

# **LEGAL AID SOUTH AFRICA**

## **ANNUAL PERFORMANCE PLAN 2024/2025**

**Approved by the Board on 25 November 2023  
Submitted for approval by the Minister of Justice and Correctional  
Services on 31 January 2024**



## LEGAL AID SA ANNUAL PERFORMANCE PLAN 2024-2025

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## **Executive Authority Statement**

It is my pleasure to present this Legal Aid South Africa five-year Strategic Plan 2020-2025 prepared by the Board and Management. Legal Aid SA is an autonomous statutory body created to deliver legal aid in South Africa. Given the social and economic inequalities as a result of our sordid history, the intervention by the State through Legal Aid SA is imperative.

Legal Aid SA is a testament of our democratic era's commitment to access to justice for all. Our system of legal aid underpinned by our constitutional values has proved itself to be amongst the best in the world.

No doubt the current economic challenges as well as COVID-19 faced by both South Africa and the global community will have an impact on some of the strategic objectives Legal Aid SA has set out. These challenges, though not insurmountable, will fundamentally transform the landscape of our legal system and the manner in which Legal Aid SA conducts its business.

The Strategic Plan will guide the Legal Aid SA mandate to assist millions of indigent South Africans to access justice regardless of their socio-economic status. This Strategic Plan has also factored in the new responsibility that arises as a result of the government's policy direction on land justice. This inevitably increases the scope of work for Legal Aid SA. The Land Court Bill, once approved by Parliament into an Act, will transform the current Land Claims Court dispensation and result in significant changes in the resolution of land disputes. The Land Court Bill seeks to extend legal aid representation to a party involved in matters concerning land reform at State expense if such party cannot afford legal representation. Legal Aid SA will therefore be resourced to provide critical support to enable access to justice in land matters.

Consequently, Legal Aid SA took over the legal representation function (and related budget) currently undertaken by the Land Rights Management Facility of the Department of Agriculture, Land Reform and Rural Development from 01 January 2022. This development fundamentally places Legal Aid SA at the centre of efforts towards land justice in South Africa.

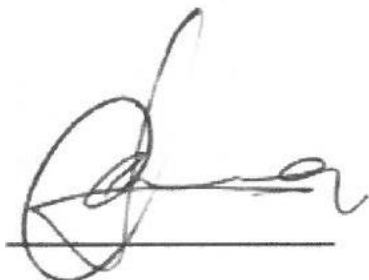
I am very proud of Legal Aid SA's successes. It has evolved into a high performing organisation, which has delivered more than 90% of its Business Plans annually, received 22 consecutive unqualified audits since 2002/03 and has been accredited as a Top Employer for the past 14 years, and Leader of the Public Sector category for six years.

Legal Aid SA continues to champion the rights of all persons to access justice through the provision of independent, accessible and quality legal aid services in criminal and civil matters. Between financial years 2020/21 and 2022/23 Legal Aid SA assisted over 1 million new matters of which 87% are criminal matters and 13% are civil matters.

The provision of legal advice, in order to empower communities on their legal rights and responsibilities, benefitted more than 400,000 people annually via its national footprint of 64 Local and 64 Satellite Offices; the Legal Aid Toll-free Advice Line and consultations with remand detainees.

Notwithstanding the challenges associated with budget cuts and shortfalls, Legal Aid SA has sustained its service efforts of advancing constitutionalism and the rule of law within the Integrated Criminal Justice System. The organisation is part of dedicated forums that promote dialogue and representations on access to justice through collaborations and partnerships to advance the legal interests of vulnerable groups in societies.

It is with great pleasure that I present the Legal Aid SA Strategic Plan (SP) 2020-2025 Review 2024-2025 which is the final year of the strategic plan period. The outcomes in this Strategic Plan are congruent with government's priorities. During the 2022-2023 financial year, Legal Aid SA submitted the 2020-2025 Strategic Plan Mid-Term Progress Report reflecting performance during the first two and a half years of the planning cycle and I am pleased to report that despite having to contend with a global pandemic for the first two years of the Strategic Plan 2020-2025 period the entity ensured access to justice by assisting indigent and vulnerable people with legal representation and legal advice, thereby fulfilling its constitutional and legislative mandate.

A handwritten signature in black ink, appearing to read 'Ronald Lamola', written over a horizontal line.

**Mr Ronald Lamola, (MP)**

**Minister of Justice and Correctional Services**

## Accounting Authority Statement

During the first three years (FY 2020/21, 2021/22, 2022/23) of the current Strategic Plan 2020-2025, the Board, has been effective in upholding its responsibilities and continued to provide leadership and guidance in its oversight of the performance of Legal Aid SA. Presentations made annually to the Portfolio Committee on Justice and Correctional Services resulted in commendation for the organisation's excellent performance. In order to assist so many indigent and vulnerable people to access justice and protect their human rights, Legal Aid SA has had strong and efficient financial management, governance and human resources systems in place.

As the Accounting Authority, the role of the Board is to provide strategic direction and ensure fulfilment of Legal Aid SA's mandate. In so doing the Board approves a Strategic Plan (SP) which sets out the vision, mission and strategic objectives of the organisation. The vision for the 2020-2025 period is *"A dynamic South Africa in which constitutional rights are realised to ensure a just society for all"* and the mission is *"To remain a leader in the provision of equal access to justice to indigent and vulnerable persons by rendering quality legal services."*

The Board of Legal Aid SA adopted a stakeholder-inclusive approach in the development of this SP 2020-2025. We discussed and approved the methodology for the Legal Aid SA SP 2020-2025 and were involved in the development of the SP through workshops with Management and participation in stakeholder forums. The Legal Aid SA SP 2020-2025 has been crafted taking into account the government priorities as stated in the NDP 2030 and the MTSF 2019-2024, the mandate of the organisation and the available resources. In addition, Legal Aid SA has participated in the Land Court Bill legislative process and through the newly formed Land Rights Management Unit ensures implementation of its extended mandate to enable indigent litigants access to legal representation in land-related matters. I am proud to see our organisation at the centre of land justice efforts in South Africa, which is a further acknowledgement of our high performance and consistent delivery of our constitutional mandate.

The Board monitors the implementation of the SP and reports on this through Quarterly Performance Reports and Annual Reports, in compliance with statutory requirements. During the 2022-2023 the Board approved the 2020-2025 Strategic Plan Mid-Term Progress Report and this was submitted to the Executive Authority. Despite having to contend with a global pandemic for this first two years of the Strategic Plan 2020-2025 period, Legal Aid SA ensured access to justice by assisting indigent and vulnerable people with legal representation and legal advice. Whilst the number of people assisted was negatively impacted in the first year (FY 2020-2021), there has been a subsequent increase in the number of people assisted as the organisation was successful in adapting its practices and resources necessitated by the COVID-19 pandemic.

Committed Legal Aid SA citizens, through their dedication to rendering quality legal services and ensuring that constitutional rights are realised, ensured that the SP 2020-2025 was rolled out to fulfil our goal of ensuring equal access to justice for all to build a just society.

The Board is appreciative of the continued support received from the Minister of Justice and Correctional Services, Mr Ronald Lamola, as well as the Deputy Minister of Justice and Constitutional Development, Mr John Jeffery, during the first four years of the Strategic Plan 2020-2025 and throughout the pandemic.

As we enter the final year of this five-year Strategic Plan, the Board will continue to exercise its oversight role to ensure that Legal Aid SA maintains high levels of service excellence in delivering on its mandate, enabling access to justice to uphold the rights enshrined in our Constitution, as well as ensure the sustainability of the organisation.



**Judge Motsamai Makume**

**Board (Accounting Authority) Chairperson**

## Accounting Officer Statement

Legal Aid South Africa is a Schedule 3A National Public Entity. The mandate and objects of Legal Aid SA are succinctly described and detailed in the preamble to the Legal Aid SA Act (39 of 2014), in the following terms:

*“To ensure access to justice and the realisation of the right of a person to have legal representation as envisaged in the Constitution and to render or make legal aid and legal advice available; for that purpose, to establish an entity called Legal Aid South Africa with a Board of Directors and to define its objects, powers, functions, duties and composition; to provide for the independence and impartiality of Legal Aid South Africa; ...”*

The Strategic Plan (SP) sets the direction for the organisation, our policy priorities, impact statement, objectives and outcomes for a five-year period, as approved by the Board and the Executive Authority, within the scope of available resources. The implementation of the SP is aimed at fulfilling the constitutional mandate to deliver quality legal aid and legal advice services to indigent and vulnerable persons as well as building a sustainable organisation.

During the previous strategic planning period, 2015-2020, the overall focus was on increasing organisational maturity, sustaining high performance and excellence in all segments of the organisation and positively touching the lives of many more South Africans to ensure the outcome of quality justice for all.

Guided by our vision, mission and values, Legal Aid SA succeeded in delivering on its constitutional mandate in the period 2020- 2022. We have successfully increased the maturity level of each segment of the organisation and measured our performance against this.

In financial year 2020-2021, the first year of implementation of the Strategic Plan 2020-2025, the COVID-19 pandemic had an adverse effect on legal service delivery and court coverage, intake of new matters and finalisation of matters was lower than initially planned. In 2021-2022, the second year of implementation of the Strategic Plan 2020-2025, Legal Aid SA managed to increase the number of indigent and vulnerable people assisted with legal representation and advice compared the first year of implementation. The 2022-2023 financial year saw the return of so-called normal operations after the pandemic. A total of 1,441,812 persons were provided with legal representation and advice in the first three years of the Strategic Plan 2020-2025. The first full year of operations of the Land Rights Management Unit in 2022-2023 saw the organisation dealing with 326 new land matters. A total number of 44 new Impact Litigation matters were approved during the period, with the outcome of these matters having had a positive impact beyond just for those people involved in the litigation, as the cases litigated focus on the protection of constitutional rights.

The organisation met more than 90% of the set targets in the Business Plans in 2020-2022, 84% in 2021-2022 and 97% in 2022-2023.

The national footprint has remained unchanged at 64 Legal Aid SA Local Offices and 64 Satellite Offices, supported by six Provincial Offices as well as the National Office. Limited staff resources were supplemented by the use of a mixed model delivery system, which entails entering into strategic partnerships with practitioners in private practice through our Judicare and Agency Agreement model, as well as with legal sector NGOs and University Law Clinics through Co-operation Agreements.

Despite unfavourable economic circumstances and having to manage budget cuts and shortfalls, the organisation followed good governance by utilising 98% of its allocated budget of R2,411 billion in the 2022-2023 FY and received its 22<sup>nd</sup> unqualified audit and 15<sup>th</sup> clean audit.

In the 2022-2023 financial year Legal Aid SA was named a Top Employer in South Africa for the 14<sup>th</sup> year, as well as Industry Leader in the Public Sector for the sixth year. Recruitment levels were over 90% and the percentage of legal staff including paralegals averaged 76%. The staff turnover rate (excluding contract staff) has remained at less than 6%.

Legal Aid SA's new IT legal administration application, electronic Legal Aid Administration 2016 (eLAA) went live in October 2019. The system has been continuously enhanced and upgraded to meet business needs.

The focus during this strategic planning period is on ensuring equal access to justice for all to build a just society. This will be done through achieving long-term organisational development, improving maturity levels and outcomes, and delivering sustainable high performance.

This will include improving the alignment of demand to supply of criminal legal aid services and implementing alternative delivery models for improved efficiency. In civil legal aid, greater focus will be given to constitutional priorities such as land and social issues and improving the sustainability of the civil legal aid offering to clients.

Particular focus has been given to land-related matters post the transfer of the legal representation component of the Land Rights Management Facility (LRMF) from the Department of Agriculture, Land Reform and Rural Development (DALRRD) to Legal Aid SA, effected on 01 January 2022. The Legal Aid SA Land Rights Management Unit (LRMU) received 740 files with a contingent liability of R144,686,671 from the DALRRD. Funding over the four-year period 2022/23 to 2025/26 has been confirmed by the National Treasury as funding to be transferred to Legal Aid SA. However, the contingent liability relating to fees due to Legal Practitioners for the pending instructions they held as at 1 January 2022, remains unfunded. Legal Aid SA has been allocated an additional amount of R156 million over the 2024/25-2026/27 MTEF period. The funding will be utilised to fund the contingent liability.



To ensure a seamless handover the LRMF Panel of Attorneys were allowed to proceed with the matters provided they were accredited on the Legal Aid SA Judicare System and compliant with National Treasury CSD requirements. To date 185 Legal Practitioners across the 9 Provinces are accredited on the Judicare System to provide legal representation in land related matters.

Legal Aid South Africa continues building internal legal delivery capacity and infrastructure to handle the land related matters in-house. We have opted for a decentralised service delivery model per Province and Region to localise and improve accessibility of the legal aid services in land matters.

Attention will also be given to the legal empowerment of clients through enhancing client engagement in the conduct of their matters. Legal Aid SA will continue to play a role in improving the efficiency and accessibility of the justice system in order to positively impact on public confidence in the justice system.

A focus on strengthening financial management and maintaining clean audit outcomes as well as implementing best practises and Codes on Governance will contribute to the sustainability of the organisation. The organisation will review the Legal Aid SA Act, Regulations and Manual so that the regulatory framework remains responsive to the context in which we operate.

The organisational culture will be strengthened and the Employment Value Proposition will be repositioned to maintain a values-based, high performance, agile workplace. Legal Aid SA will embrace the Fourth Industrial Revolution in order to optimise the impact of advancements in technology on the business.

The 2024-2025 financial year is the final year of implementation of the Strategic Plan 2020-2025 and Legal Aid SA remains committed to the implementation thereof focusing on the realisation of the mandate in an effective and efficient manner. Given the stagnant economic growth and fiscal constraints experienced by Government it is likely that Legal Aid SA will work under severe financial pressure during the 2024-2025 financial year.

I look forward to the continued support of the Board and Executive Authority as well as staff and stakeholders in this final year of implementation of the Legal Aid SA Strategic Plan 2020-2025 as we work together to protect and defend the rights of indigent and vulnerable persons.



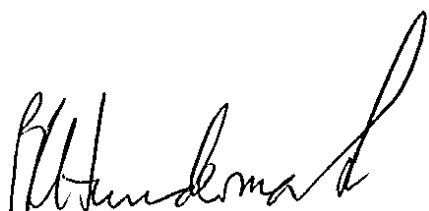
**Ms Mantiti Kola**

**Chief Executive Officer (Accounting Officer): Legal Aid South Africa**

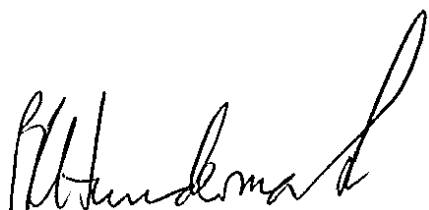
## Official Sign-off

It is hereby certified that this Annual Performance Plan 2024-2025:

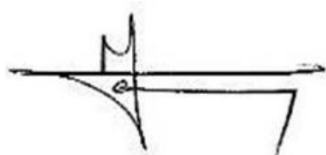
- i. Was developed and compiled by the Office of the CEO together with the Management of Legal Aid South Africa under the guidance of the Board (Accounting Authority).
- ii. Was deliberated on and approved by the Board (Accounting Authority) at the Board Meeting held on 25 November 2023.
- iii. Takes into account all the relevant legislation, policies and other mandates for which Legal Aid SA is responsible.
- iv. Accurately reflects the impact and outcomes that Legal Aid SA will endeavour to achieve over the period 2020-2025, given the resources made available in the MTEF for 2024-2027.



