

Legal Aid South Africa Annual Performance Report 2021-2022

Presentation to Portfolio Committee on Justice and Correctional Services

12 October 2022



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2. FY 2021-2022 Performance Overview

2.1. Performance Overview

2.2. Legal Service Delivery

2.3. Financial Performance

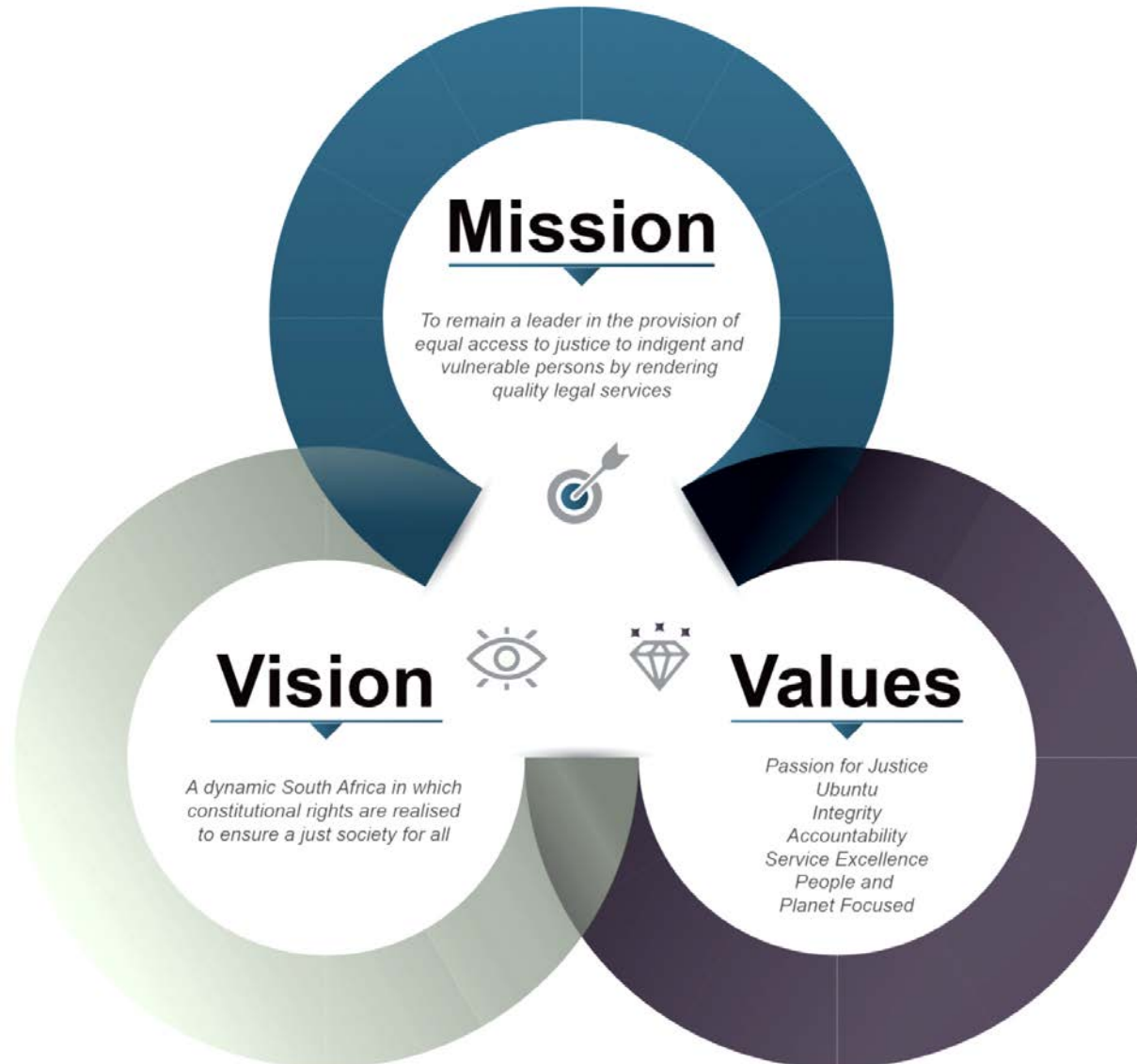
2.4. Human Resources Management

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1. Legal Aid SA Mission, Vision, Values



