



# **PORTFOLIO COMMITTEE OF JUSTICE AND CORRECTIONAL SERVICES**

**NOVEMBER 2022**



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# PURPOSE:

- ☐ To outline progress made in the establishment of the Office of the Legal Services Ombud (OLSO) to the Portfolio Committee
- ☐ To outline key elements since commencement of operations by the OLSO on 15 June 2022.
- ☐ To outline plans and pave the way forward



# OLSO VISION AND MISSION

## VISION

To protect, advance and ensure ethical conduct in the legal practice fraternity.

## MISSION

Promote an accountable and ethical legal profession, by:

- Protecting and promoting the public interest in relation to the rendering of legal services;
- Ensuring fair, efficient and effective investigation of alleged misconduct against legal practitioners;
- Promoting high standards of integrity in the legal profession; and
- Promoting the independence of the legal profession.

# OLSO VALUES

## INTEGRITY

- ☐ Promoting integrity in the legal profession, considering the constitution and the rule of law.

## INDEPENDENT

- ☐ Committing to remain independent and without outside control or influence.

## FAIRNESS

- ☐ Being fair in taking accountability in all decisions emanating from investigations.

## TRANSPARENCY

- ☐ Acting in an open and transparent manner towards all stakeholders.

## ACCOUNTABILITY

- ☐ Being accountable to all stakeholders in delivering on our mandate and take responsibility for all services provided.

## ACCESS

- ☐ Ensuring access to our services in a non-discriminatory manner to all stakeholders.

# OLSO MANDATE

The OLSO is established in terms of Chapter 5 of the Legal Practice Act, 2014 (The Act)

Section 46 of the Act sets out the objectives of the OLSO as follows:

- a) protect and promote the public interest in relation to the rendering of legal services as contemplated in this Act;
- b) ensure the fair, efficient and effective investigation of complaints of alleged misconduct against legal practitioners;
- c) promote high standards of integrity in the legal profession; and
- d) promote the independence of the legal profession.



# OLSO MANDATE CONT...

NO	SECTION	SUBSECTION	PURPOSE	OLSO ACTIVITY/RESPONSIBILITY
1.	14	Entirety	Provides for the Minister to approach the Ombud for an investigation and recommendation in consideration for dissolution of the LPC.	<ul style="list-style-type: none"> <li>OLSO to conduct an investigation into the efficiency and effectiveness of the LPC</li> </ul>
2.	35	1;2;3;5 (e);7;8;9;10;11 & 12	The section makes provision for the fees to be charged by legal practitioners. One of the biggest problems public members complain about are the fees charged.	<ul style="list-style-type: none"> <li>The OLSO to refer to this section when conducting investigation on complaints regarding fees.</li> </ul>
3.	37	(5) (e) (ii)	The section makes provision for the LPC to take resources from the OLSO "Layperson Database" to be part of a disciplinary Committee of the LPC.	<ul style="list-style-type: none"> <li>The OLSO has established this database and handed it over to the LPC.</li> <li>The OLSO will continue to manage, maintain and update the data base.</li> </ul>
4.	40	1(b); 7(b)	Provides for information with respect to a right of appeal after conclusion of the disciplinary hearing.	<ul style="list-style-type: none"> <li>Provides for the High Court Appeal proceedings</li> </ul>
	41	Entirety	Provides for the appeal process as well as the constitution of the Appeal Tribunal of the LPC.	<ul style="list-style-type: none"> <li>The Council's Appeal Tribunal will draw a lay person from the OLSO database to serve within the appeal process</li> </ul>

