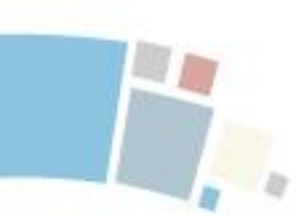




Legal Aid SA Report on Performance Q1 & Q2: 2016/17

Presentation to Portfolio Committee on Justice and Correctional Services





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1. Performance Highlights Q1& Q2: 2016/17



1. Performance Highlights Q1 & Q2 FY 2016/17

1.1 Summary of performance

- I. Legal representation provided in
224 151 matters,
193 507 (86%) criminal matters
30 644 (14%) civil matters
- II. 238 298 matters finalised for the year to date;
209 908 criminal & 28 390 civil matters
- III. General advice rendered to **166 300 clients**
- IV. 8 new impact matters approved
- V. Continued focus on children awaiting trial in custody – 78 children in custody for periods greater than 1 month as at the end of Q2
- VI. Mixed model delivery system effectively maintained:
Justice Centres 96%; Judicare 3%; Co-operation partners, agency agreements 1%



1. Performance Highlights Q1 & Q2 FY 2016/17

1.1 Summary of performance

VII. Legal Aid SA Act 39 of 2014 fully operational

VIII. Annual Financial Statements 2015/16 approved at July 2016 Board meeting and submitted timeously to NT and the A-G. 15th unqualified audit from AG received

IX. Staff recruitment rate at 95,9%

X. IT platform including software, hardware and network stable and available

XI. Integrated Annual Report 2015/16 compiled and submitted to EA, NT, AGSA and Parliament for tabling in Q2 2016/17



2. Report on Performance Q1 & Q2: 2016/17



2.1 Client, Community, Stakeholder & Shareholder



2. Report on Performance

2.1 Client, Community, Stakeholder & Shareholder

P1 – Legal aid in criminal matters

Strategy	I	Delivering quality client-focused legal aid, in criminal matters, particularly to the poor and vulnerable
Programme	P1	To deliver quality criminal legal services that are client focused
Project	P1-1	Access to Criminal Legal Aid services
Outputs		Legal Aid provided to qualifying accused persons
Target 2016/17		DC coverage: $\geq 83\%$; RC coverage: $\geq 93\%$; HC Coverage: All Legal Aid Matters
Delivery		<p>Coverage of criminal courts using internal practitioners:*</p> <ul style="list-style-type: none"> i. District Courts (DC) – 87% coverage (@ Q2 FY 16/17) DC Matters: New 161 910; Finalised 178 078 ii. Regional Courts (RC) – 96% coverage (@ Q2 FY 16/17) RC Matters: New 29 406; Finalised 29 366 iii. High Courts (HC) – representation provided in all matters requiring legal aid HC Matters: New 2 191; Finalised 2 464 <p><small>*All figures are unaudited and subject to change</small></p>

2. Report on Performance

2.1 Client, Community, Stakeholder & Shareholder

P2 – Legal aid in civil matters

Strategy	II	Delivering quality client-focused legal aid, including to poor and vulnerable groups, in civil matters with a priority focus on constitutional rights
Programme	P2	Deliver quality civil legal aid services that are client-focused, with a priority for constitutional rights
Project	P2-1	Access to Civil Legal Aid Litigation services
Outputs		Civil clients assisted within available capacity
Target 2016/17		JC ≥ 90% of civil practitioner target calculated at 95% recruitment Judicare: ≥4% of JC civil matters Co-op: Based on budget allocation
Delivery		Civil legal matters TOTAL Q1&Q2 = 30 644(14%) i. JC: 27 742 (23% above target) ii. Judicare: 452 iii. Co-operation Partners: 2 443 iv. Impact Litigation: 7

2. Report on Performance

2.1 Client, Community, Stakeholder & Shareholder

P3 – Legal aid in advice matters

Strategy	III	Delivering quality client-focused legal advice services
Programme	P3	To deliver (increase access) quality legal advice services that are client-focused
Project	P3-1	Legal Advice Services
Outputs		General advice service provided at all offices
Target 2016/17		General advice service available at all Legal Aid SA offices Growth in legal advice matters: 0% (target set at 0% because of no increase in capacity) (subject to demand and available capacity)
Delivery		Provided assistance to 166 300 (1% below target) clients in general legal advice matters: i. 132 843 JC and SO consultations (2% above target) ii. 14 518 ATP Paralegals (12% below target) iii. 18 939 Legal Aid Advice Line (16% below target)