1. Legal Aid SA Infrastructure



2. FY 2021-2022 Performance Overview

2.1. Performance Overview

2.2. Legal Service Delivery

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2.4. Human Resources Management

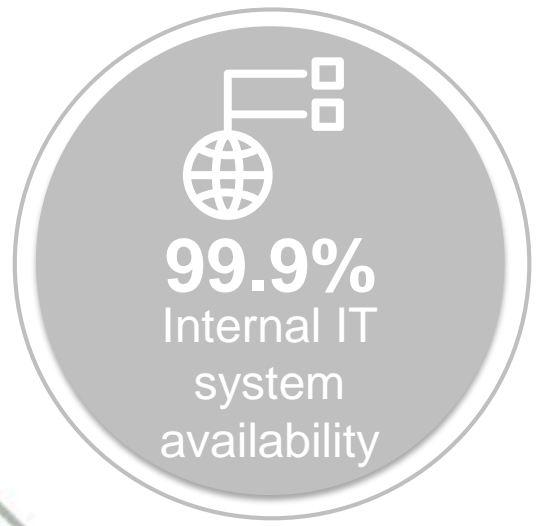
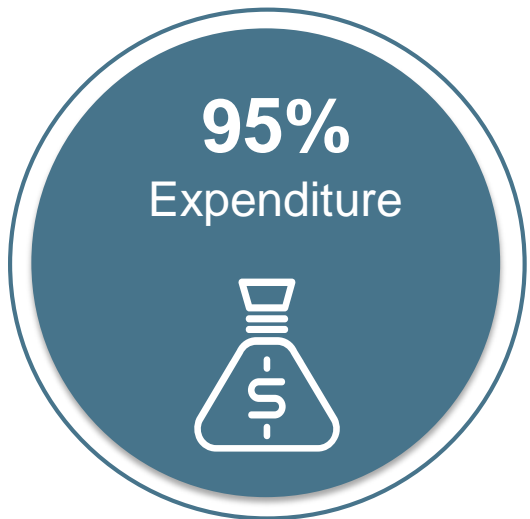
2.5. Governance

2.6. Sustainability Matters

2.1. Performance Overview

- The FY 2021-2022 was the second year of implementation of the Legal Aid SA Strategic Plan 2020-2025.
- Legal Aid SA continued to contend with the challenges of the COVID-19 pandemic during the FY 2021-2022. Despite this, the organisation remained committed to championing the rights of all persons to access justice through the provision of independent, accessible and quality legal aid services.
- **Overall performance**
 - Increased access to justice by providing **487 552** persons with legal aid.
 - Business Plan 2021-2022 – achieved **84%** of the predetermined objectives.
 - Audit Opinion 2021-22 – achieved **clean audit outcome**
 - **14th** clean audit outcome; and
 - **21st** unqualified audit opinion.
 - Finance - Legal Aid SA spent 95% (R2,022 billion) of its allocated budget of R2,132 billion.
 - Human Resources practices ensured a stable workforce and Legal Aid SA was accredited as a Top Employer South Africa for the 13th consecutive year.
 - Stable Governance Framework that saw the entity meet all statutory requirements timeously.
 - The IT platform remained stable with a system availability of 99.9% and 80% of the workforce had remote access.
- During the last quarter of the financial year Legal Aid SA took over the legal representation function previously undertaken by the Land Rights Management Facility (LRMF) of the Department of Agriculture, Land Reform and Rural Development.
- The provision of land justice services commenced on 5 January 2022 with the establishment of a Land Rights Management Unit (LRMU). The LRMU provides legal representation and advice services in land disputes for those who cannot afford legal representation.

