



KWAZULU-NATAL PROVINCE

HUMAN SETTLEMENTS
REPUBLIC OF SOUTH AFRICA

DIRECTORATE

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REVISED GUIDELINES FOR STAKEHOLDER CONSULTATION

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1. CONSULTATION PROCESS FLOWDIAGRAM

DEFINITIONS

In this policy, the following words shall unless otherwise stated or inconsistent with the context in which they appear, bear the following meaning:

Stakeholders: are people who will be affected by your project at any point in its life cycle, and their input can directly impact the outcome.

Consultation: the action or process of formally consulting or discussing.

Target group: the group people that a policy or campaign is hoping to influence in some way.

Task Team: is a group of people joined temporarily or permanently to accomplish some tasks or to be engaged into some project.

Virtual: not physically existing as such but made by software to appear to do so. This may include platforms such as Microsoft Teams, Zoom, Skype for Business, etc.

Social Media: is electronic forms of communication which include Facebook, Twitter and Instagram.

SharePoint: provides a rich collaboration environment where people inside and outside your organization can work together, coauthoring documents.

1. INTRODUCTION

The Guidelines provide for an effective mechanism for stakeholder's consultations to be used by the Department and for relevant stakeholders to actively engage when researching, developing, designing, formulating, reviewing, and evaluating policies.

The Department of Human Settlement therefore recognizes that it has an obligation to develop stakeholder engagement guidelines which is one of the most important elements for successful project delivery. Furthermore, engaging the right people in the right way in any policy development, enhancement, evaluation and review can make a notable difference to its success and to the reputation of the Department. It also reduces project risks, helps to manage your resources more effectively, facilitate team collaboration, meet timelines, and build trust through better relationships with stakeholders.

2. BACKGROUND

A Guideline for Stakeholder Consultation was developed in 2010 upon determination by the then Product Development Unit that there was a lack of constructive participation by most of stakeholders and responses were poor when seeking for comments and inputs whenever a policy is developed, reviewed, etc. This resulted in the Guidelines for Stakeholder Consultation being approved by the Head of Department in July 2010.

Although the Guideline has been implemented since its approval, difficulties are consistently experienced where responses from stakeholders are poor and the number of persons attending meetings or information sessions are low. Furthermore, the Covid-19 pandemic in 2020 had negative impacts by preventing information sessions and workshops to take place physically. Despite the negative impacts of the pandemic, it enabled the Directorate to adapt and implement new methods and systems for remote teamwork using information and communication technologies including social media on a widespread basis.

Although these new methods are being implemented, several conventional measures exist through which consultation and communication currently take place with the Department's stakeholders in the process of policy development and research. The lack of constructive participation by most stakeholders, both internal and external remain a challenge in the consultation process. The revised Guideline seeks to address the gaps identified through the years in the effort to engage effectively with the stakeholders.

3. PURPOSE

Consultation and communication are proactive means to engage with various stakeholders to help to determine or test policy options and identify any gaps and implementation resource needs that may have been overlooked. The way we consult and communicate is an essential

part of bringing onboard our stakeholders to ensure success. Consultation with key stakeholders is needed to ensure that input is taken into account from various perspectives. This is vital to ensure accuracy of content and to inform stakeholders within the target groups of the reason and purpose of the consultation. They will also be able to determine if the result will impact on them.

At Provincial level there are various reasons for consultation to take place, these include requests for policy information, research, guidance & advice, comments for development of new policy or legislation, debating, monitoring, evaluation and enhancement of existing policy/ legislation / guidelines / procedures and communication of new or enhanced policy/ legislation/ guidelines / procedures.

Keeping a record of who we have consulted and how we have communicated with them is a necessary tool for future policy reviews. In that a database of both internal and external stakeholders can be established and maintained on a continuous basis.

These guidelines aim to provide an appropriate consultation and communication process since this is paramount to effective support, adoption, approval and implementation of policies, guidelines and procedures. It also indicates where relevant stakeholders especially sector departments will participate and engage in the effort to create integrated, sustainable human settlements. The process will help ensure that all the relevant stakeholders are appropriately and adequately consulted for the required purpose, specifically in respect of the introduction of new policies or legislation, changes to existing policies, implementation strategies and the communication of this timeously.

4. LEGISLATIVE FRAMEWORK

- 4.1 In terms of the Republic of South Africa's Bill of Rights, everyone has the right to access to any information held by the state. This is also emphasised in the Principles of Batho Pele.
- 4.2 The Housing Act Part 1 General Principles (s 2) (1) (b) states that National, Provincial, and Local spheres of government must consult meaningfully with individuals and communities affected by housing development.
- 4.3 The Revised Communication Policy for the KZN Department of Human Settlements.
- 4.4 Section 14 of the Constitution of the Republic of South Africa 1996 provides that everyone has a right to privacy.
- 4.5 The Protection of Personal Information Act 4 OF 2013 (POPIA) has been enacted to give effect to the constitutional right to privacy by safeguarding personal information

when processed by the responsible party subject to justifiable limitations provided in the Act.