Mr Patrick Hundermark: Acting National Operations Executive



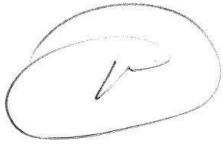
Mr Patrick Hundermark: Chief Legal Executive



Mr Sethopo Mamotheti: Chief Operations Officer



Ms Tintswalo Mofokeng: Chief Financial Officer



Mr Thabiso Mbhense: Legal Executive: Land Rights Management



Ms Mantiti Kola: Chief Executive Officer (Accounting Officer)

Approved by:



Judge Motsamai Makume: Board (Accounting Authority) Chairperson



Mr Ronald Lamola, (MP)

Minister of Justice and Correctional Services

Executive Authority

## List of Abbreviations and Acronyms

<b>4IR</b>	Fourth Industrial Revolution
<b>A-G</b>	Auditor-General
<b>AVR</b>	Audio Visual Remand
<b>BP</b>	Business Plan
<b>CAs</b>	Candidate Attorneys
<b>CAO</b>	Community Advice Office/s
<b>CJS</b>	Criminal Justice System
<b>CPI</b>	Consumer Price Index
<b>DoJ&amp;CD</b>	Department of Justice and Constitutional Development
<b>EVP</b>	Employee Value Proposition
<b>FY</b>	Financial Year
<b>GRAP</b>	Generally Recognised Accounting Practice
<b>ICJS</b>	Integrated Criminal Justice Strategy and Framework
<b>IJS</b>	Integrated Justice System
<b>IT</b>	Information Technology
<b>JCPS Cluster</b>	Justice Crime Prevention and Security Cluster
<b>MTSF</b>	Medium Term Strategic Framework
<b>MTEF</b>	Medium Term Expenditure Framework
<b>NDP</b>	National Development Plan
<b>NGO</b>	Non-Governmental Organisation
<b>NT</b>	National Treasury
<b>PAIA</b>	Promotion of Access to Information Act
<b>PFMA</b>	Public Finance Management Act
<b>PPI</b>	Performance Progression Increase
<b>PSCBC</b>	Public Service Co-ordinating Bargaining Council
<b>SAPS</b>	South African Police Service
<b>SASSETA</b>	Safety and Security Sector Education and Training Authority
<b>SCM</b>	Supply Chain Management
<b>SDG</b>	Sustainable Development Goals
<b>SOE</b>	State-owned Enterprise
<b>SP</b>	Strategic Plan
<b>UN</b>	United Nations

## 1. PART A: OUR MANDATE

### 1.1. Constitutional Mandate

Legal Aid SA derives its mandate from the Constitution of the Republic of South Africa (Act 108 of 1996).

The Constitution of RSA (Act 108 of 1996)

*Section 35(2) “Everyone who is detained, including every sentenced prisoner, has the right -*

*(a) ...*

*(c) to have a legal practitioner assigned to the detained person by the state and at state expense, if substantial injustice would otherwise result, and to be informed of this right promptly; ...”*

*Section 35(3) “Every accused person has a right to a fair trial, which includes the right -*

*(a) ...*

*(g) to have a legal practitioner assigned to the accused person by the state and at state expense, if substantial injustice would otherwise result, and to be informed of this right promptly; ...*

*(o) of appeal to, or review by, a higher court.”*

*Section 28(1) “Every child has the right,*

*(a) ...*

*(h) to have a legal practitioner assigned to the child by the state, and at state expense, in civil proceedings affecting the child, if substantial injustice would otherwise result; ...”*

*Section 34 “Everyone has the right to have any dispute that can be resolved by the application of law decided in a fair public hearing before a court or, where appropriate, another independent and impartial tribunal or forum.”*

### 1.2. Legislative and Policy Mandates

The Legal Aid South Africa Act (Act No. 39 of 2014) as read with the Regulations (Policy Provisions) and Legal Aid Manual (Procedural Provisions) as well as other national legislation which gives effect to the rights and obligations enshrined in the Constitution.

### **1.2.1. Legislative Mandates**

#### Legal Aid South Africa Act 39 of 2014

(Assented on 9 December 2014; Date of Commencement 1 March 2015)

*To ensure access to justice and the realisation of the right of a person to have legal representation as envisaged in the Constitution and to render or make legal aid and legal advice available; for that purpose to establish an entity called Legal Aid South Africa with a Board of Directors and to define its objects, powers, functions, duties and composition; to provide for the independence and impartiality of Legal Aid South Africa; to provide for the appointment of the Board of Directors and qualification for membership thereof; to provide for the appointment of a chairperson and a deputy chairperson; to provide for the term of appointment of a member of the Board of Directors; to provide for the termination of membership of the Board of Directors; to provide for meetings of the Board of Directors, quorum and procedure; to provide for the establishment of committees by the Board of Directors; to provide for the delegation of powers and the assignment of duties or functions of the Board of Directors; to provide for the appointment of a chief executive officer and his or her functions; to provide for the appointment of employees and the designation of certain officials as agents of Legal Aid South Africa and their terms and conditions of employment; to provide for the protection of client privilege in certain circumstances; to provide for the recovery of costs by Legal Aid South Africa; to provide for the finances of Legal Aid South Africa; to provide for the provision of legal aid by direction of courts in criminal matters; to provide for the making of regulations; to provide for the compilation of a Legal Aid Manual; to provide for the amendment or repeal of laws; to provide for transitional arrangements; and to provide for matters incidental thereto.*

#### **Objects of Legal Aid South Africa**

3. *The objects of Legal Aid South Africa are to—*

- (a) render or make available legal aid and legal advice;*
- (b) provide legal representation to persons at state expense; and*
- (c) provide education and information concerning legal rights and obligations, as envisaged in the Constitution and this Act.*

#### **Powers, functions and duties of Board of Directors**

4. (1) *The Board may do all that is necessary or expedient to achieve the objects referred to in section 3, including the following:*

- (a) Provide legal services, representation and advice, by—*
  - (i) employing legal practitioners and candidate attorneys;*
  - (ii) employing paralegals, who are persons that are not legal practitioners but have knowledge and understanding of the law, its procedures and its social context acquired through training, education, work experience or a national registered qualification in paralegal practice; and*

- (iii) procuring the services of legal practitioners in private practice by entering into contracts or agreements with them and other entities.*
  - (b) Determine, in consultation with the Minister and the Minister of Finance, its own staff establishment and the terms and conditions of employment for its staff as provided for in section 18.*
  - (c) Purchase or otherwise acquire, hold or alienate any—*
    - (i) movable property; or*
    - (ii) immovable property with the approval of the Minister acting in consultation with the Minister of Finance.*
  - (d) Hire or let any movable or immovable property.*
  - (e) Fix conditions subject to which legal aid is to be rendered, including—*
    - (i) conditions in accordance with which any rights in respect of costs recovered or recoverable in any legal proceedings or any dispute in respect of which the aid is rendered, are ceded to Legal Aid South Africa; and*
    - (ii) the payment of contributions to Legal Aid South Africa by persons to whom legal aid is rendered.*
  - (f) Provide legal representation at state expense as envisaged in the Constitution and this Act, where substantial injustice would otherwise result and render or make legal aid and legal advice available.*
  - (g) Conduct programmes to promote public awareness of constitutional and other legal rights and public understanding of the objects, role and activities of Legal Aid South Africa.*
  - (h) Pay out of the funds of Legal Aid South Africa such remuneration and allowances to members of the Board, their alternates and any committee members appointed in accordance with section 13 who are not in the full-time service of the State, as may be determined by the Minister of Finance from time to time.*
    - (i) Do all things and perform all functions necessary for, or incidental to, the attainment of the objects of Legal Aid South Africa.*
- (2) The Board is the accounting authority of Legal Aid South Africa in accordance with section 49 of the Public Finance Management Act, and is charged with the responsibilities referred to in that Act.*

#### New mandate: Land Rights

On 01 January 2022, Legal Aid SA took over the management of the legal representation component of the Land Rights Management Facility (LRMF) from the Department of Agriculture, Land Reform and Rural Development (DALRRD). The Legal Aid SA component providing land rights legal representation is the LRMU. The DALRRD transferred R33,000,000 in April 2022 and the baseline allocations for 2022-2023 to 2025-2026 were confirmed and included in the Legal Aid SA MTEF Allocation Letter of November 2022. The contingent liability recognised on 31 March 2022 is still not yet funded.

There are ongoing engagements with the Department of Justice and Constitutional Development to access funding for these matters.

The LRMU is governed by Legal Aid Regulations 17 and 18, which deal with land rights and cases relating to the Land Reform (Labour Tenants) Act, 1996; Extension of Security of Tenure Act (ESTA), 1997; Prevention of Illegal Eviction from and Unlawful Occupation of Land Act, 1998, and the Restitution of Land Rights Act, 1994.

#### Regulation 17

Regulation 17 determines as follows in respect of the granting of legal aid in terms of the Restitution of Land Rights Act:

*“17. (1) Legal Aid South Africa may grant legal aid for cases under the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994) if the Land Claims Commissioner—*  
*(a) makes funds available to Legal Aid South Africa to fund the matter;*  
*or*  
*(b) is the opposing party to the litigation or possible litigation.*  
*(2) Legal aid may not be granted for the claim lodgement and investigation under the Restitution of Land Rights Act, 1994.”*

#### Regulation 18

Regulation 18 provides for legal aid for persons affected by the Land Reform Act, the Extension of Security of Tenure Act, and the Prevention of Illegal Occupation and Eviction from Land Act and reads as follows:

*“18. (1) Legal aid may be granted to persons affected by the Land Reform (Labour Tenants) Act, 1996 (Act No. 3 of 1996), the Extension of Security of Tenure Act, 1997 (Act No. 62 of 1997) and the Prevention of Illegal Occupation and Eviction from Land Act, 1998 (Act No. 19 of 1998): Provided that the granting of legal aid in terms of this regulation is subject to the making available of funds by the relevant government department.*

*(2) Legal aid may be granted to a defendant or respondent who is an occupier as contemplated in the Acts referred to in sub regulation (1), if Legal Aid South Africa is satisfied that he, she or his or her family members are threatened with eviction.*

*(3) In matters referred to in sub regulation (1), where litigation has already started, Legal Aid South Africa may grant legal aid for mediation, arbitration or other alternative dispute resolution procedure, if Legal Aid South Africa is satisfied that these methods are likely to—*

*(a) eliminate or shorten litigation; or*

*(b) reduce the fees and disbursements that would otherwise be payable by Legal Aid South Africa.”*

On 16 September 2023, the President assented to the Land Court Act, Act No. 06 of 2023.



*To provide for the establishment of a Land Court and appeals against decisions of the Land Court; to make provision for the administration and judicial functions of the Land Court; to provide for the jurisdiction of the Land Court and Magistrates' Courts for certain land related matters; to provide for mediation procedures; to amend certain laws relating to the adjudication of land matters by other courts; and to provide for matters connected therewith.*

It should be noted that the Act commences on a date determined by the President by proclamation in the Gazette.

Of particular note for Legal Aid SA is the following:

*Section 16 (4) (a) Where a party involved in a matter before the Court is not represented by a legal representative because such party cannot afford to pay for legal representation, and the Court is of the opinion that it would be in the best interests of the party to have legal representation, the Court must refer the matter to Legal Aid South Africa as contemplated in section 2 of the Legal Aid South Africa Act, 2014 (Act No. 39 of 2014).*

*(b) Legal Aid South Africa must deal with a matter referred to in paragraph (a) in accordance with section 4(1)(f) of the Legal Aid South Africa Act, 2014, to provide legal representation at State expense, where substantial injustice would otherwise result.*

*(c) Expenditure in connection with the implementation and application of paragraph (a) must be defrayed from money appropriated by Parliament for this purpose and monies appropriated by Parliament for this purpose constitute earmarked funds on the vote of Legal Aid South Africa, and may not be used for any other purpose.*

#### *Transitional arrangements*

*35. (3) Any money available from the budget allocation for purposes of section 29(4) of the Restitution of Land Rights Act, before its amendment by this Act, forms part of the budget allocation of Legal Aid South Africa for purposes of giving effect to section 16(4) of this Act.*

#### *Regulations*

*37. (1) (g) legal assistance that Legal Aid South Africa may provide to parties who wish to exercise their right to have a dispute resolved through mediation and any expenditure related thereto;*

#### Other Legislation and Codes Impacting on the Delivery of Legal Aid

The following laws also require the government to provide legal assistance to the indigent:

- (l) Criminal Procedure Act (sections 73, 309, 309B, 309C, 309D & 316) – Legal Representation in Trial and Appeals

- (II) The Child Justice Act (sections 82(1) & 83(2)) – Legal Representation for Children in Child Justice Court (no child may be refused legal representation)
- (III) Children’s Act 38 of 2005, (section 55(1)) – Legal Representation of Children in matters dealt with in the Act on order of the Court
- (IV) Labour Relations Act 66 of 1995 (section 149) – currently unfunded
- (V) Mental Healthcare Act 17 of 2000 (section 15)
- (VI) Restitution of Land Rights Act 22 of 1994 (section 22) – funding and mandate transferred with effect from 01 January 2022
- (VII) Prevention of Illegal Eviction from and Unlawful Occupation of Land Act 19 of 1998 (section 4(5)) – currently unfunded
- (VIII) Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000 (section 10(5))
- (IX) Refugees Act 140 of 1998 (section 27(b))
- (X) Land Reform (Labour Tenants) Act, 1996 (Act No. 3 of 1996) – funding and mandate transferred from 01 January 2022
- (XI) The Extension of Security of Tenure Act, 1997 (Act No. 62 of 1997) – funding and mandate transferred from 01 January 2022
- (XII) Domestic Violence Amendment Act 14 of 2021 (section 19(2)(c))
- (XIII) Communal Property Association Act 28 of 1996
- (XIV) Interim Protection of Informal Land Rights Act 31 of 1996
- (XV) Trust Property Control Act 57 of 1988

Legal Aid SA is able to provide assistance in these instances if budget permits, in accordance with the policy provisions contained in Regulations as per section 23 of the Legal Aid South Africa Act (39 of 2014). Due to our budget and resource limitations, there are criteria that determine qualification for and exclusions to assistance. All other proposed legislation or proposed amendments to legislation, insofar as they impact on Legal Aid SA’s mandate and/or clients’ rights, are monitored and commented on as part of the legal research agenda. This is to ensure that clients’ rights are protected and the mandate of Legal Aid SA is not extended without concomitant funding.