2.1. Performance Overview



FY 2021-2022 Performance Overview

2.2. Legal Service Delivery

2.2. Legal Service Delivery (1)



2.2. Legal Service Delivery (2)



Local Offices
342,031

Judicare
9,654

Co-operation Partners
3,083

Agency Agreements
354

Strategic Litigation
19



Criminal
314,998

Civil
40,143



Local Offices
349,231

Judicare
7,990

Co-operation Partners
2,717

Agency Agreements
702

Strategic Litigation
15



Local Offices & Satellite Offices
94,419

Legal Aid Advice Line
29,119

Remand Detainees
8,873

2.2. Legal Service Delivery (3)

- All criminal courts as well as specialised criminal courts including specialised Child Justice Courts, Sexual Offences Courts and Commercial Crimes Courts were covered, using the mixed model service delivery system.
- Court Coverage targets achieved
 - Actual Court Coverage :
 - District Courts at **84%** – target of **≥80%**
 - Regional Courts at **81%** – target of **≥90%**
 - High Courts – representation provided in all matters requiring legal aid
 - Planned Court Coverage:
 - District Courts at **87.6%** – target of **≥80%**
 - Regional Courts at **94.4%** – target of **≥90%**
 - High Courts – representation provided in all matters requiring legal aid
- Civil legal aid services including legal advice services impacted by Regulations, Directions and Directives issued to curb the spread of COVID-19. The proportion of new civil matters has increased by **2%** from the previous financial year to **11%** in 2021-2022.
- Legal Aid SA assisted 11,686 children in 2021-2022; 6,935 (59%) children in conflict with the law and 4,751(41%) children involved in civil matters.
- The Legal Aid Advice Line reverted to operating on full capacity in quarter 3, contributing to an increase in provision of legal advice services.
- In Strategic Litigation Matters, a success rate of 93% was achieved for the 13 finalised matters with an outcome; 12 had a positive outcome and one had a negative outcome.

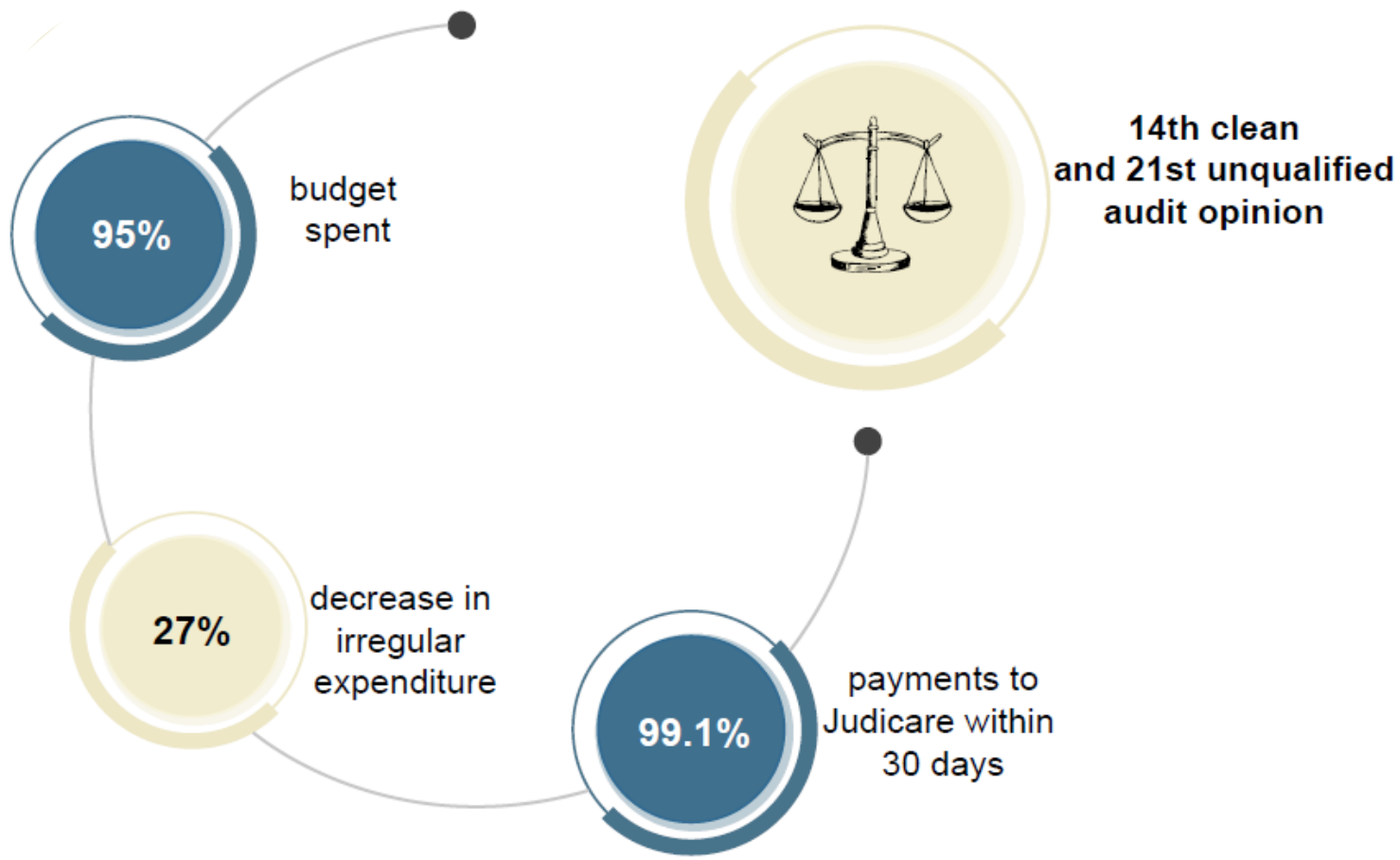
2.2. Legal Service Delivery (4)