# OLSO MANDATE CONT...

NO	SECTION	SUBSECTION	PURPOSE	OLSO ACTIVITY/RESPONSIBILITY
6.	42	Entirety	Provides for the Monitoring function by the Ombud of the investigations, disciplinary proceedings and appeal proceedings of the LPC	<ul style="list-style-type: none"> <li>OLSO has made provision of resources on its draft organisational structure to cater for this function.</li> </ul>
7.	45	(1)	Provides for the establishment of the Office of the Ombud as a juristic person.	<ul style="list-style-type: none"> <li>Appointment of Ombud (Done by President)</li> </ul>
8.	45	2 (a) & (b)	Provides for the Seat of the OLSO	<ul style="list-style-type: none"> <li>The OLSO currently has two Offices established, one in Gauteng and another in Western Cape.</li> <li>The OLSO is planning to establish Offices in other provinces in order to have a National footprint.</li> <li>Establishment of Provincial Offices will be based on case load trends.</li> </ul>
9.	46	Entirety	Provides for the objectives of the OLSO	<ul style="list-style-type: none"> <li>Considered as Mandate of the OLSO</li> </ul>
10.	47	Entirety	Provides for the appointment and independence of Legal Services Ombud	<ul style="list-style-type: none"> <li>OLSO must be independent and subject only to the constitution and law.</li> <li>Functions must be performed without fear, favour or prejudice.</li> <li>The OLSO is in the process of putting systems in place to ensure independence of the Office (Strategy, Service Delivery Model, Business Processes, Org Structure, Delegations etc...)</li> </ul>



# OLSO MANDATE CONT...

NO	SECTION	SUBSECTION	PURPOSE	OLSO ACTIVITY/RESPONSIBILITY
11.	48 & 95	48 (1) (2) & (3) 95(2)(a)	Provides for the conduct of investigations of complaints and resolution of complaints through mediation, conciliation and enquiry	<ul style="list-style-type: none"> <li>The OLSO will use applicable rules as set out in the Magistrate Court rules and the uniform rules</li> </ul>
12.	51	(1)(2)(3)(4) (7) & (8)	Provides for the appointment of a Director and other support personnel to ensure the day to day running of the Office. The section further makes provision for funding of the OLSO, governance structures, general reporting as well as accountability.	<ul style="list-style-type: none"> <li>The OLSO currently consists of 3X seconded officials from DOJ&amp;CD, as well as 12X officials at various levels appointed on contract.</li> <li>Permanent appointments will be made once OLSO has received funds from Treasury</li> <li>The OLSO via the DOJ&amp;CD has submitted its request for funding and is awaiting feedback from National Treasury</li> </ul>
13.	51	(13)(a) (b)	Provides for operational date of the OLSO Provides for the funding and capacitation of the OLSO	<ul style="list-style-type: none"> <li>Date already Gazzetted by the Minister</li> <li>Costing processes initiated and ongoing</li> </ul>
14	52	(1)	Makes provision for the submission of Annual Reports for the OLSO	<ul style="list-style-type: none"> <li>OLSO Annual Report to be submitted to Minister within six months after the end of the financial year</li> </ul>
15.	93	5	Provides for offences and penalties against anyone summoned to appear before the Ombud to give evidence.	<ul style="list-style-type: none"> <li>The OLSO will adhere to this section as prescribed by the ACT</li> </ul>
	95	2	Makes provision for the Rules that must be made and Gazzetted.	<ul style="list-style-type: none"> <li>Rules have been developed and gazzetted accordingly.</li> </ul>

# ESTABLISHMENT OF THE OLSO

At its inception the OLSO was allocated a total budget of **R6 608093.00** which can be summarised as follows:

## COMPENSATION BUDGET

**R3 408 093.00 (2021-2022 Financial Year)**

- ☐ Personal Assistant to the Ombud
- ☐ Secretary to the Director
- ☐ 2X Deputy Directors
- ☐ 1X Assistant Director: Finance
- ☐ 1X Assistant Director
- ☐ 1X Administration Clerk
- ☐ 1X Messenger
- ☐ 2X Auxiliary Services

**R4 200 00.00 (2022-2023 Financial Year)**

- ☐ 5X Legal Practitioners (3X GP & 2X WC)

## OPERATIONAL BUDGET

**R 2 200 000.00 (2021-2022 Financial Year)**

**R3 456 000.00 (2022-2023 Financial Year)**

- ☐ During the inception financial year (2021-2022), the OLSO could not spend all its allocated budget given that it was still in the process of establishing.