#### Public Finance Management Act (PFMA)

Legal Aid SA is a National Public Entity listed in Schedule 3A of the Public Finance Management Act, Act 1 of 1999 (PFMA) and complies with the requirements of the PFMA and National Treasury Regulations which provide guidelines that must be upheld and implemented for the realisation of good governance. The Public Finance Management Act regulates financial management in all spheres and levels of government to ensure that all revenue, expenditure, assets and liabilities are managed efficiently, effectively and economically.

## King IV Report on Corporate Governance

The King Report on Governance for South Africa 2016, together with the King Code of Governance Principles 2016, contains 17 governance principles, of which 16 apply to Legal Aid SA.

### **1.2.2. Policy Mandates**

#### National Development Plan (NDP) 2030

The NDP is a long-term vision for the country which provides a broad strategic framework to guide key government choices and actions, and focuses on the critical capabilities needed to transform the economy and society. The plan highlights that accelerated development in South Africa requires the active support of all citizens; leadership in all sectors that puts the country's collective interests ahead of narrow, short-term goals; and radically improved government performance.<sup>1</sup>

There is a focus on building safer communities and achieving a crime-free South Africa. The following are the main goals of the NDP that relate directly to Legal Aid SA:

- i. Strengthening the CJS (Accelerating implementation of the plans to improve the criminal justice system),
- ii. Building safer communities using an integrated approach.

#### Medium-Term Strategic Framework 2019-2024

The MTSF outlines the country priorities of the electoral mandate and provides a medium-term roadmap for developing five-year institutional plans to enable the achievement of the NDP goals. The MTSF promotes coordination and alignment of priorities across all spheres of government and with non-government stakeholders and assists with integrating all components of national development into mainstream planning processes.<sup>2</sup>

#### Budget Prioritisation Framework

Government plans are implemented at different levels across the three spheres of government (national, provincial and local) and across a large number of public entities and state-owned enterprises. The Budget Prioritisation Framework aims to guide allocation of budget towards the achievement of government priorities.

<sup>1</sup> Revised Framework for Strategic Plans and Annual Performance Plans; Issued by the Department of Planning, Monitoring and Evaluation; page 20

<sup>2</sup> Revised Framework for Strategic Plans and Annual Performance Plans; Issued by the Department of Planning, Monitoring and Evaluation; page 20

The Budget Prioritisation Framework's objective is to establish the strategic framework for the decision-making on budget priorities that are required to advance the goals of the NDP using limited resources.<sup>3</sup>

### Integrated Criminal Justice Strategy and Framework (ICJS) and Integrated Implementation Plan (IIP)

The ICJS Framework was approved by Cabinet in March 2017. The ICJS Integrated Implementation Plan (IIP) is based on the NDP 2030 and the seven priorities of the 2019 sixth administration of the Republic of South Africa. The IIP focuses on an integrated approach through the implementation of cross-cutting and integrated interventions across the CJS value chain to ensure that the outcome of a transformed, efficient, effective, victim-friendly, modernised and integrated Criminal Justice System is achieved, leading to improved service delivery, improved quality of life and safety for all. Numerous challenges within the CJS have been identified and will be addressed by the IIP.

### African Union Agenda 2063

Agenda 2063 is a strategic framework for the socio-economic transformation of Africa over the next 50 years. It builds on and seeks to accelerate the implementation of past and existing continental initiatives for growth and sustainable development.

Agenda 2063 has the following aspirations: an integrated continent, politically united and based on the ideals of Pan-Africanism and the vision of Africa's Renaissance; an Africa of good governance, democracy, respect for human rights, justice and the rule of law; a peaceful and secure Africa; an Africa with a strong cultural identity, common heritage, shared values and ethics; an Africa whose development is people-driven, relying on the potential of African people, especially its women and youth, and caring for children; and Africa as a strong, united and influential global player and partner. These aspirations have priority areas which are aligned to the Sustainable Development Goals.<sup>4</sup>

<sup>3</sup> Revised Framework for Strategic Plans and Annual Performance Plans; Issued by the Department of Planning, Monitoring and Evaluation; page 20

<sup>4</sup> Revised Framework for Strategic Plans and Annual Performance Plans; Issued by the Department of Planning, Monitoring and Evaluation; page 20

## United Nations Sustainable Development Goals (SDGs) 2030

The SDGs seek to end poverty and hunger in the world; to combat inequalities within and among countries; to build peaceful, just and inclusive societies; to protect human rights and promote gender equality and the empowerment of women and girls; and to ensure the lasting protection of the planet and its natural resources. Countries committed to the SDGs aim to create conditions for sustainable, inclusive and sustained economic growth, shared prosperity and decent work for all, taking into account different levels of national development and capacities. The SDGs are integrated and indivisible and balance the three dimensions of sustainable development, namely, the economic, the social and the environmental. There are 17 Sustainable Development Goals which demonstrate the scale and ambition of the global agenda.<sup>5</sup>

The adoption of the United Nations (UN) Principles and Guidelines on Access to Legal Aid in Criminal Justice Matters continues to play a critical role internationally to guide sustainable development. This is paving the way for the development of legal aid systems and increased access to justice by indigent persons in all member countries. Of particular relevance to Legal Aid SA is the inclusion of access to justice in the UN Sustainable Development Goals (SDGs). SDG 16, Target 16.3 calls upon countries to: Promote the rule of law at the national and international levels and ensure equal access to justice for all. However, the common set of measures that have been agreed upon to track progress towards the goals and monitor the actions taken to achieve the SDGs are very narrow and focus only on criminal justice to the exclusion of civil justice.

<sup>5</sup> Revised Framework for Strategic Plans and Annual Performance Plans; Issued by the Department of Planning, Monitoring and Evaluation; page 20

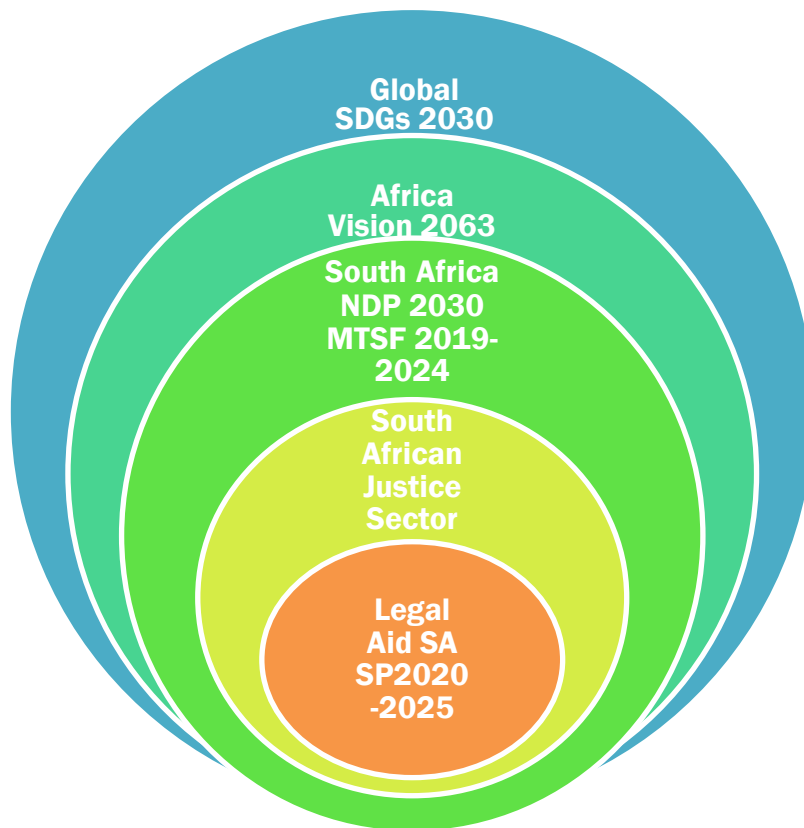


Figure 2: Policy Mandates

### 1.3. Institutional Policies and Strategies Related to the Five-year Planning Period

The organisation will continue to implement its Strategic Plan in accordance with its constitutional and legislative mandates as well as the policies mentioned in section 3.2.2. above, namely:

- i. National Development Plan 2030
- ii. Medium-term Strategic Framework 2019-2024
- iii. Budget Prioritisation Framework 2020
- iv. Integrated Criminal Justice Strategy and Framework (ICJS) and Integrated Implementation Plan (IIP)
- v. African Union Agenda 2063
- vi. Sustainable Development Goals 2030

### 1.4. Relevant Court Rulings

Various court rulings have an impact and the organisation has to adapt policies and operations as these court rulings are made. The following Court Orders have an impact on Legal Aid SA:

i. **Life Esidimeni 19 March 2018**

For the first time in SA legal history, Constitutional Damages were awarded to litigants in the Esidimeni Arbitration which developed the jurisprudence in respect of the law of damages. Although the Arbitration award by the former Deputy Chief Justice is not binding authority, it does open the debate on when Constitutional Damages is appropriate. This issue is now being taken further with Legal Aid SA funding the appeal to the SCA in the Daniel Komape matter where the court *a quo* refused to award Constitutional Damages to the family. This ensures that the courts decide the issue of when it would be appropriate to award Constitutional Damages where the law of Delict is not able to provide an adequate remedy. In this way Legal Aid SA contributes to the development of the law to reflect our constitutional values where the law is skewed against indigent persons.

ii. **Anton Meyer v Legal Aid South Africa**

Judgment of the Gauteng High Court, Johannesburg, in 2015 in which section 22 of the Legal Aid SA Act (replacement of section 3B) was considered and the court found that the applicants did not qualify for legal aid assistance.

Section 22 of the Legal Aid SA Act replaced section 3B of the Legal Aid Act 22 of 1969, which was the relevant section that came under consideration before the SCA in the Porritt and Bennet matter. In this matter the court considered whether the applicant had dismissed the onus to show that he has a lifestyle that is consistent with his alleged inability to afford the cost of his own legal representation. The court found that the applicant's application to Legal Aid SA did not contain a full disclosure of all relevant facts and documents pertaining to his inability to afford the cost of his own legal representation. The court therefore found that the applicant did not discharge the onus and therefore he did not qualify for legal assistance at State expense.

iii. **Magidiwana v Legal Aid South Africa and others (Marikana)**

The North Gauteng High Court ordered Legal Aid SA on 14 October 2013 to forthwith take steps to provide legal funding to the applicants for their participation in the Marikana Commission of Inquiry. The judgment may have far reaching implications for Legal Aid SA's sustainability. Whereas it may be desirable to fund legal representation for poor/indigent persons who have standing before commissions of inquiry, it is our view that this has to be done on a sustainable basis with a proper balancing of competing rights.

It is accordingly a concern to us that our mandate has been extended by court order in a matter that is uniquely polycentric.<sup>6</sup> It is therefore submitted that the provision of legal representation, including the nature and extent thereof, before commissions should be clarified in our enabling legislation and should be properly funded to ensure a sustainable legal aid scheme.

Legal Aid SA applied for leave to appeal to the Constitutional Court after the Supreme Court of Appeal dismissed its appeal on the grounds that it was academic since Legal Aid SA was funding the miners' legal team albeit in terms of a court order. Legal Aid SA launched this further appeal since the judgment impacts on the sustainability of the organisation and the principles established have wider import than the provision of legal representation at the Marikana Commission of Inquiry. The Constitutional Court judgment was handed down on 22 September 2015. The application for leave to appeal was dismissed as the matter was found to be moot. The court found that the High Court's interpretation of the right to a fair public hearing did not affect the discretionary power of Legal Aid SA, and imposed no obligation on Legal Aid SA to fund legal representation at commissions of inquiry in the future.

Although the Constitutional Court dismissed the earlier application for leave to appeal against the decision of the High Court to refuse urgent and interim relief to injured and arrested miners, it nevertheless felt it appropriate to make the following pertinent comments in light of the clear public interests in the Commission's work. The Constitutional Court expressed the view that it would be commendable and fairer to the injured and arrested miners that they be afforded legal representation in circumstances where State organs are given these privileges and where corporations are able to afford huge legal fees. The Constitutional Court noted that while this desirable objective of equality of arms before a commission may not necessarily translate into legal representation at State expense, the object of the Legal Aid Act 22 of 1969 is to render or make available legal aid to indigent persons and to provide legal representation at state expense as contemplated in the Constitution. But this does not mean the courts have the power to order the executive branch of government on how to deploy State resources. The duty of determining how public resources are drawn upon and rendered lies in the heartland of executive government function domain.

The Regulations to the Legal Aid SA Act 39 of 2014, and specifically Regulation 26, has subsequently clarified the provision of Legal Representation at Commissions of Inquiry by Legal Aid SA.

<sup>6</sup> A policy-laden issue; for Legal Aid SA this would entail issues such as who should qualify for legal aid and on what criteria, what fees should be paid to Judicare attorneys.



It specifically provides that where funds are made available for legal aid by the establishing authority of a commission that legal representation may be made available by Legal Aid SA subject thereto that the commission has certified that the person has standing before that commission.

iv. **Legal Aid Board v The State and Others 2011(1) SACR 166 (SCA) (Porritt and Bennett)**

Here the SCA held that the right to legal representation at State expense where substantial injustice may arise involves two elements, namely the complexity of the case as well as the ability of the accused to afford the cost of legal representation from his/her own resources. In determining if an accused is able to afford the cost of legal representation the provisions of section 3B are applicable. The SCA found that this section makes it clear that this is the court's inquiry and that there is no onus of proof on the accused but that this does not allow the accused to not place information that is within his/her peculiar knowledge before the court. It went further and found that a failure to place such information before the court, in order to assist the court in its inquiry, may well be fatal to their quest for legal assistance at State expense. It also clarified that the court has powers to subpoena witnesses and documents or to place the accused under oath and for them to be cross examined. In this instance it found that the accused, having regard to their lifestyle and information available to the court, were not indigent and it accordingly set aside the order granting the accused legal representation at State expense.

v. **Legal Aid Board v Gary van der Merwe and others (A409/2010) Western Cape High Court, 4 Nov 2010**

This is a matter in which the court ordered that legal aid applicants be granted legal aid assistance after conducting a section 3B court enquiry. Legal Aid SA appealed the order and contended as follows:

Firstly, that the court erred in finding that there will be substantial injustice if applicants were not afforded legal representation. This contention was based on the fact that applicants did not fully disclose their assets and directorship in various companies and/or trusts. It was contended that on record, the legal aid applicants had various trusts and resources which could be used to fund their trial. Legal Aid SA further contested this on the basis that the applicants had failed to submit further information requested or provide answers to the various questions directed to them to explain their assets and income.