- Quality monitoring and intervention programme in place – training programmes; legal research and support programmes; mentorship and supervision; access to electronic libraries and quality assessments conducted by the Legal Quality Assurance Unit (LQAU).
- The LQAU file audit assessments confirmed that all categories of legal practitioners achieved the quality targets for their file audit scores, in both criminal and civil matters.
- Client feedback in the form of client satisfaction surveys was negatively impacted as the Legal Aid Advice Line did not operate at full capacity. Client satisfaction surveys resumed in quarter 4 and the overall satisfaction level for civil is 73% and 94% for criminal matters.
- The use of social media platforms and the Legal Aid SA website assisted in informing and empowering clients and members of the public during the pandemic as these tools were used to communicate regarding our operations and provide information.

2. FY 2021-2022 Performance Overview

2.3. Financial Performance

2.3. Financial Performance (1)



2.3. Financial Performance (2)

- Legal Aid SA spent and committed R2,022 billion, **95%** of the budget. This is 3% below the target of 98% and is attributed a conservative spending approach to staffing and contractual obligations longer than the outer year of the MTEF cycle.
- Legal Aid SA's budget has been reduced by 15% in the MTEF cycle 2021/22 – 2024/25; and is expected to reduce compensation to employees by R125 million and goods and services expenditure by R227,6 million during this period. Stringent mitigating measures continue to be implemented in order to absorb these reductions, however this is not sustainable in the long term.
- An additional grant received by Legal Aid SA amounting to R33,000,000 relates to the Land Rights Management Unit, received from the Department of Agriculture, Land Reform and Rural Development
- Payments to creditors and Judicare within 30 days:
 - Creditors **97.3%**
 - Judicare **99.1%**