- a) The right to privacy includes the right to protection against the unlawful collection, retention, dissemination, and use of personal information.
- b) The Department recognises the constitutional right to privacy of the stakeholders and hereby undertakes to comply with the provisions of the Protection of Personal Information Act in the processing of personal information collected by means of attendance registers.
- c) The personal information must be collected directly from the stakeholders and the stakeholders must be informed about the reason for collecting personal information, reason which will be the fulfilment of the department's legitimate interest or public law duty.
- d) The stakeholders must be informed about consequences of failure to provide personal information.
- e) The registers used for the collection of personal information must reflect the Department's letterhead and the end user details as a responsible party.
- f) The Department must ensure integrity and confidentiality of personal information provided.

5. GUIDING PRINCIPLES

The guiding principles for consultations are:

- 5.1 More involvement and participation of interested stakeholders will be encouraged through a transparent consultation process that will enhance the Department's accountability.
- 5.2 A general standard for consultation and communication will be adopted to help the Department to rationalise its processes and be effective in achieving them in a meaningful and systematic manner. The process will provide coherence through mechanisms for feedback, evaluation, and review.
- 5.3 An exchange of good practices, mutual learning and the effective communication of policy, strategy and research information must be promoted.

6. CONSULTATION PROCESS (Illustrated in Annexure 1)

Prior to initiating any consultation, the following must be considered:

- a) Determining the purpose of the consultation.
- b) Identifying the target group for consultation.

- c) Setting out consultation methods.
- d) Expected completion date.

6.1 National Task Team

The Department nominates representatives to attend National task team or reference group meetings. The representative provides verbal input or comment at meetings or collates and submits comment or input from other relevant directorates to the National Department of Human Settlements as part of their consultation process in National strategy, Policy research and development.

6.2 Target Group

The identification of the target group will depend on the nature and content of the policy being developed or evaluated, research project being undertaken, problem identified or information communicated. To ensure adequate coverage of the relevant stakeholders, they should include those affected by the policy, those involved in implementation and/or those that have a direct interest in the policy. These groups should be given an opportunity to express their opinions. The following is a list of target groups relevant to the Department of Human Settlements. This list is not exhaustive.

- a) KwaZulu-Natal Department of Human Settlements
- b) District Municipalities
- c) Local Municipalities
- d) Implementing Agents/Housing Professionals
- e) Sector Departments
- f) Housing Institutions
- g) Social Housing Institutions
- h) Non-Governmental Organisations
- i) Community Based Organisations
- j) Faith Based Organisations
- k) Private Institutions
- l) Tertiary Institutions

6.3. Consultation methods

6.3.1 Workshops, Information Sessions, Summits, or Indabas

- a) New or enhanced policies/guidelines/procedures will be communicated through Information sessions with internal and external stakeholders.
- b) Face to face or virtual workshops or information sessions with internal and/or external stakeholders will provide a forum for participation and contribution in policy research, development, evaluation, and enhancement.
- c) Strategic documents or broader consultation may be undertaken through Human Settlements Summits or Indabas.

6.3.2 Telephone, E-mail or Virtual Platforms

- a) Requests for policy guidance and advice may be received via telephone, or email should be responded to via the same or preferred method.
- b) Comments on draft policies/guidelines/procedures may be requested via e-mail or through virtual platforms from the identified target groups.

6.3.3 Website Publication, Social Media or SharePoint

- a) New draft policies/guidelines/procedures or amendments to existing policy and research surveys may be posted on a dedicated page on the Department website or SharePoint, inviting comments and responses. Stakeholders may be notified via email of such postings with the required link to the document provided.
- b) Open public consultations with external stakeholders like implementing agents and municipalities will be posted on the internet or the Department's social media pages. In exceptional cases such as policies on internal procedures when confidentiality is required, consultation may be restricted to internal stakeholders through the use of the intranet or SharePoint only.
- c) Internal and external stakeholders will have access to approved National and Provincial policy documents through publication on the Department's website and SharePoint.
- d) Policy Documents published on the Department's website must be submitted for publication through the use of the required forms requesting authorisation by the Deputy information Officer and the Director of Communications.

6.3.4 Policy Communiqué

Policies/guidelines/procedures will be communicated through the publication of the Policy Communiqué as and when they are approved. The Communiqué will be forwarded to all stakeholders through email, as well as be published on the Department's website and social media pages.

7. TIME FRAMES

A reasonable consultation period granted for adequate submission of comments on draft policies will be a minimum of 10 working days. Urgent cases where there is a need for swift decision-making or where stakeholders have already had sufficient opportunity to comment, the period may be shortened to 5 working days. Cognisance needs to be taken of time constraints for inputs requested from the National and/or other Departments.