Secondly, that the court erred in directing Legal Aid SA to appoint legal representation for the legal aid applicants of the level and competency equal to the level and competency of the legal representation for the State, and that such an order fell outside the terrain of the court and was therefore *ultra vires*. This argument was supported by the SCA decision on the Porritt and Bennett case.

The full bench of the Western Cape High Court upheld the appeal.

vi. **Legal Aid Board (Ex Parte) v Johan Pretorius and Another 2006 JDR 0458 (SCA) Unreported**

The SCA considered in this matter whether section 3B of the Legal Aid Act was applicable in circumstances where accused persons had terminated the mandate of their legal representative and sought the appointment of a replacement practitioner. The issue at hand was the constitutional guarantee to a fair trial. The SCA rejected the view proffered by Legal Aid SA that section 3B was not applicable and that the accused's remedy was to review the decision of Legal Aid SA not to appoint a further legal representative. The SCA upheld the decision of the trial Judge to request Legal Aid SA to submit a 3B Report after he formulated a *prima facie* view that the practitioner could not effectively represent the accused due to his workload in the case. The SCA also pointed out that a trial Judge is best placed to make a decision on the fairness of a trial where this relates to the right to legal representation at State expense and that the Judge was correct in resorting to the provisions of section 3B of the Legal Aid Act when Legal Aid SA refused to appoint a replacement legal representative. In so doing it also found that judicial officers were not bound by the provisions of the Legal Aid Guide.

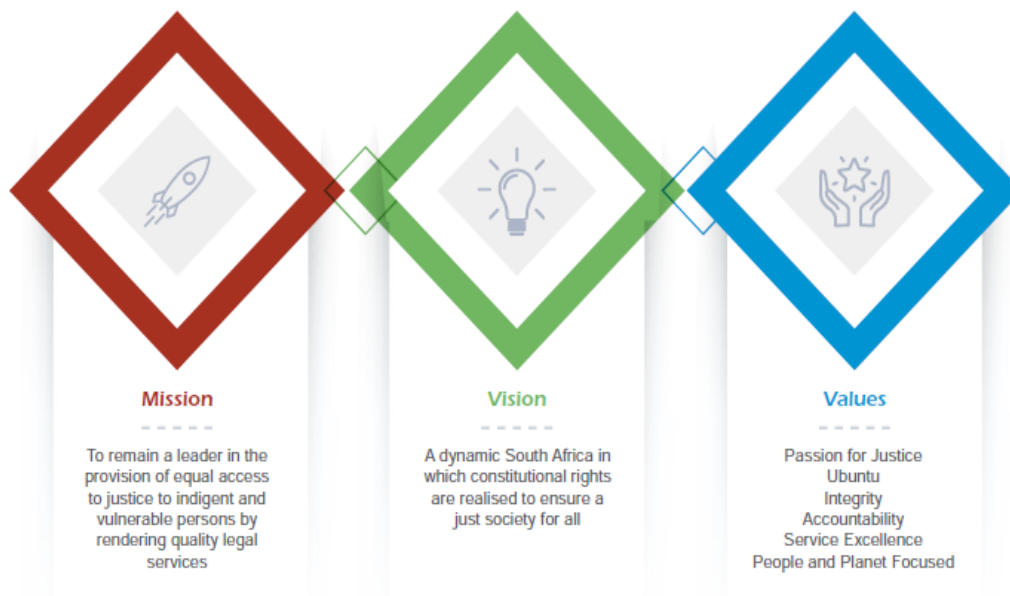
vii. **Nkuzi Development Association v Government of the Republic of South Africa 2002 (2) SA 733 (LCC)**, where Moloto J (with Gildenhuys J concurring) declared that in eviction cases, labour tenants and occupiers under the land reform legislation "*have a right to legal representation or legal aid at State expense if substantial injustice would otherwise result, and they cannot reasonably afford the cost thereof from their own resources*". The court declared that the State was under a duty to provide such legal representation or legal aid through mechanisms selected by it.

viii. **Bernstein v Bester NO 1996 (2) SA 751 (CC)** at 106 – the Constitutional Court stated that the failure to use a phrase such as "a fair hearing" in the Interim Constitution might justify a conclusion that the framers of the Interim Constitution deliberately chose not to constitutionalise the right to a fair civil trial.

The drafters of the final Constitution provided in section 34 that everyone has the right to have any dispute that can be resolved by the application of law decided in “a fair public hearing”.

- ix. **S v Vermaas; S v Du Plessis 1995 (3) SA 292 (CC)**, where the Constitutional Court dealt with the right to legal representation and the fact that a litigant has no choice as to the legal representative where it is provided at State expense.

## 2. PART B: OUR STRATEGIC FOCUS



### 2.1. Vision

A dynamic South Africa in which constitutional rights are realised to ensure a just society for all.

### 2.2. Mission

To remain a leader in the provision of equal access to justice to indigent and vulnerable persons by rendering quality legal services.

### 2.3. Values

- i. Passion for Justice

To give effect to the rights, responsibilities and values enshrined in our Constitution and to be committed to promoting the rule of law and increasing access to justice for all.

- ii. Ubuntu  
To value diversity and treat every person with compassion, care, respect and dignity.
- iii. Integrity  
To live by the highest ethical and professional standards, demonstrating transparency, honesty and fairness in all our interactions.
- iv. Accountability  
To be accountable to our clients, the public and other stakeholders (internal and external) by ensuring compliance with our mandate and governance framework in a sustainable manner.
- v. Service Excellence  
To provide quality legal services and strive for excellence and innovation in an effective manner.
- vi. People and Planet Focused  
To empower our clients and communities to make informed choices about their legal matters.  
To create a caring, enabling, safe, productive and rewarding work environment that recognises contributions from individuals and teams.  
To respect and care for the environment.

## 2.4. Situational Analysis

Legal Aid SA has used the STEEPLED (Social, Technological, Economic, Environmental, Political, Legal, Ethical and Demographic factors) and SWOT analysis/planning tools to identify the key factors in both the external and internal environment within which Legal Aid SA operates. This enabled us to look at all aspects of the environment that impact on Legal Aid SA. These analysis tools were used to track current and future trends of key sectors in the environment within which the entity operates. These factors have the potential to impact on the performance of the organisation.

### External Environmental Analysis

#### Social

Municipal IQ has found a significant decrease in the number of service delivery protests in South Africa in 2020. This can be attributed to the lockdowns to contain the COVID-19 pandemic.<sup>7</sup>

<sup>7</sup> Business Maverick <https://www.dailymaverick.co.za/article/2020-08-24-municipal-iq-data-shows-lockdowns-stifled-sa-social-unrest-this-year-but-2020-is-not-over-yet/>

However, the findings for 2021 (as at the end of June) shows that service delivery protests have increased in number and intensity. Gauteng and KwaZulu-Natal have the most service delivery protests for 2021 to this point.

Municipal IQ compared the civil unrest which took place in July 2021 against service delivery protests. The incidents of civil unrest were concentrated in two provinces, KwaZulu-Natal and Gauteng (66% and 33%, respectively) and five municipalities (eThekweni, Johannesburg, Ekurhuleni, Msunduzi and uMhlathuze) which together accounted for 75% of incidents. eThekweni was the worst hit metro, followed by Johannesburg and Ekurhuleni.

According to Municipal IQ there has been an increase in service delivery protests in the country since the advent of COVID-19. It was reported that there were more protests in June and July 2022 than in any other month in the last two years. Gauteng had 30% of all protests in the country, followed by the Eastern Cape with 19% and KwaZulu-Natal with 18%.<sup>8</sup>

Service delivery protests are a regular occurrence and according to Municipal IQ they are back to pre-COVID 19 levels. Communities use protests to raise grievances and electricity and water protests have been prevalent. Unrest is often fuelled by socioeconomic challenges such as poverty and unemployment. Since there is little or no change in basic service delivery in volatile communities, protests are likely to continue.<sup>9</sup>

Legal Aid SA has been impacted by the July 2021 unrest in the country. The riots that occurred in KwaZulu-Natal in July 2021 affected Legal Aid SA Satellite Offices at Bulwer and Ixopo, as well as the Legal Aid SA Umlazi Local Office. At Bulwer the Satellite Office was burnt down and alternative accommodation for staff had to be sought. The Ixopo Satellite Office was burgled and both Legal Aid SA and staff assets were stolen. At the Umlazi Local Office, vehicles were damaged. The riots in Gauteng did not affect Legal Aid SA offices except that the closure of malls where some offices are situated resulted in the offices being closed and staff operating remotely. Legal Aid SA dealt with a total of 7,285 criminal matters and 1,268 civil matters in Gauteng and Kwa-Zulu Natal relating to the unrest. The majority of the charges relate to possession of stolen property and public violence.

A National State of Disaster was declared as a result of floods in KwaZulu-Natal, the Eastern Cape and the North West. The impact of the floods necessitated interventions to respond to the socio-economic needs of communities and for continued service delivery in the affected provinces. The floods have highlighted the potential impact that climate can have on livelihoods and the economy. An all-of-government coordinated approach is needed to put into place measures to plan for and adapt to and to mitigate the impacts of climate change.

<sup>8</sup> <https://www.iol.co.za/news/south-africa/kwazulu-natal/rise-in-protests-after-covid-19-municipal-intelligence-data-collection-body-finds-d0bb8d0b-e1a2-4067-b715-68ad44027fb9>

<sup>9</sup> <https://mg.co.za/news/2023-02-02-data-shows-that-service-delivery-protests-will-increase-intensify-in-2023/>

Violence against women, children and people with disabilities is an ongoing societal problem and the rate of crimes against these vulnerable groups remains high and is a cause for concern. In September 2019, a number of protests focused on the high levels of gender-based violence in the country with citizens demanding action from government, resulted in the President calling an emergency sitting of the two houses of Parliament, the National Assembly and the National Council of Provinces, to tackle gender-based violence. An Emergency Action Plan on Gender-based Violence and Femicide (GBVF) was announced, aimed at combatting violence against women and children through a coordinated effort between government and civil society. A total of R1,6 billion was allocated for the implementation of the GBVF Emergency Action Plan. Government has established Sexual Offences Courts, of which there are currently 116. These courts are included in the Legal Aid SA court coverage. Government has reported a correlation in the establishments of these courts and an increase in conviction rates.

Legal Aid SA has zero tolerance for gender-based violence and legal practitioners are committed to promoting justice for victims of crime. Legal practices are aligned to the Constitution, ensuring the right to a fair trial and respect for human rights. Legal aid is available for victims of gender-based violence subject to the qualification criteria set in terms of the Legal Aid SA Act, read with the Legal Aid Regulations. Legal Aid SA has linkages with the Department of Health, Department of Social Development and National Movement for Shelters, aimed at creating awareness of the legal services Legal Aid SA provides and referral systems on how to access legal aid services when needed. A toll-free Legal Aid Advice Line can be accessed for legal advice through a landline, cell phone and the Legal Aid SA website.

Legal Aid SA is an active participant in the National Steering Committee on Gender-Based Violence and Femicide (GBVF) and is committed to protecting and defending the rights of women. The Legal Aid Regulations have been revised to allow for more people to be able to access legal representation in Domestic Violence Act matters. Training is regularly provided to Legal Practitioners so that they can keep abreast of legislative changes.

The National Council on Gender-Based Violence and Femicide Bill 31 of 2022 was introduced in Parliament in November 2022. The Bill emanates from the National Strategic Plan on Gender-Based Violence and Femicide (NSP) produced by the Interim Steering Committee established in April 2019 to respond to gender-based violence and femicide. The Bill, as the enabling legislation, will facilitate the effective implementation of the institutional arrangements for the rollout of the NSP in relation to the setting up of an independent structure, known as the National Council on Gender-Based Violence and Femicide.

Four new laws commenced in 2022 to strengthen efforts to address the disturbingly high number of gender-based violence cases in the country:

- i. The Criminal Law (Sexual Offences and Related Matters) Amendment Act
- ii. The Criminal and Related Matters Amendment Act
- iii. The Domestic Violence Amendment Act
- iv. The Criminal Law (Forensics Procedures) Amendment Act

In November 2022, the Second Presidential Summit on Gender-Based Violence and Femicide (GBVF) was held. Senior Executives attended the Summit to contribute to the development of interventions to address the scourge, demonstrating commitment at the highest levels of the organisation to address and eradicate GBVF. Legal Aid SA has achieved the targets set in the National Strategic Plan (NSP) on GBVF, which was to increase access to justice – the Legal Aid Regulations now provide increased access in that the disabled, elderly and children can obtain a legal representative in Domestic Violence Act matters where they qualify for legal aid in terms of the Means Test.

Legal Aid SA also ensures that access to legal advice to anyone who qualifies for legal aid is available for matters relating to domestic violence, harassment and maintenance. Legal Aid SA continues to participate in Pillar 3 work to ensure that the indicators in the NSP on GBVF are met across the justice cluster.

There has been a spate of xenophobic violence and unrest aimed at foreign nationals resulting in people losing their lives. In response to previous xenophobic attacks experienced, Cabinet adopted the National Action Plan to combat Racism, Racial Discrimination, Xenophobia and Related Intolerance, which was launched in March 2019.

#### *Land matters*

The National Assembly approved a process to amend section 25 of the Constitution to make appropriation of land without compensation more explicit. During the 2020-2021 financial year the Ministers of Justice and Correctional Services, and Agriculture, Land Reform and Rural Development tabled the Land Court Bill in Parliament in May 2021. The Bill made provision for the mandate of Legal Aid SA to include the provision of legal representation to litigants in land related disputes who are not able to afford the cost of their own legal representation. Legal Aid SA will therefore be resourced to provide critical support to enable access to justice in land matters.

In preparation for the extended mandate in land related legal representation, the Department of Justice and Constitutional Development coordinated a transfer of the Department of Agriculture, Land Reform and Rural Development's Land Rights Management Facility legal representation function and requisite funding to Legal Aid SA effective 01 January 2022. A Memorandum of Understanding was drawn up to regulate all pertinent matters relating to the transfer of the LRMF to Legal Aid SA including the financial arrangements.

The transfer of the function was done between the Minister of Agriculture, Land Reform and Rural Development and the Minister of Justice in consultation with the Minister for the Public Service and Administration and National Treasury.

Legal Aid South Africa began building internal legal delivery capacity and infrastructure to handle the land related matters in-house. An executive (Legal Executive: Land Rights Management) has been appointed to manage this function. We have opted for a decentralised service delivery model per Province and Region to localise and improve accessibility of the legal aid services in land matters.

The LRMU is governed by Legal Aid Regulations 17 and 18, which deal with land rights and cases relating to the Land Reform (Labour Tenants) Act, 1996; Extension of Security of Tenure Act (ESTA), 1997; Prevention of Illegal Eviction from and Unlawful Occupation of Land Act, 1998, and the Restitution of Land Rights Act, 1994.

