly into the operational departments and the support departments. It is structured into five departments and a number of Units namely:

- Public Investigation
- Private Investigation, Administration
- Finance and Accounts
- Planning Research
- Statistics ICT and legal
- Procurement
- Enforcement
- Public Relations & Foreign Support

PCC's mandate comprises of promotion of effectiveness and efficiency, in both the public and private sectors in manners that are responsible and

responsive to the needs of the citizenry, through the investigation and resolution of complaints against Federal, States, Local Governments, Public Corporations and Private Organisations and their officials. It appeared that the organisational structure of the Commission fuses the Board, Management and Operations together. There is no clear separation of the Board which is responsible for policy and oversight functions while the Management is responsible for the implementation of policies.

The PCC maintains offices in all 36 States of the Federation and one in the Federal Capital Territory, separate and distinct from the headquarters. The State offices are in direct contact with the Nigerian people, easily accessible and known from its history as among the first agencies a citizen could make a complaint to. Even during the military era, complaints are received, investigated and solutions to complainants' issues are attempted at the state office levels. This decentralised structure allows for efficiency, but there needs for more centralised coordination of these activities in a manner that will generate data on national trends, to inform policy advisories.

1. SWOT Analysis of the Organisation

The SWOT analysis of the organisation explores its strengths and weaknesses, opportunities available to it, and threats to its performance. A SWOT analysis of PCC using data and information from multiple sources reveals the following:

Strengths

- Statutory establishment.
- Security of tenure for the Chief Commissioner and Commissioners.
- Presence in all states of the federation and the Federal Capital Territory.
- Has statutory power for systems review.
- Has power to requests information from any person or institution.
- Mandate cuts across public and private sectors.

Weaknesses (both internal and external hindrances for the work of the organisation)

- Has no direct statutory anti-corruption mandate.
- Its operational culture has been reactive rather than proactive.
- Concentration of power on the Commissioners.
- The Act does not provide for proper delineation of power between the Commissioners and Management.
- Inadequate financial and material resources.
- Low staff capacity due to inadequate training.
- Weak machinery for legislative and policy advocacies.
- Weak policy, research and planning capacities.
- Can only investigates issues within 12 months of their occurrence.
- In spite of its age, it is not well known by many Nigerians.

Opportunities

- It is an age-long established organization with a wide mandate.
- It receives a large number of complaints annually which can be subjected to system and risk-based analysis
- It has potential capacity to raises public consciousness and awareness through positive engagements on its role as an anti-corruption institution
- It has potential access to financial and technical assistances from foreign development partners and governments;
- Growing ICT solutions that can be acquired and deployed for ease of management, database administration, human resources administration, research and information.
- Cooperation and coordination with other anti-corruption agencies to improves delivery of its mandate.
- It has potentials for collaboration with CSOs to improves delivery of its mandate.

Threats

- Statutorily, it has no executive reporting line
- Untimely, piecemeal and fractional releases of annual financial allocations
- Public perception as inefficient anti-corruption institution
- Lack of professionalism in appointment of personnel.
- Organisational structure that fuses oversight, management and operational functions.
- Absences of Ombudsman Institute in Nigeria.
- Inability to amends the Act to suit contemporary realities.

Organisational Capacity Assessment

The Commission reports directly to the National Assembly and to the executive arm of government. This is especially evident during the annual budget defense season where each agency comes before the National Assembly to justify its funds request. By the enabling statute of the PCC, its commissioners who are management are also operational executives tasked with daily operational activities. The commissioners perform the policy formulation functions which a board would performs if one existed. This suggests a fusion of the policy-making, management and operations responsibilities of the PCC and this has serious implications for transparency, effectiveness and institutional building. This is very much unlike what obtains in most organisations where there are boards and such boards are composed of both internal and external members.

a. Human Capacity Development

Statutorily, the Chief Commissioner is empowered to employ its staff, who are subject to conditions of the Federal Civil Service and the officers are pensionable. For staff of a specialised agency as the Commission, it is important for them to enjoy some incentives over and above the general conditions of the civil service in order to insulate them from the temptations of corruption and equally hold them to a higher standard of duty and accountability.