2.3. Financial Performance (3)

- Supply Chain Management policies and procedures were reviewed and tested for compliance through the Internal Audit Coverage Plan.
- Irregular expenditure amounting to **R1,2 million** was incurred. This was a **27%** reduction in irregular expenditure compared to the previous year, evidence of better controls implemented to ensure compliance with legislation and procurement regulations.
- The highest contributor to the amount of irregular expenditure was goods and services, specifically cleaning contract variations. Irregular expenditure has been assessed and it was confirmed that it is not fraudulent. Consequence management is implemented.
- The moratorium on procurement issued by National Treasury constrained the ability to finalise procurement against the approved procurement plan and this necessitated the rollover of outstanding procurement to the new financial year.
- Internal Control Unit is a newly established unit with the aim of continuously improving the operations and financial control activities to promote efficiency, reduce the impact and likelihood of identified financial and operational risks, and develop sound financial policies and procedures. No significant control deficiencies were identified by the Unit.
- The Internal Control Unit maintains registers on irregular expenditure, fruitless and wasteful expenditure and losses and damages. Numerous processes and system enhancements were developed to minimise the recurrence of irregular expenditure.
- Legal Aid SA generally complies with legislation and regulations that govern the organisation.

2. FY 2021-2022 Performance Overview

2.4. Human Resources Management

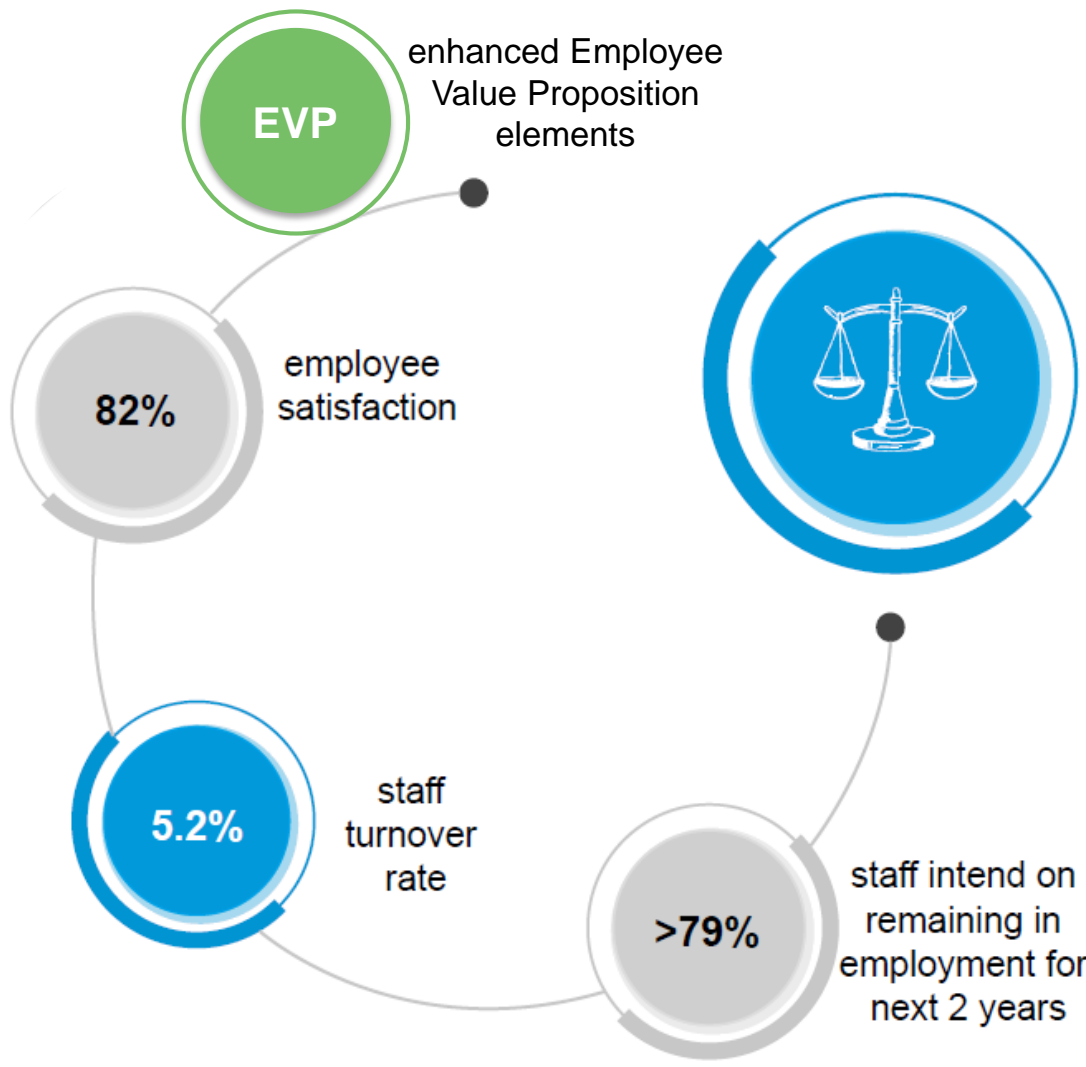
2.4. Human Resources Management (1)