**Regulation 17 determines as follows in respect of the granting of legal aid in terms of the Restitution of Land Rights Act:**

- (1) Legal Aid South Africa may grant legal aid for cases under the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994) if the Land Claims Commissioner —*
- (a) makes funds available to Legal Aid South Africa to fund the matter; or*
  - (b) is the opposing party to the litigation or possible litigation.*
- (2) Legal aid may not be granted for the claim lodgment and investigation under the Restitution of Land Rights Act, 1994.*

**Regulation 18 provides for legal aid for persons affected by the Land Reform Act, the Extension of Security of Tenure Act, and the Prevention of Illegal Occupation and Eviction from Land Act:**

- (1) Legal aid may be granted to persons affected by the Land Reform (Labour Tenants) Act, 1996 (Act No. 3 of 1996), the Extension of Security of Tenure Act, 1997 (Act No. 62 of 1997) and the Prevention of Illegal Occupation and Eviction from Land Act, 1998 (Act No. 19 of 1998): Provided that the granting of legal aid in terms of this regulation is subject to the making available of funds by the relevant government department.*
- (2) Legal aid may be granted to a defendant or respondent who is an occupier as contemplated in the Acts referred to in subregulation (1), if Legal Aid South Africa is satisfied that he, she or his or her family members are threatened with eviction.*
- (3) In matters referred to in subregulation (1), where litigation has already started, Legal Aid South Africa may grant legal aid for mediation, arbitration, or other alternative dispute resolution procedure, if Legal Aid South Africa is satisfied that these methods are likely to—*
- (a) eliminate or shorten litigation; or*
  - (b) reduce the fees and disbursements that would otherwise be payable by Legal Aid South Africa.*

Regulation 18 only makes provision for legal aid for legal representation to be granted for mediation, arbitration or other alternative dispute resolution mechanisms in these types of matters, where litigation has already commenced. The Legal Aid SA mandate does not extend to the provision of mediation of land claims during the investigation of the claims; the Judicial Administration of Communal Property Associations and/or Trusts and, more pertinently, it does not include the management of functions on behalf of other departments/entities where such functions fall within that department or entity's specific mandate.



The Land Court Bill was assented to and signed by the President on 16 September 2023. The Land Court Act, Act no. 06 of 2023 will commence on a date determined by the President by proclamation in the Gazette.

Regulations 17 and 18 will be reviewed, as required, to align with the Land Court Act and specifically to provide for the progressive transfer of the legal representation aspects contained in various Acts to Legal Aid SA once the Acts are identified to be transferred under the jurisdiction of the proposed Land Court with the concomitant funding to give effect to this extended mandate.

The total contingent liability verified for the budgets approved in all pending matters transferred to Legal Aid SA (740 matters) amounts to R144,686,671. It was projected that at least 20% of these matters would be finalised by the 2022-2023 financial year which requires an amount of R29 million; 30% would be completed by the 2023-2024 financial year and 50% between the 2024-2025 and 2025-2026 financial years. The contingent liability recognised on 31 March 2022 relating to fees due to Legal Practitioners for the pending instructions they held as at 1 January 2022 remains unfunded. There are ongoing engagements with the Department of Justice and Constitutional Development to access funding for these matters. As at 31 March 2023, the contingent liability is R185,122,569. Legal Aid SA has been allocated an additional amount of R156 million over the 2024/25-2026/27 MTEF. The funding will be utilised to fund the contingent liability.

The National Treasury approved the request from Legal Aid SA to retain R35 million in surplus funds for the establishment and capacitation of the LRMU. The DALRRD availed a budget of R33 million received in April 2022 and the baseline allocations for 2022-2023 to 2025-2026 were confirmed and included in the Legal Aid SA MTEF Allocation Letter of November 2022. As per the 2023 MTEF preliminary allocations letter dated 23 November 2022, amounts of R76.6 million in 2023/24, R80.1 million in 2024/25 and R83.7 million in 2025/26 are included to accommodate the migration of the Land Rights Management Facility legal representation functions from Vote 29: Agriculture, Land Reform and Rural Development to Legal Aid South Africa.

The Land Rights Management Unit had its first full year (FY 2022/23) of operations and provided legal services to farm occupiers, labour tenants and restitution claimants. Legal Aid South Africa has focused on building internal legal delivery capacity and infrastructure to handle the land related matters in-house, having opted for a decentralised service delivery model per Province and Region to localise and improve accessibility of the legal aid services in land matters. Establishing a mixed model to provide legal services to farm occupiers, labour tenants and restitution claimants has resulted in 80% of LRMU matters being handled by Judicare Practitioners, and 20% handled by internal Legal Practitioners during the 2022/23 financial year. As at the end of the financial year 2022-2023, the LRMU had 78 staff members; 11 based at the Legal Aid SA National Office and the remaining 67 based at Local Offices.

With the demand for legal representation in land related matters increasing, the LRMU's focus on building internal capacity remains a key area of attention in line with the available budget and finance projections. The eLAA system is being enhanced to accommodate the LRMU's requirements, ensuring that land clients' matters are not administratively delayed. The LRMU has regular engagement with several key stakeholders, including the DALRRD, Department of Cooperative Governance and Traditional Affairs and various non-governmental organisations. Such collaboration is important for stakeholder relations and engagement on pertinent issues that are affecting the LRMU's clients. The LRMU is in constant communication with the Land Claims Court to ensure smooth case flow management as it handles the bulk of the court's matters.

### *Crime*

The crime statistics 2020 were released by Police Minister Bheki Cele and the then national police commissioner General Khelha Sithole in July 2020. In the 2019/20 period, overall crime levels were down when compared with the previous year. However violent crime in SA, including murders, continued to rise. During the period 1 April 2019 to 31 March 2020:

- i. Murder increased by 1,4%
- ii. Robbery with aggravating circumstances increased by 2,8%
- iii. Carjacking increased by 13,3%
- iv. Sexual assault increased by 4,2%
- v. Burglary at residential premises decreased by 6,7%
- vi. Attempted murder decreased by 1,8%
- vii. Cash in transit robbery decreased by 10,4%
- viii. House robbery decreased by 5,8%.

These statistics reflect the serious concern voiced by citizens about their safety and also impact negatively on low public confidence in the rule of law and the criminal justice system.

Crime statistics released by SAPS and Stats SA, covering the first quarter of the 2021/2022 financial year, shows crime increasing in almost all categories. Contact crimes such as murder, attempted murder, sexual offences and all categories of assault registered a 60,6% increase, when compared with the corresponding period of the 2020/2021 financial year. However, the impact of the COVID-19 lockdown levels must be factored in, as the first quarter of the 2020/2021 financial year coincided with level five lockdown. Whilst crime trends are increasing, the statistics must be contextualised.

In August 2022, SAPS presented SA's latest crime statistics, covering the first quarter of the 2022/23 financial year. The crime stats are being compared to the same period in 2021, when the country was still in lockdown due to the Covid-19 pandemic.

SAPS had success in reducing crimes in key categories, including sexual offences, common assault and assault with intent to inflict grievous bodily harm.

Crimes with notable increases include murder which increased by 12%, carjacking – up 14% year on year and cash-in-transit heists – up over 30%.

Overall, the stats show that 13 crime categories are worse year on year, while 10 others improved. Of the 13 crimes that are worse than last year, five are at their worst levels seen in this quarter over the last five years. These are murder, attempted murder, carjacking, robbery at residential premises and commercial crime.<sup>10</sup>

Crime statistics for the second quarter of 2022/23, presented in November 2022, when compared to quarter 2 of 2021/22 show an increase in contact crimes, contact-related crimes, property-related crimes and other serious crimes. Of the 23 crime categories reported on, burglary at non-residential premises and arson are the only 2 that saw a reduction over the period. The crime categories with the biggest increases are truck hijacking, common robbery, carjacking, robbery with aggravating circumstances and commercial crime.<sup>11</sup>

Crime statistics for the first quarter (April – June 2023) of the financial year 2023/2024, when compared to the same period last year, shows a decrease in contact-related crimes and property-related crimes, while contact crimes and other serious crimes have increased. It was noted that crimes detected due to police action has increased considerably, indicating more active policing.<sup>12</sup>

The following are the findings of the Statistics SA Governance, Public Safety and Justice Survey (GPSJS), 2018/19; relating to justice issues:

- a. *An estimated 12% of the population in South Africa experienced one or more disputes or justiciable problems during the past two years.*
- b. *The top ten disputes for men are different from the top ten disputes experienced by women. The most common dispute for men concerned corruption or bribery or nepotism by government officials, while for women it was disruption of supply of utilities such as water and electricity.*
- c. *People get information about dispute resolution mostly from electronic media like the internet and television (24%). People mostly use family and friends to seek help to resolve their disputes (29%).*
- d. *Five percent of the population in South Africa, aged 16 years and older, have been to court during the past twelve months for various reasons.*

<sup>10</sup> <https://businesstech.co.za/news/government/618173/these-crimes-are-worse-than-ever-in-south-africa/>

<sup>11</sup> <https://businesstech.co.za/news/lifestyle/645543/south-africas-latest-crime-stats-a-massive-wave-of-red-as-violence-escalates/>

<sup>12</sup> <https://businesstech.co.za/news/lifestyle/711992/the-latest-crime-stats-for-south-africa-everything-you-need-to-know-1/>

- e. *Self-representation in court was the most preferred by those who go to court as witnesses, accused, litigants and for administrative services. Self-representation varied from 48% for those going to court as accused to 81% for people who go to court as witnesses.*
- f. *The use of private lawyers and Legal Aid SA lawyers were highest for those who went to court as accused, where 21% of the accused used private lawyers and 36% used Legal Aid SA lawyers. People who were represented by Legal Aid SA lawyers had the greatest proportion (89%) of people who were satisfied with their service.*
- g. *There was no significant difference in satisfaction between those who used private lawyers and those who represented themselves. The satisfaction rate was lowest (83%) for those represented by paralegal officials.<sup>13</sup>*

The Stats SA GPSJS 2021/22 report, summarises the following:

#### *Household level crime*

- *An estimated 1,4 million incidences of housebreaking occurred in 2021/22, affecting 983000 households in South Africa. About 59% of households that experienced housebreaking reported some or all incidences to the police.*
- *An estimated 205000 incidences of home robberies occurred, affecting 155000 households in 2021/22. About 66% of households that experienced home robbery reported some or all incidences to the police.*

#### *Individual level crime*

- *An estimated 1,3M incidences of theft of personal property occurred in 2021/22, affecting 1,1M individuals aged 16 years and older. About 31% of individuals who experienced theft of personal property reported some or all incidences to the police.*
- *A total of 246 000 (0,6% of adults aged 16 and older) individuals experienced street robbery in a total of 295 000 incidences. About 34% of the victims reported some or all incidences to the police.*
- *A total of 376 000 (0,9% of adults aged 16 and older) individuals experienced customer fraud in a total of 844 000 incidences. Results show that 44,2% of the victims reported some or all incidences to the police.*

#### *Feelings of safety*

- *About 81% of the population felt safe walking alone in their neighbourhood during the day while 36,0% felt safe walking alone in their neighbourhood during the night. Both figures decreased from 2020/21.*
- *Similarly, rural residents had a greater feeling of safety walking alone in their areas when it is dark than residents in urban areas. About 48% indicated that they have done something to protect themselves against crime.*

<sup>13</sup> Statistics South Africa Governance, Public Safety and Justice Survey GPSJS 2018/19 available at [www.statssa.gov.za](http://www.statssa.gov.za)

- *About 30,4% of the population indicated that they only walk during safer hours and 28,8 % indicated they have taken physical protection measures for their home as the main thing they have done to protect themselves against crime. Only 3,8% indicated they carry a weapon as the main thing they have done to protect themselves against crime.*<sup>14</sup>

Statistics SA recently released the Governance, Public Safety, and Justice Survey (GPSJS), 2023 report. GPSJS is able to provide estimates of the prevalence and incidence of crime, while SAPS statistics provide the total number of reported cases. Moreover, GPSJS statistics also report on feelings of safety, perceptions of crime, and satisfaction with the police, courts, and correctional services. Such information is indispensable in the monitoring of development goals.

The key findings can be summarised as follows:

#### *Household crime levels in South Africa*

- *In 2022/23, an estimated 1,6 million incidences of housebreaking occurred, affecting 1,1 million households in South Africa. The number of affected households represents 5,7% of all households in the country. About 51% (51,4%) of households that experienced housebreaking reported some or all incidences to the police.*
- *An estimated 238 000 incidences of home robberies occurred, affecting 195 000 households in 2022/23. The number of affected households represents 1,0% of all households in the country. About 57% (56,8%) of households that experienced home robbery reported some or all incidences to the police.*
- *In 2022/23, 68 000 households experienced assault in a total of 85 000 incidences. Less than 1% (0,4%) of all households in the country experienced assault. About 54% (53,7%) of households that experienced assault reported some or all incidences to the police. Weapons were used in some of the incidences of assault. The households reported that the weapon that was mainly used during the incidences of assault was a knife. An estimated 28% of households reported that the perpetrators of assault were a relative/other household member.*

#### *Individual crime levels in South Africa*

- *An estimated 1 520 000 incidences of theft of personal property occurred in 2022/23, affecting 1 228 000 individuals aged 16 years and older. The number of affected individuals represents 2,9% of the population. About 41% (41,4%) of individuals who experienced theft of personal property reported some or all incidences to the police.*

<sup>14</sup> Statistics South Africa Governance, Public Safety and Justice Survey GPSJS 2021/22 available at [www.statssa.gov.za](http://www.statssa.gov.za)

- A total of 314 000 (0,7% of adults aged 16 and older) individuals experienced consumer fraud in a total of 487 000 incidences. Results show that 38,1% of the victims reported some or all incidences to the police, which is a 6,1 percentage point decrease compared to the previous year.

#### *Feelings of safety*

- About 81% (80,8%) of the population felt safe walking alone in their neighbourhood during the day while 37,0% felt safe walking alone in their neighbourhood during the night. About 30% (29,7%) indicated that they have done something to protect themselves.
- Almost 44% (43,8%) of the population indicated that they only walk during safer hours as the main thing they have done to protect themselves against crime. Of those aged 16 years and older, 79,7% felt safer after taking measures to protect themselves against crime.