2. Report on Performance

2.1 Client, Community, Stakeholder & Shareholder

P4 – Impact services

Strategy	IV	Delivering client-focused Impact legal aid services, delivering access to justice for poor and vulnerable groups particularly in social justice matters
Programme	P4	To give content to the constitution through impact litigation – which is able to address Constitutional rights and socio-economic rights and develop jurisprudence on social justice matters
Project	P4-1	Impact Litigation addressing social justice
Outputs		Legal Representation provided in impact matters
Target 2016/17		Impact matters as approved by the CCMC within budget ≥90% Success
Delivery		16 Impact matters were assessed and 8 new matters were approved 6 matters were finalised for the year to date 100% success rate in the 6 impact matter outcomes for the matters finalised for the year to date

2. Report on Performance

2.1 Client, Community, Stakeholder & Shareholder

P5 – Effective functioning of the justice system

Strategy	V	Contributing to the effective functioning of the justice and legal sector to assist in building safer communities
Programme	P5	To participate in, contribute to and influence structures aimed at improving the functioning of courts and justice system
Project	P5-1	Participate in National and Provincial, efficiency enhancement structures
Outputs		Participation in National and Provincial efficiency enhancement structures
Target 2016/17		Participation in efficiency enhancement structures, including NEEC, PEECs, Dev Comm and local Case Flow Meetings, as per meeting schedules
Delivery		The following meetings were attended for the year to date: NEEC meetings – 1 PEEC meetings – 13 Dev Comm meetings - 8

2. Report on Performance

2.1 Client, Community, Stakeholder & Shareholder

P6 – Accounting to the Executive Authority & Parliament

Strategy	VI	Accounting to the Department of Justice & Correctional Services, and Parliament on delivery of mandate, governance and sustainability
Programme	P6	To account and provide assurance to the Department of Justice and Correctional Services and Parliament on performance and governance
Project	P6-1	Reporting and accountability to the Executive Authority
Outputs		4 quarterly performance reports and 1 Annual Report
Target 2016/17		Accurate reports submitted timeously to the Executive Authority 4 quarterly performance reports 1 Annual Report
Delivery		As at the end of Q2 2016/17, the Q4 2015/16 and the Q1 2016/17 reports against the Annual Performance Plan were submitted to the Executive Authority The Integrated Annual Report 2015/16 was submitted to EA, NT, AGSA and Parliament for tabling.

2.2 Finance & Sustainability

2. Report on Performance

2.2 Finance & Sustainability

P7 & 8 – Financial Sustainability

Strategy	VII	Increasing financial sustainability
Programme	P7 P8	To improve financial planning (budgeting) Ensure strong and best practice financial reporting to ensure unqualified audit and optimum financial maturity
Project	P7-1 P8-1	Financial planning Financial reporting
Outputs		Approved balanced MTEF and Budget Annual and mid year Financial Statements
Target 2016/17		Balanced budget (as per government grant allocation) Financial reporting within a financial year compliant with relevant standards and regulations resulting in optimum financial maturity
Delivery		The MTEF which is balanced to the allocation and aligned to the Strategic Plan was approved by the Board in July 2016 Annual Financial Statements as at 31 March 2016 were prepared and approved by the Board and submitted to the Auditor-General and NT timeously Unqualified and a clean Audit Report was expressed by the A-G indicating optimum financial maturity

2. Report on Performance

2.2 Finance & Sustainability

P9 - Governance

Strategy	VIII	Maintaining and enhancing good governance
Programme	P9	To ensure best governance practices (PFMA compliance, King III guidelines & other relevant statutory requirements)
Project	P9-1	Compliance with statutory requirements
Outputs	P9-1	Monthly statutory compliance reports
Target 2016/17		100% Compliance with statutory requirements including Legal Aid SA Act and PFMA
Delivery		Complied with most statutory requirements including PFMA. There were 12 instances of fruitless and wasteful expenditure amounting to R920.44 and irregular expenditure mainly for lack of Tax Clearance Certificates for office leases.