# OLSO COSTED NEEDS

COMPENSATION	2023/24	2024/25	2025/26
UNIT	COST		
OMBUD	R307 890,00	R336 127,06	R336 127,06
OFFICE OF THE DIRECTOR	R5 534 184,00	R5 782 668,86	R6 041 732,43
ASSESSMENT & INVESTIGATIONS	R16 338 876,00	R17 072 491,53	R17 837 339,15
OPERATIONS	R6 354 238,83	R6 639 544,15	R6 936 995,73
<b>TOTAL</b>	<b>R28 535 188,83</b>	<b>R29 830 831,61</b>	<b>R31 152 194,37</b>

GOODS AND SERVICES	2023/24	2024/25	2025/26
	34 233 000	66 790 000	37 769 000
<b>TOTAL</b>	<b>62 768 189</b>	<b>96 620 832</b>	<b>68 921 194</b>

# ESTABLISHMENT OF THE OLSO CONT..

## 1. OFFICE SPACE:

- ☐ OLSO currently has two (2) Offices in Gauteng and Western Cape respectively.
- ☐ Gauteng Office is based in Centurion, sharing a building with the Law Reform Commission
- ☐ Western Cape Office based in Cape Town CBD, sharing a building with the Office of the Chief State Law Advisor.
- ☐ The OLSO ideally would prefer to have its own office space separate from the DOJ&CD to further embrace its independence.

## 2. STRATEGIC DOCUMENTS

- ☐ Draft five (5) year Strategic Plan developed with Annual Performance Plan (APP)
  - ☐ Draft Service Delivery Model developed
  - ☐ Draft HR and Finance Policies developed
  - ☐ Draft Complaints Management process developed
  - ☐ Draft Functional Structure developed
  - ☐ Draft Organisational Structure developed
- \*All draft documents to be finalised and approved before the beginning of the new financial year*

## 3. COSTING AND FUNDING

- ☐ OLSO Submitted its costing and funding requirements though the DOJ&CD to National Treasury in August 2022
- ☐ Tentative levels where utilised to cost the establishment
- ☐ Awaiting a response from National Treasury regarding allocation of funds

# OLSO OPERATIONS

The OLSO officially commenced with its operations on **15 June 2022** and has received a **total of 71** complaints to date: (Jun-October 2022)