#### *Citizen interaction and community cohesion*

- The proportion of households who know their neighbours' names increased from 91,9% in 2019/20 to 93,3% in 2022/23. A slight decrease is observed in the number of households who would ask any of their next-door neighbours to watch their house when they were going away. More than 50% of the households indicated that they have no knowledge of active forums that discuss or deals with community-related issues in their areas.
- The proportion of households who knew of active forums increased from 33,5% in 2019/20 to 38,3% in 2022/23.<sup>15</sup>

#### *Demand for Legal Aid SA services*

A review of the criminal and civil statistics dealt with by Legal Aid SA from 2018/19 to 2022/23 shows that the number of criminal cases has decreased over the three-year period 2018/19 to 2020/21, with an increase of 17% between FY 2020/21 and 2021/22 and a 2% increase between FY 2021/22 and 2022/23. The number of civil cases dealt with has decreased over the five-year period 2018/19 to 2022/23, with a 44% increase between 2020/21 and 2021/22 and a 22% increase between 2021/22 and 2022/23. The 2022/23 financial year was the first full year that Legal Aid SA provided legal representation in land matters and there were 326 new cases. The number of matters in which legal advice is provided has fluctuated, decreasing by 3% between 2018/19 and 2019/20 and again decreasing between 2019/20 and 2020/21 by 26%. There was an increase of 19% between 2020/21 and 2021/22 and an increase of 5% between 2021/22 and 2022/23. The substantial decrease between 2019/20 and 2020/21 is as a result of the impact of the COVID-19 pandemic and the resultant lockdown measures implemented.

<sup>15</sup> Statistics South Africa Governance, Public Safety and Justice Survey GPSJS 2022/23 available at [www.statssa.gov.za](http://www.statssa.gov.za)



	Demand for Legal Aid SA				
	2018/19	2019/20	2020/21	2021/22	2022/23
<b>Criminal Total</b>	362,213	351,061	269,388	314,998	322,337
<b>Civil Total</b>	53,990	51,177	27,818	40,143	48,805
<b>Land Total</b>	n/a	n/a	n/a	n/a	326
<b>Criminal, Civil &amp; Land Total</b>	416,203	402,238	297,206	355,141	371,468
<b>Advice Matters Total</b>	308,050	266,055	75,624	132,411	209,962

## Poverty

Large proportions of the population in South Africa are subject to poverty and unemployment. Social grants are the second most important source of income for households after salaries and the main source of income for almost one-fifth of households nationally. The introduction of the R350 social relief of distress grant, which was introduced during the COVID-19 pandemic, increased the number of people receiving financial assistance from the government to 29-million. This includes 18-million recipients of social welfare, namely, old age, child support and disability grants and 11-million people who receive the R350 grant.<sup>16</sup> During the Medium-Term Budget Policy Statement on 01 November 2023, it was announced that Government has extended the COVID-19 Social Relief of Distress SA grant by another year. Finance Minister Enoch Godongwana budgeted another year of the R350 monthly social relief of distress grant, which will now end in March 2025. Given that Legal Aid SA provides services to the poor and vulnerable this impacts on the people that the entity serves. South Africa's socio-economic challenges are deep, structural and long-term. Inequality has remained high, with South Africa being one of the most unequal countries in the world. According to World Bank Group data, South Africa remains the world's most unequal country. The Statistics SA General Household Survey 2018 indicates that poverty rates are higher amongst people living in rural areas.

Implementation of the National Development Plan (2030) is aimed at eliminating poverty, inequality and unemployment. This links to the implementation of the SDGs to end extreme poverty and fight injustice and inequality.

The second National Income Dynamics Study Coronavirus Rapid Mobile Survey found that the COVID-19 pandemic and nationwide lockdown have deepened inequality, particularly in the job market and education. Women, people in rural areas, the unskilled and the less educated have been most affected by job losses.

## Demographic

The Census 2022 results show that the South African population grew to 62 million in 2022, increasing from 51,7 million in 2011.

<sup>16</sup> <https://www.timeslive.co.za/politics/2023-01-06-half-of-south-africas-population-are-100-dependent-on-state-welfare/>

Gauteng remained the province with the highest population at 15 million followed by KwaZulu-Natal with 12,4 million, while the Northern Cape has the smallest population at 1,3 million. About 56% of the country's population lives in three provinces, namely Gauteng, KwaZulu-Natal and the Western Cape. The Western Cape has moved from being the 5th-largest province in terms of population size in 1996 to being the 3rd largest in 2022.

Black Africans remain the dominant population group (81,4%), followed by coloureds at 8,2%, whites at 7,3% and Indians/Asians at 2,7%. Females constituted 51.5% of the population and males accounted for 48.5%. IsiZulu remains the language most spoken at home, accounting for 24.4%, followed by isiXhosa at 16.3%, Afrikaans at 10.6% and Sepedi at 10%. Around 8.7% of the population speak English at home.

Two provinces still dominate internal migration; Gauteng remained the dominant migration stream, receiving more than a third of all internal migrants, followed by the Western Cape with 15%. The four provinces that experienced an outflow of people in the last decade are Limpopo, Eastern Cape, KwaZulu-Natal and Free State.

The Census showed that there were more than 2,4 million international migrants, which equates to just over 3% of the total population. Most migrants came from the South African Development Community region, the majority being from Zimbabwe.

The number of households increased from 14,4 million in 2011 to 17,8 million in 2022. This includes formal and informal dwellings. Gauteng and KwaZulu-Natal account for just under 50% of all households in the country, with 5.3 million and 2.9 million households respectively. The Northern Cape recorded the fewest households at 330 000. The data indicates that the number of households who reside in informal dwellings has decreased from 13.6% in 2011 to 8.1% in 2022. Households residing in formal dwelling units increased to 88.5% in 2022, from the 65.1% recorded in 1996.

Approximately 55,719 people were recorded as homeless, with the highest number of homeless people in Gauteng (45.6%), followed by the Western Cape (17.5%). Most people recorded loss of job/income as a reason for their homelessness.

An upward trend was recorded in access to basic services. In 2022, more than 80% of households have access to piped water, either inside their dwellings or inside their yards. Certain regions, specifically Eastern Cape and Limpopo still face challenges in accessing piped water. More than 90% of households have access to electricity for lighting, a substantial increase from 58% recorded in 2011. The provinces with the largest proportion of access to electricity were Western Cape, KwaZulu-Natal and Limpopo.



Households with access to the internet increased to 79% in 2022 from 35% in 2011. Internet access via cellphone was the most common source of internet for most households.<sup>17</sup>

## Economic

The South African Reserve Bank, in its September 2023 Monetary Policy Statement noted that electricity load shedding has increased (the number of days of expected load shedding is 310 in 2023, decreasing to 150 days and 100 days respectively in 2024 and 2025) and energy and logistical constraints impact on the growth outlook as they limit economic activity and increase costs.

GDP growth forecast for 2024 and 2025 is 1.0% and 1.1% respectively. An improvement in logistics and a sustained reduction in load shedding, or greater energy supply from alternative sources, would significantly increase growth. Potential growth is 0.0% in 2023 (up from -0.1%) and unchanged at 0.8% for 2024 and 1.0% for 2025.

The MPC notes that lower tax revenue, higher employee compensation and ongoing financing needs of state-owned enterprises are expected to keep the long-term cost of borrowing elevated.<sup>18</sup>

A higher public sector wage increase and lower tax collections mean the government has struggled to meet expenditure demands this financial year, with the National Treasury recently issuing Guidelines on Cost Containment Measures for the 2023/24 financial year.

South Africa's GDP, measured by production, increased by 0.6% in the second quarter of 2023. This followed an increase of 0.4% in the first quarter. The transport, personal services and trade industries made the largest positive contributors to GDP growth. There was increased economic activity reported for land transport and communication services. The manufacturing and construction industries showed decreases in production in the second quarter. Seven industries recorded negative growth between the first quarter of 2022 and the second quarter of 2022. These include the manufacturing industry, agriculture industry, mining and quarrying industry and the trade, catering and accommodation industry. The industries which contributed the most to GDP growth between the first and second quarters of 2023 are agriculture, forestry and fishing (4,2%), manufacturing (2,2%), and finance, real estate and business services (0,7%).<sup>19</sup> Stats SA recently released an experimental set of provincial GDP data. Gauteng, although the smallest of the nine provinces in terms of area size, is the largest economy, contributing 33.1% to national GDP. Therefore, Gauteng is perceived as the best place to find work and Stats SA estimates that the province will receive the largest inflow of migrants in the 2021-2026 period.

<sup>17</sup> <https://www.statssa.gov.za/?p=16716>

<sup>18</sup> South African Reserve Bank Statement of the Monetary Policy Committee 21 September 2023

<sup>19</sup> Statistics South Africa Gross domestic product second quarter 2023 available at [www.statssa.gov.za](http://www.statssa.gov.za)

According to the Stats SA Quarterly Labour Force Survey for Quarter 2: 2023, the number of employed persons increased by 154 000 in the second quarter of 2023 to 16,3 million. The number of unemployed persons decreased by 11 000 to 7,9 million compared to the first quarter of 2023, resulting in an increase of 143 000 in the number of people in the labour force. The official unemployment rate decreased by 0.3% to 32,6% in Q2:2023 compared to Q1:2023. The unemployment rate according to the expanded definition of unemployment decreased by 0.3 percentage points to 42,1% in quarter 2 2023 compared to quarter 1 2023.<sup>20</sup>

The economy has also been impacted by loss of State funds, for which a Judicial Commission of Inquiry has been set up to investigate the allegations of State capture, corruption and fraud in the public sector. The lack of economic growth and government having to do more with less as a result of the many demands on the fiscus may result in budget cuts to the baseline allocation. The high unemployment rate poses threats to the stability of the economy and this further increases the risk of people becoming involved in crime. Loadshedding implemented by Eskom also impacts on business and economic growth as it affects operations and productivity, with small businesses being particularly hard hit. South Africa's energy crisis worsened in 2022 and 2023 and loadshedding continues to negatively affect the economy and is expected to continue beyond 2023. The negative impact on the economy contributes to the high unemployment and poverty rates in South Africa. The increased loadshedding that continues to affect the economy as well as significant increases in interest rates, high food and fuel prices are all challenges that increase the pressure on the most vulnerable communities. As companies are impacted by the stagnant economy, some have had to retrench employees and this adds further strain on the unemployment rate. Stats SA data shows that 1,240 businesses have closed down since the start of 2023, however this is a substantial decrease from 2022.<sup>21</sup> The CCMA reported a decline in the number of retrenchment referrals in 2022/23, which could be attributed to the major retrenchments that were carried out in the 2020/21 financial year which saw many business closures and consequently, retrenchments. The highest number of job losses were recorded in Mining, Retail and Building/Construction Sectors. The CCMA focus on job savings resulted in the saving of 51% (18 196/35 679) of jobs of employees facing retrenchment and total retrenchment recorded at 16 896.<sup>22</sup>

### Political

Following the National Elections held in May 2019, the sixth Parliament of the Republic of South Africa was established and a new Executive was appointed. More attention has been placed on clean administration, good governance, recovery of the ailing State-owned Enterprises (SOEs) and stabilising the economy.

<sup>20</sup> Statistics South Africa Quarterly Labour Force Survey Q2:2023 available at [www.statssa.gov.za](http://www.statssa.gov.za)

<sup>21</sup> <https://businesstech.co.za/news/business/726782/over-1200-businesses-have-shut-their-doors-in-south-africa-this-year/>

<sup>22</sup> CCMA Annual Report 2022/23 available at [www.ccma.org.za](http://www.ccma.org.za)

President Ramaphosa, in his State of the Nation Address in June 2019, said his administration would focus on seven priorities:

- i. Economic transformation and job creation
- ii. Education, skills and health
- iii. Consolidating the social wage through reliable and quality basic services
- iv. Spatial integration, human settlements and local government
- v. Social cohesion and safe communities
- vi. Building a capable, ethical and developmental state
- vii. Building a better Africa and a better world

The President promised to deliver on these five fundamental goals within the next ten years:

- I. No person in South Africa will go hungry
- II. Our economy will grow at a much faster rate than our population
- III. Two million more young people will be in employment
- IV. Our schools will have better educational outcomes and every 10-year-old will be able to read for meaning
- V. Violent crime will be halved, if not eliminated

President Ramaphosa appointed Mr Ronald Lamola as the Minister of Justice and Correctional Services.

The 2023/24 year is the final year of the current administration of government and the current MTSF 2019-2024.

### Financial

The 2024 MTEF Guidelines provide the principles to be taken into consideration for the preparation of the budget. These include i) no additional resources will be added onto the expenditure ceiling tabled in the 2023 Budget; ii) downward adjustments will be implemented on existing baselines to accommodate the funding shortfall. Any spending pressures must first be funded from current baselines and programmes that have not delivered their expected outcomes.; iii) departments are required to identify substantial savings within the baselines tabled in the 2023 Budget; iv) budget submissions must reflect the changes to baselines accordingly; v) funding pressure to a programme will need to be funded through reductions in another programme or through reprioritisation; vi) salary adjustments must be guided by the public service wage bill management strategy and institutions should consider the implications of their remuneration adjustments on future budgets.<sup>23</sup>

In the Budget Prioritisation Framework (Mandate Paper) for Budget 2019, the core mandate for 2019 remains jobs and livelihoods for South Africans.

<sup>23</sup> National Treasury Medium Term Expenditure Framework Technical Guidelines 2024

There are three key levers in the NDP to drive growth and hence poverty alleviation, namely economic services, social services and administrative and protection services.

The Budget Prioritisation Framework (Mandate Paper) for Budget 2019 states that in order to achieve the NDP economic growth target of 5%, the top priorities for Budget 2019 are to deal with areas within the State that are hampering economic growth:

a) Firstly, the focus for removing growth inhibitors is on growth inhibitors in the economic services, constraints in the social services and constraints in the administrative and protection services.

b) Secondly, there is a focus on improving efficiency and value for money and identifying savings which includes cutting non-core programmes; phasing out non-performing programmes; reducing spending on consultants; optimising State procurement; limiting litigation costs; ensuring value for money on infrastructure; implementing shared services and better coordination; ensuring revenue generation or collection and alternative funding.

c) Thirdly, priority spending areas which require additional funding should such become available have been identified. These include spending priorities in the economic services; social services and administrative and protection services.

#### The Budget Prioritisation Framework

The Budget Prioritisation Framework (BPF) 2022/23 outlined a strategy of stabilisation and recovery given the impacts of the COVID-19 pandemic and unrest issues. The BPF 2023/24 needs to demonstrate continuity on priorities for vital reforms and long standing commitments as it will focus on the last year of the current administration. It is noted that significant risks remain to the current outlook, including COVID-19, Russia-Ukraine conflict, inflation, security of energy supply, constrained fiscal outlook.

The BPF 2023/24 will continue to build on the stabilisation, recovery and reconstruction efforts adopted. This approach is supported by four pillars, namely:

Pillar 1: Public and private employment – this pillar focuses on interventions that are crucial to employment creation, including public employment programmes; private employment support and incentives and skills development and support.

Pillar 2: Inclusive economic growth – focuses on the need to improve the country's growth performance which has averaged around 1.2% between 2010 and 2021. This pillar prioritises various interventions including:

- Improving the ease of doing business
- Improving energy availability and security
- Promoting industrialisation and localisation
- Increasing infrastructure investment
- Supporting growth in SMMEs, township and rural enterprises.

Pillar 3: Social security and support. Given the impact of COVID-19 on the already high levels of poverty, there is a need to ensure that the social protection system is optimised to support vulnerable households. This pillar prioritises optimisation and consolidation of the social wage; and a review of social assistance and income support.