2. Report on Performance

2.2 Finance & Sustainability

P10 – Combined Assurance

Strategy	VIII	Maintaining and enhancing good governance
Programme	P10	Independent monitoring and oversight unit providing combined assurance
Project	P10-1	Risk based Audit Coverage Plan
Outputs	P10-1	One annual Audit Coverage Plan One revised Mid-year Audit Coverage Plan Audit reports issued as per the Audit Coverage Plan
Target 2016/17		≥95% of Audit Coverage Plan delivered
Delivery		99 audit projects were conducted and completed as at the end of Q2, resulting in a 65% completion of the annual Audit Coverage Plan
Reason for Variance		The positive variance resulting from (1) more tender reviews requested by management and (2) more fraud awareness campaigns conducted in Q2 than estimated at the planning stage.

2. Report on Performance

2.2 Finance & Sustainability

P11 - Board

Strategy	VIII	Maintaining and enhancing good governance
Programme	P11	An effective and strategic Board providing leadership and oversight of delivery on performance
Project	P11-1	An effective functional Board
Outputs	P11-1	Board meetings as per schedule; Governance instruments approved by Board
Target 2016/17		Properly constituted Transitional Board/ New Board (in terms of Legal Aid SA Act, 2014) and Board committees skilled to function effectively
Delivery		As at the end of Q2, there was one vacancy on the Board and it was therefore not fully constituted Board Committees functioned effectively An effective and strategic Board provided leadership & oversight on delivery of performance of Legal Aid SA
Reason for variance		Vacancy on new Board retained to be filled by the Deputy Chairperson, processes underway to fill this position

2.3 Internal Business Processes

2. Report on Performance

2.3 Internal Business Processes (P12 – Regulatory Framework)

Strategy	IX	Maintaining a regulatory framework incorporating best practices aligned to constitutional values
Programme	P12	Ensure the promulgation and implementation of the rewritten Legal Aid SA Act and the gazetted/implementation of the policy regulations and procedures handbook
Project	P12-1 P12 -2 P12-3	Legal Aid SA Act (2014) Legal Aid Regulations (Policy) Legal Aid Manual (Procedures)
Outputs		Take necessary steps to ensure that the new Legal Aid SA Act (2014), Regulations and Manual are promulgated and operationalised Also ensure updating of Act, Regulations & Manual where required
Target 2016/17	P12 -1 P12-2 P12-3	Legal Aid SA Act (2014) promulgated and transitional provisions operationalised. Amendments to Legal Aid SA Act (2014) drafted, if required, in co-operation with DoJ for consideration by parliament Draft Legal Aid Regulations containing policy on legal aid, prepared in conjunction with DoJ&CD for consideration by Board. Board to submit comments on the first draft legal aid regulations, drafted by the DoJ, by end July 2016. Draft Legal Aid Manual setting out legal aid procedures, prepared for consideration by Board. Legal Aid Manual approved by the Board and submitted 18 months after the Act comes into operation (1 September 2016) to the Minister for tabling in Parliament and simultaneous gazetting.
Delivery		Legal Aid SA Act (2014) is operational. Proposed amendments approved by Board & submitted to DoJ&CD for tabling in Parliament. Draft Regulations approved by Board in Q4 2015/16 and the DoJ&CD. Submitted to the Minister for tabling. Draft Legal Aid Manual prepared & finalized in Q1 and submitted to Board for consideration & approval in Q2.