The Commission is an agency of the Federal Government of Nigeria. It recruits its staff from all over the country and is required to observe the federal character principles. Upon employment, staff are given a rudimentary induction of the workings of the Commission. There are no specialised trainings for the various technical and highly specialised duties of the Commission.

b. No Specialised Training Curriculum has been developed; neither is there an institution offering routine specialised training to the staff of the Commission. The Commission has a training manual which needs to be reviewed to keep abreast with international best practices.

Another important issue is that the Commission has not developed a specialised scheme of service which will classify the job types, give detailed job descriptions, requirements for recruitment into each job category as well as a clear path of career progression. Such a scheme when developed, will promote professionalism and enable staff aspire and be trained till they acquire expertise in specific areas such as analysis, facts finding, investigations, reporting and tracking of complaints. Specialisation will also contribute to improved productivity and quality of work as against the generalist approach currently observed in operations of the Commission. An instance is the case of officers being transferred from one desk to another without specialised training or clear career progression. There is need for adequate capacity building for staff in the specialised mandate areas of the Commission. Trainings also are designed to meet individual's needs and tasks allocated.

Staff performance evaluations are carried out using the Annual Performance Evaluation Report form (APER). In this procedure, targets are not set for each staff at the beginning of the year and it is largely a formality. When proper job descriptions are developed, the Commission needs to develop annual targets and work plans from which duties and targets will be assigned to each staff. At the end of the year, each staff should then be evaluated specifically against the duties and targets set at the beginning of the year.

Promotions largely are dependent on the number of years a staff has spent on a grade level and availability of vacancy rather than the level of expertise for a particular position. Again, a specialised scheme of service will help remedy this situation by providing detail requirements for advancing from one position to another. Therefore, a specialised scheme of service that describes Ombudsman specific duties should be developed by the Commission.

Financial Resources

PCC runs almost exclusively on funding from the Federal Government. By statute, the remuneration of its Chief Commissioner and other commissioners are a first line charge to the Consolidated Revenue Account. This is presumably to protect them from pressure and influence from the executive. Wages and salaries of staff as well as operational costs are appropriated in the normal course of government business. Budgetary allocations are not based on the actual requirements of the organisation but on an envelope, system based on what is available for distribution.

Table 2. Below shows Budgetary Allocations to PCC Between 2012 – 2023

YEAR	TOTAL PERSONNE	TOTAL OVERHEA	TOTAL RECURRE	TOTAL CAPITAL	TOTAL ALLOCATI
2012	2,158,707,23	355,104,469	2,513,807,706	560,025,000	3,073,832,706
2013	2,616,216,93	1,619,192,58	4,235,409,519	1,294,726,579	5,530,136,098
2014	2,861,051,08	1,921,481,81	4,547,333,452	2,145,269,000	6,927,801,891
2015	3,389,204,26	426,223,137	3,815,427,400	150,000,000	4,000,000,000
2016	3,383,804,45	396,195,542	3,674,901,535	720,000,000	4,500,000,000
2017	3,501,560,86	424,409,278	3,925,970,114	74,029,855	7,480,000,000
2018	3,718,552,05	1,486,599,54	5,205,151,595	2,274,848,404	7,480,000,000
2019	3,720,335,65	475,622,948	4,195,958,600	202,591,400	4,398,550,000
2020	3,812,545,28	626,454,711	4,439,000,000	261,000,000	4,700,000,000
2021	4,772,494,92	1,538,788,07	6,311,282,993	2,378,717,007	8,690,000,000
2022	6,291,227,72	1,254,988,90	7,546,216,624	3,643,783,376	11,190,000,000
2023	8,111,303,31	846,363,962	8,957,667,278	1,732,332,722	10,690,000,000

Source: PCC Budget Unit.