Pillar 4: Capable state to deliver. This pillar prioritises the following:

- Reducing violent crime (incl. GBVF)
- Improving corruption prosecutions and mitigate measures
- Innovation, digitalisation and modernisation of the state
- Manage and mitigate the impacts of climate change.

### Medium-Term Budget Policy Statement (MTBS) 2023

The Minister of Finance presented the MTBS on 01 November 2023. The focus of the MTBPS is on strengthening economic growth by improving electricity and rail operations, building investor confidence, attracting new infrastructure investment and speeding up delivery, and reconfiguring the state for efficiency.

In terms of the domestic economic outlook, real GDP growth of 0.8% is forecast in 2023, compared to 0.9% projected in the 2023 Budget Review. Growth is projected to average 1.4% over 2024-2026.

Government's medium-term fiscal policy objective remains unchanged: achieve fiscal sustainability, support economic growth and reduce fiscal and economic risks. Fiscal consolidation will be implemented through spending reductions, efficiency measures across government and moderate tax revenue measures.

### Legal/Justice

Within the Justice Cluster, the various components of the CJS operate on an intersectoral basis in order to address common challenges that are experienced. This includes the formation of various Case Flow Committees at local, provincial and national level. COVID-19 and the various lockdown periods affected stakeholder interaction to some extent however the sector adapted and meetings moved to virtual platforms. Various protocols have been developed and these require departments and entities to work together in a holistic response. However, only a few protocols that affect Legal Aid SA are currently in operation. Although no new protocols were concluded, Legal Aid SA has continued to implement all recommendations and existing protocols developed as a result of the CJS Review Committee. Not much progress has been made in developing common performance indicators across the Justice Cluster. The work of specialist committees such as the Intersectoral Committee on Child Justice and the Sexual Offences Committee, continued as normal. Legal Aid SA was represented on the Rules Board and its task teams where changes to the Rules of Courts are considered. We also monitor and provide input into all proposed legislative changes.

There is ongoing collaboration between the role players in the JCPS cluster to improve the efficiency of the criminal justice system to ensure that justice is not delayed and confidence in the justice system improves. This includes implementing the JCPS Seven-point Implementation Plan and Outcome 3, which is the JCPS Outcome of “All people in South Africa are, and feel safe”.

The NDP Chapter 12 focuses on “Building safer communities” and spells out five priorities to focus on to achieve a crime-free South Africa:

- i. Strengthening the CJS*
- ii. Making the police service professional*
- iii. Demilitarising the police service*
- iv. Build safety using an integrated approach*
- v. Build community participation in community safety*

The NDP is aligned with the Seven-point Plan as the means of strengthening the CJS and recommends that all departments in the JCPS Cluster align their Strategic Plans with the Seven-point Plan. Cabinet also approved an Integrated Criminal Justice Strategy and Framework (ICJS) in 2017 as a mechanism to build on the Seven-point Plan and to ensure that a transformed, efficient, effective, victim-friendly, modernised and integrated CJS is achieved, leading to improved service delivery, improved quality of life and safety for all through interventions in an integrated approach across the CJS value chain.

It is expected that the various interventions currently in place will have a positive impact on improving the efficiency of the CJS. The Civil Justice System and specifically the physical serving, filing and record keeping of civil files is under review to implement electronic IT based systems to enhance the efficiency of the civil justice system.

The Traditional Courts Bill, under consideration by the National Assembly, will see the inclusion of traditional courts within the mainstream justice system and will regulate the traditional courts in the country to ensure alignment with the Constitution. The Traditional Courts Bill was assented to and signed by the Honourable President on 16 September 2023.

The Land Court Bill, the purpose of which is to provide for the establishment of a Land Court and a Land Court of Appeal, was assented to and signed by the President on 16 September 2023; section 16 states that the Court must refer the matter to Legal Aid SA to consider granting legal representation if a party cannot afford legal representation.

The Legal Practice Act came into operation at the end of October 2018 and the profession is now regulated by one body. Provincial Councils have been set up in all provinces. Legal Aid SA has a seat on the Legal Practice Council (LPC) and additional Legal Aid SA staff have been elected/nominated to the Provincial LPCs.

This is an opportunity to influence the LPC with regard to policies to ensure that it has a client focus.

The Judiciary has demonstrated a high level of independence as evidenced by a number of decisions in which the Executive was ruled against and we now see that attacks against the Judiciary are on the increase. It is important for the country that we have an independent Judiciary that upholds the Constitution and Bill of Rights.

From a client and community perspective, there is increased awareness and access to information resulting in communities becoming more aware of their human rights and therefore needing to know more about the protection of these rights and how to access remedies where there have been infringements. This could result in an increase in demand for legal services, however a lack of resources would impact on meeting this increased need.

It should be noted that legal empowerment of individuals is still fairly low. There has been a decline in community advice services which were offered by paralegals due to a decrease in donor funding and therefore Legal Aid SA will have to provide advice services and legal empowerment. Proposals have been made on how the Community Advice Offices (CAO) sector can be formalised and regulated and it is likely that a Bill will be presented on the sector.

A decline in public confidence in the justice system results in the risk of the public taking the law into their own hands. We have noted an increased number of incidents where communities have protested the granting of bail to accused persons in sensitive cases. There appears to be a lack of understanding by communities of the purpose of bail, which ultimately affects people's confidence in the CJS. Current budget cuts that affect both prosecutions and legal aid may result in an increase in backlog cases, which can then further erode confidence in the CJS. Legal Aid SA has a role to play in educating communities on this.

Section 27(c) of the Refugees Act entitles a refugee to apply for a permanent residence permit after five years of acquiring refugee status and they then cease to be a refugee. This creates confusion as a refugee with a permanent resident status has two statuses in the country and can use a South African passport. The 2017 Act creates logistical barriers to the asylum process and is in violation of the SA Constitution, AU and UN conventions.

Further sections of the NDP which are relevant to the work of Legal Aid SA include Chapter 11 Social Protection, Chapter 13 Building a Capable State, Chapter 14 Promoting Accountability and Fighting Corruption and Chapter 15 Transforming Society and Uniting the Country.

According to the NDP, effective social protection and welfare services are linked to the elimination of poverty and the reduction of inequality.

The aim is to establish a social security system for all working people, with social protection for the poor and other groups in need, such as children and people with disabilities. Part of the vision for social protection is to ensure that vulnerable groups are protected.

Legal aid is provided in civil matters, including to vulnerable groups. In particular, children are assisted with civil matters in terms of the Constitution and children's estate matters referred by the Master's Offices are attended to. The demand for civil cases exceeds the current capacity of Legal Aid SA, therefore civil services need to focus on priority matters or vulnerable groups such as women, children, the elderly and mental healthcare patients.

Building a capable State involves professionalising the public service and upgrading skills, having clear lines of accountability and improving the efficiency of service delivery. Ultimately, the aim is to have a developmental, capable and ethical State that treats citizens with dignity. Legal Aid SA provides quality legal services and has a quality management programme in place as well as systems and processes to ensure efficient service delivery. Ongoing skills development takes place through training programmes for legal and non-legal staff and bursaries are available to staff. Legal Aid SA is a high performance public entity operating within a strong governance framework, thus building a segment of a capable State.

In Chapter 14 of the NDP which focuses on promoting accountability and fighting corruption, the focus is on building a professional public service and capacitating the State so that it is able to play a transformative and developmental role. The aims include strengthening accountability, improving service delivery in government and fighting corruption to ensure that the State operates fairly and efficiently and delivers on its developmental mandate. Under the leadership of its Board of Directors, Legal Aid SA practises good governance in all spheres of the organisation. Strong financial management and governance has enabled the organisation to deliver quality legal services in an economic, efficient and effective manner. There is high compliance with Supply Chain Management policies and fraud prevention and ethics promotion measures are in place. With regard to governance, Legal Aid SA has aligned its governance processes to the King IV Code of Governance and currently implements the principles of King IV.

### International Legal

Implementation of legal aid systems in compliance with the UN Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems is ongoing globally. There is better co-operation with governments in Africa and international bodies on the implementation of the UN Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems. Legal Aid SA meets the requirements for the UN Guidelines on access to legal aid and has developed a strong, internationally recognised legal aid system that is sustainable and gives effect to sustainable access to justice.



Many other jurisdictions in the world have learnt from this system developed by Legal Aid SA and we continue to engage with them through their visits to Legal Aid SA to study our model as well as through workshops and conferences focusing on access to justice.

With regard to SDG 16, global indicators on access to justice and civil justice were developed as part of the reporting on SDG Target 16.3, flowing from SDGs 2030. However, global indicators do not include indicators on civil access to justice. Reporting on the available data has commenced by various jurisdictions, both regionally and internationally. In 2023, Stats SA co-ordinated work on the SDG Country Report 2023 for South Africa.

There has been adoption and implementation of the recommendations of the Global Study relating to data collection, provision of legal services, enhancement of the quality of legal aid services, improving the sustainability of legal aid and sharing of experiences on a global level. The recommendation of the Global Study has been implemented by different jurisdictions in Africa and beyond. Such implementation is at different stages in different countries. Legal Aid SA has an advanced system of data collection and interventions to continuously enhance quality of legal aid. Various programmes are in place and there is an annual review of the SOPs. Sharing of experiences has been effective through conferences and summits, supporting countries that are still experiencing challenges.

The majority of jurisdictions in the world, particularly under the European Union, have moved to emphasise and implement early access to legal representation immediately after arrest. In some countries paralegals have been identified as an important component to provide early access to legal representation after arrest. More countries are now investigating the provision of early access to justice at police stations using paralegals. There is an opportunity to implement this as early access to justice enables the protection of rights of suspects; initial consultation will curb unconstitutionally obtained evidence; clients may spend less time in detention and there may be speedy finalisation of trials as well as higher rates of release on the day of arrest.

### Technology

The Fourth Industrial Revolution and advances in technology are reshaping the world, the work environment and all aspects of life. It is therefore important for us to be informed of the changes that the Fourth Industrial Revolution brings and how it impacts on our business environment. A recent example is the release of the AI chatbot Chat Generative Pre-trained Transformer (ChatGPT) late in 2022 has seen hundreds of millions of people experimenting with the tool. It is a large language model-based chatbot that enables users to refine and steer a conversation towards a desired length, format, style, level of detail, and language.

Artificial Intelligence has capabilities of self-help online services on business requirements. Descriptive analytics in law are able to monitor legal trends and outcomes of cases in legal firms by legal practitioners.

The use of data is essential to daily business life. Standalone devices in business use are increasingly giving way to connected devices that create access to 'Big Data' used to drive operational efficiency and competitive advantage.

The adoption of cloud services has rapidly grown in line with business adoption of virtual office operations. By 2020, at least four data centres became operational on the African continent to mitigate the risks of hosting of African companies' data. Eighty-one percent of all enterprises have a multi-cloud strategy in place and research has shown that 60% of businesses intend to employ the emerging technologies provided through cloud services in the next 18 months. Microsoft has built two data centres in South Africa; one in Johannesburg and one in Cape Town. These data centres will power cloud services that include artificial intelligence and computing innovations.

With advances in technology come additional cyber security risks. A National Cyber Security Framework has been established. Cyber-attacks are forcing organisations to employ a zero trust security model. Therefore, rigorous authentication measures are required to verify user identity through multiple layers of credentials. It is for this reason that Legal Aid SA has developed the Cybersecurity Strategic Plan to ensure that issues of cybersecurity are effectively managed while advancing technological use.

Constitution Twentieth Amendment Bill - The Bill aims to amend the Constitution so as to require national legislation to establish a Cyber Commissioner in SA; Bill 20 of 2023 was introduced to the National Assembly on 13 July 2023 and is currently under consideration.

As we embrace the Fourth Industrial Revolution we must remain aware that given the reality of poverty, inequality and unemployment in South Africa, the digital divide exacerbates the exclusion of indigent and vulnerable persons from technology-based solutions. However, it should be noted that a large proportion of the population have connectivity through mobile devices. The Census 2022 found that households with access to the internet increased to 79% in 2022 from 35% in 2011. Internet access via cellphone was the most common source of internet for most households.

There are opportunities to reimagine the world of work for greater focus on innovation and knowledge with the automation of routine processes, as well as new opportunities for extending access to justice and reach to clients. Advancements in technology will impact on people and employment, resulting in certain jobs becoming redundant. The impact on human resources relates to the reskilling of employees and creation of new job profiles. For the organisation we must exploit opportunities that the advances in technology offers to improve organisational efficiencies and systems.

### Technology and Media

The digital media landscape continues to grow in South Africa, with social media, mobile device and mobile social media user figures continuing to increase. During COVID-19 the use of social media platforms was particularly useful in providing information to clients when there were restrictions on accessing Legal Aid SA offices.

Organisational social media growth continues to be organic, and the Legal Aid SA website is revamped, allowing for up-to-date multimedia content options and improved cross-pollination of digital platforms. Search Engine Optimisation (SEO) is now actively focused upon. Shared content is key and it is therefore necessary to create content that members of the public find useful enough to share with their networks, thereby widening the pool of people reached by our content. Legal Aid SA is including some digital advertising campaigns such as innovative digital billboards of freeways and commuter networks as part of other paid-for advertising campaigns. Out-of-home advertising (shopping mall advertisements) have been used to expose the Legal Aid SA brand; the LRMU, strategic litigation services as well as the Advice Line to more members of the public.

It is anticipated that the digital divide will continue to lessen, with data costs and mobile technology costs falling. The Fourth Industrial Revolution (4IR) becomes a more meaningful intervention – the interconnectivity and engagement possibilities are the future. There are software programmes that can engage clients on social media platforms by identifying topics they discuss and giving them relevant information. More and more members of the public will have access to smart phones and Legal Aid SA's social media and digital platforms will be more accessible to the public in text/infographic/video formats.

It is important for Legal Aid SA to engage in ongoing organisation-wide training on social media and promote an understanding of the HR Policies and Procedures and Social Media Standard Operating Procedures, which govern employees' use of social media, to minimise reputational risks.

### Technology and Legal

Some advances have been made with regard to the use of technology in legal processes, including service of court documents via email being accepted as legal service, which signals the judicial move towards digitalisation. Unavailable witnesses or indisposed witnesses' testimony via remote technology has been explored for consideration.

Audio Visual Remand (AVR) technology has been introduced in certain courts and is still in the stage of roll out to further courts. Vulnerable witnesses (children in sexual offences matters) are allowed to testify via closed-circuit television (CCTV).

There is a focus on continuous development of the Integrated Justice System (IJS) and implementation of case management at court level. An electronic document management system will have many benefits, including improved use of court time, improved quality of legal representation, reduction in unnecessary postponements, improved turnaround time in finalising cases and a reduction in fraud and corruption.

### Environment

The UN Intergovernmental Panel for Climate Change has published scientific research which sets out the state of the planet and the impact of climate change.