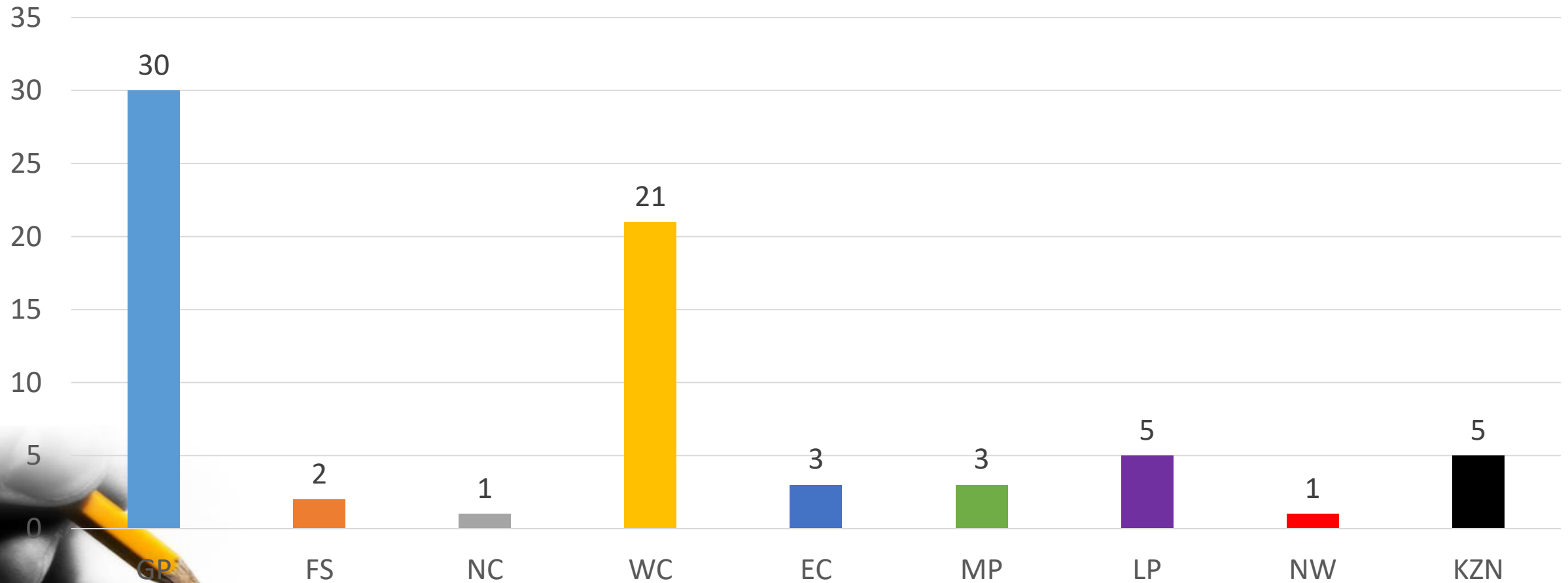
## OLSO Monthly Complaints Received



It is important to note that the OLSO receives quite a significant number of enquiries on a daily basis, at least four (4) enquiries are received daily.

# OLSO OPERATIONS CONT....

## COMPLAINTS RECEIVED: PROVINCE



# OLSO OPERATIONS CONT....

## KEY OPERATIONAL ASPECTS:

1. Current trends will be utilised to establish norms and standards going forward. (6-8 Months data will utilised)
2. Trends will also be utilised to establish a National footprint.
3. Trends will also assist in establishing target orientated awareness campaigns.
4. Resources will be allocated based on true statistical data.
5. Baseline data are being generated using the monthly and provincial trends.



# OLSO PLANNING AND WAY FORWARD

- ☐ The OLSO has come a long way from basically a non existent organisation into a functional and operational organisation.
- ☐ Despite having achieved this milestone, a number of key objectives still need to be attained in order for the OLSO to function optimally.
- ☐ It is hoped that the allocation of funds from National Treasury will assist the OLSO in operating as mandated by the Act.
- ☐ Below is an indication of some of the operational objectives that will ensure optimal operation of the OLSO:

<b>IT systems</b>	<input type="checkbox"/> Network Server <input type="checkbox"/> Telephones <input type="checkbox"/> Email System (Own Domain) <input type="checkbox"/> Recording Systems <input type="checkbox"/> Record Management System <input type="checkbox"/> Call Centre System <input type="checkbox"/> Tele-conferencing system <input type="checkbox"/> Website (Own Domain)
<b>Office Apparatus</b>	<input type="checkbox"/> Laptops and Computers <input type="checkbox"/> Printers <input type="checkbox"/> Remote working capabilities
<b>Office Furniture</b>	<input type="checkbox"/> Furniture needs for the Long-term Staff to be identified
<b>Branding and Communication</b>	<input type="checkbox"/> Corporate Manual (Branding) <input type="checkbox"/> Stakeholder Profiling <input type="checkbox"/> Communication strategy <input type="checkbox"/> OLSO Publications <input type="checkbox"/> Social Media

<b>Financial Management Systems</b>	<input type="checkbox"/> Payroll <input type="checkbox"/> Delegations <input type="checkbox"/> Supply Chain Processes
<b>Performance Management Systems</b>	<input type="checkbox"/> Base line data <input type="checkbox"/> Performance contracts <input type="checkbox"/> Training and development <input type="checkbox"/> Establish systems and tools to Monitor organisational performance against mandate



# THE END



# THANK YOU