- Total staff budgeted **2,689**; total staff recruited **2,468**
- Legal staff **1,907** (77% of recruited staff):
- Support staff **561**



- The recruitment rate at financial year end was **91.8%** against a target of **95%**. The **3.2%** variance is mainly due to budget constraints – avoiding overspending on the compensation of employee's budget. The filling of frozen positions was approved in December 2021 and the creation of the Land Rights Management Unit (LRMU) impacted upon the vacancy rate.
- Employment Equity Plan 2020-2025 in place and implemented.
- Targets for overall total staff:
 - Blacks – **91%**; actual **90.8%**
 - Africans – **79%**; actual **76.2%**
 - People with disabilities **2%**; actual **1.6%**
- Targets for Senior Management:
 - Blacks – **91%**; actual **80.17%**
 - Africans – **79%**; actual **64.4%**
 - Women – **45%**; actual **42.24%**

2.4. Human Resources Management (2)



13 consecutive years as a Top Employer South Africa



2.4. Human Resources Management (3)

- Training programmes were adapted to virtual training platforms and the targets for staff training for both legal and non-legal staff were met.
- The following Employee Value Proposition (EVP) elements were revisited and reviewed within the limited budget:
 - Group Life cover was doubled with additional cover benefits ranging from Temporary Disability, Permanent Disability and Critical Illness.
 - Employee wellness and health and safety programmes were ramped up to maintain a healthy and happy workforce.
 - Professional membership fees subsidies were maintained.
 - Candidate Attorneys PLT and Board Examination fees were covered in full.
 - Undergraduate bursary funding ceiling was increased by **50%**.
- In an internal engagement survey conducted employee satisfaction increased in all dimensions, with an overall organisational score of **82%**.