2. Report on Performance

2.3 Internal Business Processes

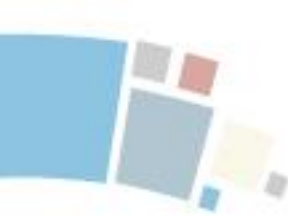
P13 – Financial Management SCM

Strategy	X	Sustain strong financial management, supply chain and asset management practices
Programme	P13	To maintain a strong supply chain management framework and practices
Project	P13-1	Supply chain management
Outputs		Quarterly reports on acquisition of goods/ services in excess of R0.5 mil indicating compliance with PPPFA, PFMA and relevant NT regulations
Target 2016/17		100% compliance with PPPFA, PFMA and relevant NT regulations when acquiring goods and services
Delivery		Achieved material compliance with the PPPFA, PFMA and NT Regulations when acquiring goods and services above R500 000. Deviations above R1 million reported to the A-G and NT timeously. During the 2015/16 Audit, the A-G identified a deviation which was not reported timeously to the A-G and NT.
Reason for Variance		The deviation was not reported timeously to the A-G due to an isolated human error. Controls have been enforced to prevent re-occurrence of this omission. Irregular expenditure incurred mainly due to lack of tax clearance certificates for office leases.



2.4 Employee & Organisational Capacity & Innovation & Learning





2. Report on Performance

2.4 Employee & Organisational Capacity & Innovation & Learning

P14 - Staffing

Strategy	XI	Expanding and capacitating the national footprint to increase points of access to legal aid services, especially in rural and remote areas (including the use of technology and other low cost service alternatives)
Programme	P14	Appropriately staff all service delivery points
Project	P14-1	Review and develop staffing plans to meet operational requirements for Legal and Support positions
Outputs		Recruitment statistics at $\geq 96\%$
Target 2016/17		Recruitment at $\geq 94\%$ (because recruitment budgeted at 96% based on available budget)
Delivery		Staff recruitment rate for Q2 at 95.9% with turnover excluding CAs at 1,14%



2. Report on Performance

2.4 Employee & Organisational Capacity & Innovation & Learning P15 – National Footprint

Strategy	XII	Developing and expanding the quality and expertise for each segment of the national footprint
Programme	P15	To strengthen and improve organisational competences and expertise required for delivery of quality outcomes
Project	P15-1	Skills Development
Outputs		ATP & ATR submitted to SASSETA in compliance with the Skills Development Act
Target 2016/17		Submission of the WSP and ATR in compliance with the Skills Development Act
Delivery		Workplace Skills Plan 2016/17 and ATR 2015/16 was submitted to SASSETA in compliance with the Skills Development Act on 13 April 2016

2. Report on Performance

2.4 Employee & Organisational Capacity & Innovation & Learning

P16 - IT

Strategy	XIII	Building and maintaining an integrated and service-oriented cutting-edge Information Technology system
Programme	P16	Maintain a modern IT platform (incl. Hardware, software, middleware and IT network infrastructure)
Project	P16-1,2,3	IT Network, Hardware, Software & Applications
Outputs		Provide effective throughput of reliable data across accessible IT systems Hardware and Software Applications available, reliable and dependable to respond to and sustain business needs
Target 2016/17		Stable and reliable WAN VPN connected to all sites and available 95% of the time IT hardware capacity aligned to business needs and available 99% of the time IT software and applications fully integrated and available 99% of the time
Delivery		WAN availability 98.34% Server hardware availability 99.76% IT Software and applications availability 99.76% 100% of viruses blocked at firewall



3. Challenges

Q1 & Q2: 2016/17



3. Challenges Q1 & Q2 FY 2016/17

- I. Pending matters exceeding target turnaround times exceeded the target for RC by 2%
- II. Processing of appeal matters still poses challenges, especially with regards to obtaining transcripts of matters timeously
- III. 7 legal practitioners and 3 legal managers out of a total of 415 assessed did not achieve their quality targets as assessed by the LQAU at the end of Q2. This represents 2,4% of legal practitioners assessed.
- IV. Pending budget cuts over the MTEF by the National Treasury would impact negatively on service delivery
- V. Fruitless, wasteful and irregular expenditure although immaterial in quantity is an area of concern



4. Plans

Q3& Q4: 2016/17



4. Plans for Q3 & Q4 2016/17

- I. Implementation of the Financial Sustainability Strategy
- II. Balancing the 2017/18 Budget to the approved grant allocation
- III. More audits to be conducted in line with the audit coverage plan
- IV. Advertising campaigns on SABC TV and Radio, and e-TV
- V. Nationwide billboard advertising campaign
- VI. Strengthening our social media presence

Twitter: @LegalAidSA1

Facebook: LegalAidSA1