8. APPLICATION

- 8.1 All draft policies/guidelines/procedures inviting comments through the chosen method of consultation must provide a closing date for submission based on the suggested time frames.
- 8.2 The responsible official's contact details including, telephone number, and/or e-mail address must be included in the request for comments.
- 8.3 A reminder will be sent to stakeholders in the first day of 2nd week before the agreed final date of submitting comments/inputs.
- 8.4 Memoranda will be sent directly to key internal stakeholders requesting for inputs/comments should there be none received after sending a reminder and the final date of submission has passed.
- 8.5 Formal letters will be sent directly to key external stakeholders requesting for inputs/comments should there be none received after sending a reminder, and the final date of submission has been exceeded by 5 working days.
- 8.6 Should there be significant input received, a revised draft will be developed and re-submitted for further consultation before proceeding for approval. Although consultation may be required at more than one stage in the process, the extent of consultation will be determined by the Department in proportion to the subject being addressed.
- 8.7 Receipt of contributions will be acknowledged. Furthermore, the Communications Unit will issue an email to all staff, on behalf and approved by the Head of Department, acknowledging the stakeholders who have submitted their comments.
- 8.8 All approved policy documents being communicated will, where appropriate and feasible, be made available in alternative formats to the visually and hearing-impaired stakeholders in Braille or recordings.

- 8.9 All approved policy documents will be made available where possible in both English and Isizulu.
- 8.10 All personal information gathered from attendance registers will ensure compliance with the POPIA by including the following provisions on the register.

PROVISIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION ACT 4 OF 2013 (POPIA)

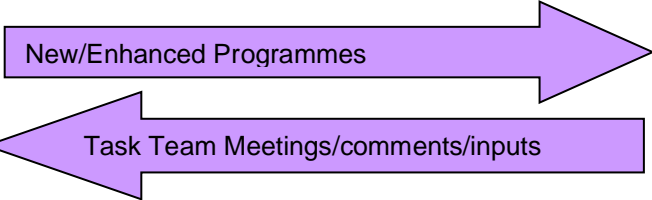
- *The Department recognises the constitutional right to privacy of the stakeholders and hereby undertakes to comply with the provisions of the Protection of Personal Information Act in the processing of the personal information.*
- *The sole purpose of collection of the personal information is ensuring public participation in policy making and accountability as envisaged in section 195 of the constitution and for the contacting the stakeholders in future should a need arise.*
- *Failure to provide information will prejudice the Department in fulfilling its public duty of accountability and it will be impossible to reach out to the data subject when a need arises.*
- *The Department hereby undertakes to secure the integrity and confidentiality of personal information provided and the information will not be retained longer than it is necessary.*
- *The Departments authority and compliance measures are not limited to the provisions above, compliance with other provisions of the law not incorporated herein will be fostered.*
- *By disclosing the information on the register, the stakeholders confirm to have read the POPIA provisions of this register and consents to the processing of personal information.*
- *Notwithstanding the absence of consent of a data subject, the Department has a right to collect personal information in accordance with the obligation imposed by law or if the collection is necessary for the proper performance of public law duty.*

9. MONITORING & EVALUATION

The Policy, Research and Product Development component will undertake a policy review after three years or when the need arises.

Annexure 1: CONSULTATION PROCESS

NATIONAL DEPARTMENT OF HUMAN SETTLEMENTS



KWAZULU-NATAL DEPARTMENT OF HUMAN SETTLEMENTS

NATURE/ PURPOSE OF CONSULTATION

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- Policy requests, guidance & advice.
- Comments on draft policies
- Research surveys

- KZN DoHS
- Districts, Local Municipalities,
- IA's, Housing Professionals,
- Sector Depts,
- Housing Institutions, SHI's, NGO's, CBO's, Private Developers, Private/ Tertiary Institutions,
- members of public

- TELEPHONE
- E-MAIL
- VIRTUAL PLATFORMS
- SOCIAL MEDIA
- LETTERS
- MEMORANDA

- Access to provincial & National policies.
- Comments on draft policies, procedures, processes, guidelines

- KZN DoHS
- Districts, Municipalities,
- IA's, Housing Professionals,
- Sector Depts,
- Housing Institutions, SHI's, NGO's, CBO's, Private Developers, Private/ Tertiary Institutions

- WEBSITE
- SOCIAL MEDIA
- SHAREPOINT

- Participation in policy dev, enhancement, evaluation & review.
- Workshop & communication of new/enhanced/ revised policy.

- KZN DoHS
- Districts, Municipalities,
- IA's, Housing Professionals,
- Sector Depts,
- Housing Institutions, SHI's, NGO's, CBO's, Private Developers

- WORKSHOPS
- INFORMATION CONSULTATION SESSIONS
- VIRTUAL PLATFORMS

- Policy, procedures, processes, guidelines & directives

- KZN DoHS
- Districts, Municipalities,
- IA's, Housing Professionals,
- Sector Depts,
- Housing Institutions, SHI's, NGO's, Community Organisations, Private Developers

- POLICY COMMUNIQUE
- WEBSITE
- EMAIL
- SHAREPOINT

- Advise, debate, draft & enhance Provincial & National policy & legislation,
- problem solving initiatives,
- monitoring implementation,
- Identification & participation in research,
- exchange & communicate info

- KZN DoHS
- Sector Depts, Municipalities
- Tertiary Institutions, Civil society reps, relevant experts

- TELEPHONE
- E-MAIL
- VIRTUAL PLATFORMS
- SOCIAL MEDIA
- WORKSHOPS/SUMMITS/ INDABA