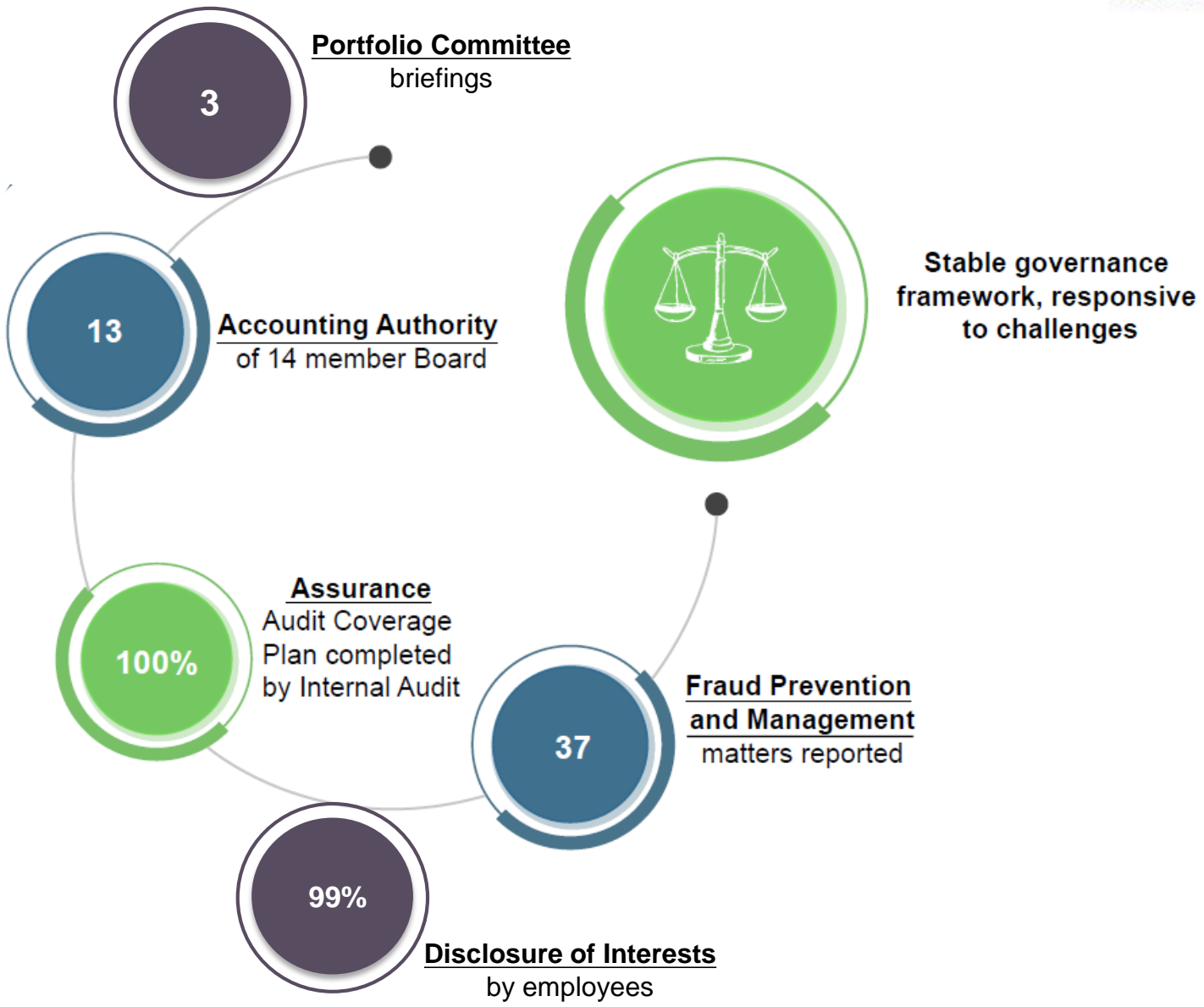
2. FY 2021-2022 Performance Overview

2.5. Governance

2.5. Governance (1)

- During the FY 2021-2022 all quarterly reports on performance against the Annual Performance Plan as well as the Legal Aid SA Integrated Annual Report 2020-2021 were submitted to the Executive Authority.
- As at the end of the FY 2021-2022 the Board of Legal Aid SA was not fully constituted as **13** out of **14** Board positions were filled.
- The Board effectively fulfilled its responsibilities and amidst the challenges of the COVID-19 pandemic and budgetary reductions, focused on ensuring the sustainability of Legal Aid SA. Key focus areas included financial performance maturity, oversight on compliance, effective risk governance and IT governance.
- Enterprise Risk Management Strategy and Risk Management Implementation Plan implemented effectively to manage the strategic, operational and fraud risks affecting Legal Aid SA and to identify emerging risks. Combined Assurance Framework in place.
- The Internal Audit Department achieved the target of **≥95%** completion of the annual Audit Coverage Plan, with **110** of the **113** planned audit projects completed, as well as an additional three projects.
- The Legal Aid SA Act was reviewed with amendments submitted to the DoJ&CD for consideration. Amendments to the Legal Aid Regulations and Manual came into operation on 6 August 2021 and 8 May 2022 respectively.

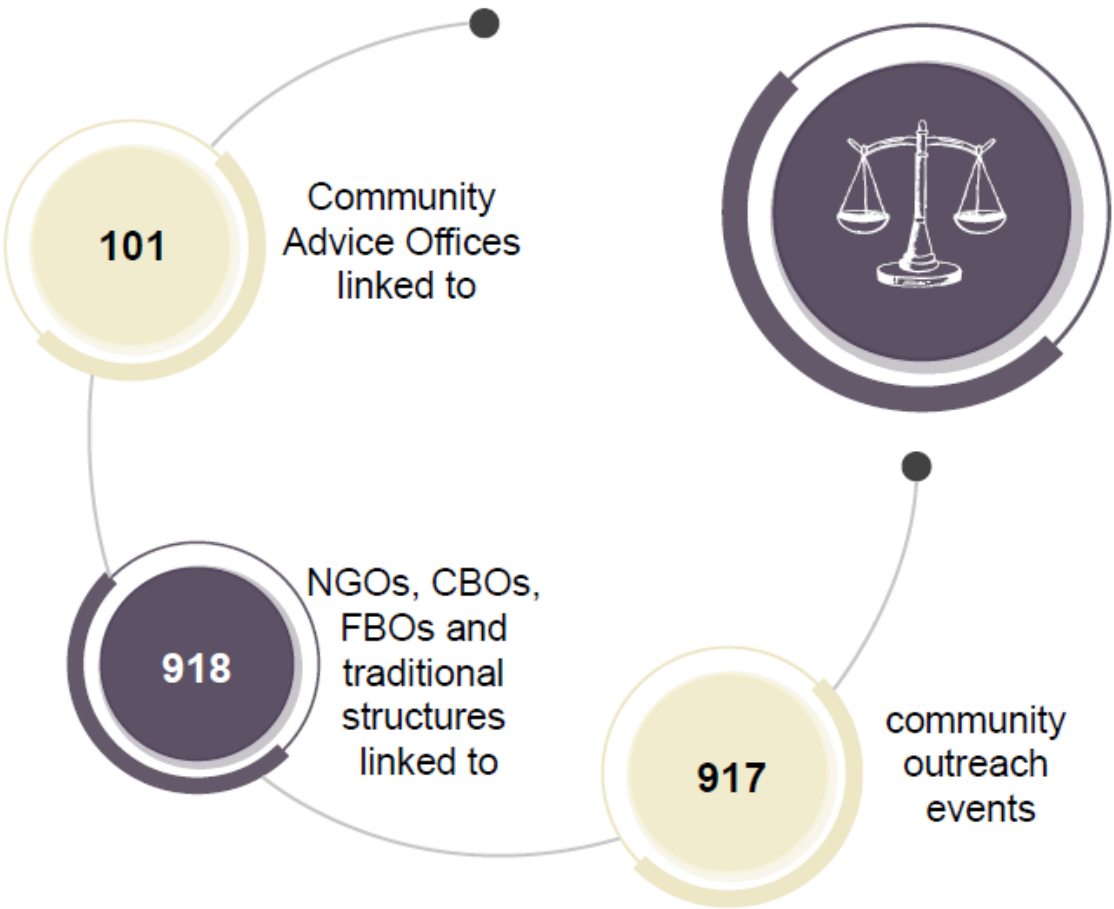
2.5. Governance (2)



2. FY 2021-2022 Performance Overview

2.6. Sustainability Matters

2.6. Sustainability Matters



9 stakeholder clusters in Stakeholder Universe



Sustainability is an essential element of our business strategy

3. CONCLUDING REMARKS

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- The Legal Aid Strategic Plan 2020-2025 is focused on the fulfillment of the constitutional and legislative mandate, thereby assisting indigent and vulnerable South Africans to access justice.
- The outlook for the future in terms of finances remains uncertain and Legal Aid SA is committed to managing the budget carefully, given the baseline reductions over the MTEF period 2022/23 – 2024/25 and the adequate funding of the new land mandate.
- Great effort is and will be placed on:
 - Fulfilling the Strategic Plan and APP deliverables for 2022-2023;
 - Improving the internal delivery model with due regard to the demand for legal representation in land related matters;
 - Ensuring good governance and management of the business;
 - Repositioning the Employment Value Proposition to maintain a values-based high performance agile workplace; and
 - Assessing the impact of the current economic as well as socio economic challenges on the strategic objectives.

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