Climate change is the root of many environmental concerns and issues. Carbon emissions in South Africa are very high and we are struggling to lower this. Climate change is impacting on our climate patterns, which results in less rainfall, increasing temperatures and irreparable changes to habitats and ecosystems.

The UN Intergovernmental Panel for Climate Change has predicted 200 million climate refugees by 2050 if climate change is not addressed and arrested. The world is required to reduce carbon emissions from the current over 400 parts per million to lower than 350 parts per million to arrest the damage being caused by increasing carbon emissions impacting on global warming and climate change. The interventions include reduced use of fossil fuels, use of clean renewable energy sources and ending the use of plastics.

We can assume that there will be less consistent rainfall nationwide. This requires water wise habits and curbing our consumption of water nationwide as well as increased awareness of using grey water. Recent droughts have severely affected families, farms, firms and the fiscus. The growing population makes more demands on the environment. Uncertain and changing rainfall patterns due to climate change will have important ramifications for water security in South Africa. Sustainably managing water resources is critical. Climate change threatens South Africa's biologically diverse ecosystems and natural resource base – itself a key source of employment and livelihoods.

There is a major need to reduce energy consumption in South Africa. Poor management of infrastructure has seen our electricity grid failing, with load shedding and load rotation more common.

Waste disposal is a major environmental concern as we are producing too much waste that cannot be disposed of safely nor quickly. Awareness of recycling material where possible is growing, as well as calls to cut single-use items (such as plastic straws or plastic bags) out of our consumption habits. There is a drive towards ethical consumption. Legal Aid SA has an Environmental Policy in place.

Government has established a Presidential Climate Commission (PCC), an independent multi-stakeholder body established by the President. The purpose of the PCC is to oversee and facilitate a just and equitable transition towards a low-emissions and climate-resilient economy. Government concluded the Just Energy Transition Investment Plan (JET-IP), which outlines government's comprehensive priority investment and financing interventions required to achieve the decarbonisation commitments made by the South African Government. The PCC conducted consultations on the JET-IP with stakeholders and submitted the final recommendations to President Ramaphosa for consideration by government. Further, the PCC submitted its detailed response and submission to the Department of Mineral Resources and Energy on the South African Renewable Energy Masterplan.

## Governance and Ethics

The King IV Code on Corporate Governance is in place with simplification and ease of interpretation a key tenet and principles clearly differentiated from practice recommendations. Boards are increasingly becoming aware and implementing their responsibilities of being a responsible corporate citizen. In addition, they are increasingly defining their responsibilities, including social and ethics practises, and continue to review the scope of responsibility of the Social and Ethics Committee.

Legal Aid SA has embraced King IV into organisational policies and procedures and Charters and implemented the relevant principles. A fully functional governing body is in place as well as strong and effective governance instruments. The values of ethical business practises are part of the organisational values, strategies and business practises. It is also integrated into the enterprise risk registers. Managers set the right tone at the top and act consistently with the organisation's values and policies.

King IV's code of good practise encourages inclusivity of all stakeholders in the creation of organisational values and reporting on ethical conducts. Companies with increased disclosure of remuneration policy aspects, results/trends in risk management and the effectiveness of ethics management to the public are in alignment with leading practise of transparency as recommended by King IV. Consideration is given to social and increasingly to environmental concerns in developing and implementing business practises. This has led to increased focus on social and environmentally responsible business practises by Legal Aid SA.

## People Development/Human Capital Management

The challenges experienced as a result of COVID-19 resulted in companies being more aware of employee wellness and work-life balance as well as rethinking various working options. Remote work options have been introduced or integrated into many jobs and mental health awareness has been highlighted with more interventions in place.

The state of the South African economy, with high inflation and the impact of higher petrol prices has resulted in the unions, including those in the public sector, bargaining for higher salary increases. Recent strikes in key economic sectors have further negatively impacted the economy. July 2023 saw a nationwide socio-economic strike which was in protest against the rising levels of unemployment, wage cuts, interest rate hikes, poverty and inequality affecting the working class. In August 2023 a Cape Town Taxi Strike arising from a dispute between minibus taxi operators and the City of Cape Town, left commuters stranded and unfortunately resulted in public violence, damage to property and the loss of lives.

## Stakeholder Engagement

The organisation recognises and understands the important role that both internal and external stakeholders play in driving the vision and mission of the organisation.

Legal Aid SA works with a wide range of stakeholders from a complex stakeholder universe who have distinct needs and expectations and varying levels of involvement with Legal Aid SA. These stakeholders include the Ministry of Justice and Correctional Services; Parliament; stakeholders in the Justice Cluster; law clinics and advice offices; professional legal bodies including international legal bodies; National Treasury and other government departments; Judicare practitioners and Co-operation Partners; our employees and clients; NGOs and CBOs; advocacy groups, and the media. Engagements and relationship management with stakeholders are geared towards supporting business strategy and operation, enhancing good reputation, improving risk management and building organisational values. The organisation is part of dedicated forums that promote dialogue and representations on access to justice through collaborations and partnerships to advance the legal interests of vulnerable groups in societies.

These partnerships are aimed at:

- i. promoting the efficient functioning of the justice system within South Africa;
- ii. ensuring that communities are informed and educated about their legal rights and have access to legal services, and
- iii. providing expert knowledge and advice to other countries in the global arena to model their access to justice and legal services on the Legal Aid SA model, which has proven successful.

The Legal Aid SA Client Relationship Management Strategy covers monitoring mechanisms for clients' complaints and the professional ethical practises of staff. A Court Stakeholder Relationship Management Programme is in place to obtain feedback from our stakeholders in the justice system.

## **Internal Environmental Analysis**

### **COVID-19**

The 2020-2021 and 2021-2022 financial years saw the organisation working under the conditions resulting from the pandemic. The interventions put in place to mitigate the risk and threat of COVID-19 included:

- The appointment of compliance officers for each office.
- The establishment of a COVID-19 webpage for staff to report any concerns about COVID-19 and the workplace.
- A COVID-19 Steering Committee was established to respond to concerns raised by staff and develop plans to mitigate risks posed by the pandemic.
- A two-teams weekly shifts approach was employed for attendance at the Legal Aid SA offices, enforcing all Health and Safety Protocols.
- Keeping offices closed to walk-in clients while reopening the Legal Aid SA Advice Line, and continuing court coverage as allowed by the Regulations.

- Implementation of a continuous communication programme with internal stakeholders, which included daily COVID-19 updates, staff notices, legal newsflash alerts related to COVID-19.
- The introduction of vaccination related initiatives.

#### Impact of COVID-19 and other business disruptions:

As at the end of Q4 2020/21 there was a total of 333 positive cases. Legal staff members (66%) were most affected. Unfortunately, Legal Aid SA suffered eight fatalities due to the pandemic. In the 2021/22 financial year, 373 employees were infected with the Coronavirus. Legal staff members account for 66% of those affected by the pandemic. Unfortunately, Legal Aid SA suffered six (eight in 2020-21) fatalities due to the pandemic. The province with the highest cumulative number of infections at the end of 2021-2022 was Gauteng, followed by Northern Cape/Western Cape and KwaZulu-Natal in the second and third spots, respectively. The vaccination rate was 54.8% as at the end of the 2021-22 financial year. Financial implications relating to COVID-19 expenditure totalled R13,053,340, which included operational expenditure (sanitiser, cleaning, screens, dispensers), Access Point Network (APN) line rental, APN data usage and cell phone allowances.

Service delivery at courts was negatively impacted throughout the 2020/21 and 2021/22 financial years as court coverage, intake of new matters and finalisation of matters was lower than initially planned.

Local Offices were affected in various ways due to the pandemic and some were temporarily closed for decontamination.

In order to make effective use of technology IT interventions continued. Microsoft granted Legal Aid SA a six months' pilot licence with 300 users to use their cloud collaboration tool named Microsoft Teams. This tool has enabled the organisation to conduct online meetings, sharing documents and collaborating in real time. The tool was extended to 1,000 users by the end of the 2020-2021 financial year. Whilst COVID-19 has presented the opportunity for more users to work from home remote connections come with the risk of more vulnerabilities. The cybersecurity training environment has been prioritised.

Distribution of Access Point Networks (APNs) – The number of users with remote access increased from 910 in March 2020 to 1,742 by the end of the financial year, using both APN and Virtual Private Network (VPN). This constituted 71.8% of the total staff establishment as at the end of the 2020-2021 financial year. As at the end of the 2021-22 FY, 80% of the Legal Aid SA workforce has remote access to our IT systems, with network and Internet lines upgraded to boost capacity for remote work. As at the end of the 2022-2023 financial year over 90% of Legal Aid SA's workforce has remote access to the organisation's systems through laptops and network access tools.

Leave provision was R46,033,194 as at the end of the 2021-2022 financial year, which was a decrease of 6% from R49,114,154 in the 2020-2021 financial year.

As at the end of the 2022/23 financial year 58 employees had been infected with COVID-19 throughout the year. The COVID-19 vaccination rate was at 51.9%. Other crises and business disruptions such as loadshedding, water disruptions, service delivery protests, health and safety disruptions and the outbreak of non-communicable diseases had to be mitigated and monitored and this was monitored and managed by the Crisis Management Steering Committee. Common disruptions included loadshedding and water; 4,985 loadshedding disruptions and 129 water disruptions. To mitigate the adverse impact of loadshedding on business continuity the 64 Local Offices have Uninterrupted Power Supply (UPS) units and the UPS installation at the 64 Satellite Offices is in progress.

Legal service delivery at courts was impacted in terms of the court coverage. The financial impact of business disruptions amounted to R44 million.

In quarter two of 2023-2024 electricity continued to be a major risk and these disruptions were caused by loadshedding and fault/cable theft. Other business disruptions included external health and safety issues affecting court buildings and external labour issues which relates to court interpreters being ill or unavailable. Flooding in the Western Cape in quarter 2 impacted the Caledon and Worcester Local Offices.

### Legal and Justice

In the 2022/23 financial year, Legal Aid SA provided legal assistance in 371,468 new criminal, civil and land matters and legal advice to 209,962 persons, totalling 581,430 persons assisted by the organisation. These matters comprised 322,337 (87%) new criminal legal matters and 48,805 (13%) new civil legal matters and 326 new land matters. The number of legal matters finalised was 355,384 and of these, 308,490 (87%) were criminal matters and 46,885 (13%) were civil matters and nine land matters. The Legal Aid SA national footprint consists of 64 Local Offices, 24 of which are situated in rural areas and 40 in urban areas, and 64 Satellite Offices; 55 in rural areas and nine in urban areas. All service delivery points were appropriately staffed during 2022-2023, with staff recruitment at 93,6%, which was 2,657 staff at the end of the financial year. The staff turnover rate excluding Candidate Attorneys (CAs) was at 4,5%. The workforce component of Legal Aid SA is generally diverse, in line with annual targets to achieve employment equity goals.

Our average planned criminal court coverage to District Courts is currently 86% and Regional Courts is 95%. All High Court matters requiring legal aid in criminal matters are however covered. Whilst we have improved alignment of practitioner capacity to match court demand, it is expected that going forward, we will be forced to further reduce our criminal court coverage at the lower courts due to reductions in budget. At the High Courts, greater engagements will be required to implement a Practitioner per Judge model, in order to improve efficiency and productivity.

Civil legal aid services are provided based on a priority assessment in order to manage demand. Matters assessed as low priority are given waiting periods.



It is envisaged that civil practitioner productivity will be directed to more complex priority matters and that there will be an improved handling of advice matters by paralegals rather than advice matters consuming the time of legal practitioners. Advice Line services were fully available in 2022-2023 and the Advice Line is now able to deliver telephony advice services remotely, which means that this service can continue when offices are inaccessible for any reason.

Our Legal Quality Monitoring Programme was refined to ensure a risk-based approach. Standardised quality documents to guide practitioners in the conduct of matters were introduced and quality review instruments were further refined to ensure outcomes-based assessment. The quality programme was also extended to paralegals. The quality monitoring and supervision programme has ensured that over 95% of practitioners meet our quality standards, which is evidence that we have a mature quality monitoring and intervention programme. With the maturing of our quality programme we aim to have more than 98% of our practitioners achieving the quality targets and over 75% of admitted practitioners assessed as low risk, thereby reducing our supervision requirement. The Quality Assurance Programme has been extended to include a review of the work of all practitioners handling cases on behalf of Legal Aid SA clients, including Judicare practitioners, Co-operation Agreements and fixed-fee Agency Agreements. To inculcate a culture of delivering quality legal services to clients among Judicare practitioners, individual consultations are held with Judicare practitioners to discuss the quality requirements and they are required to perform a self-review of their work. All quality programmes and the instruments used to monitor the quality of legal services are reviewed. The Legal Quality Assurance Unit which is located within the Internal Audit Department conducts independent quality audits of all legal practitioners. This provides a measure of independent assurance of the quality of services provided.

Experience levels of practitioners at the various court types have increased to levels that are much higher than our minimum requirements. With practitioners spending 100% of their time in the criminal courts, many of our practitioners can be regarded as specialist criminal practitioners. Feedback from court stakeholders and clients on practitioner quality is very positive. The Stats SA Governance, Public Safety and Justice Survey 2018/19 found that *people who were represented by Legal Aid lawyers had the greatest proportion (89%) of people who were satisfied with their service.*<sup>24</sup> Attention will be given to practitioner skills development to align to changes in the legal and justice environment. There is a need to continuously enhance the profile of Legal Aid SA practitioners as specialist litigators in their field, which will impact positively on the image of Legal Aid SA.

<sup>24</sup> Statistics South Africa Governance, Public Safety and Justice Survey GPSJS 2018/19 available at [www.statssa.gov.za](http://www.statssa.gov.za)

Budgets for Co-operation Partners have reduced due to budget shortfalls. Currently, there are nine Co-operation Agreements in place with University Law Clinics.

A well-established visitation programme is in place with Community Advice Offices. We have good partnerships with Legal NGOs, and Law Clinics and Community Advice Offices have increased access to civil legal services. Continued budget shortfalls may impact on the number and/or extent of our Co-operation funding. Legal Aid SA will promote the formal recognition of the paralegal sector.

Over the years we have seen increased respect and recognition of Legal Aid SA's role within the justice system as a result of our excellent performance, including repeated clean audits, credible performance information and research-based practises and management. Legal Aid SA representatives are active participants at all national, provincial and local justice cluster fora. Legal Aid SA is a valued player within the justice cluster and will influence justice cluster partners to better align court capacity to court demand, which will be positive for all justice cluster partners who are experiencing reducing budgets.

Legal Aid SA has an official Language Policy in place to promote recognition of the linguistic and cultural diversity within the organisation and the communities it operates in, as well as to ensure that Legal Aid SA adheres to its constitutional and legislative mandate to promote multilingualism to guarantee that communication between the organisation and the public is effective. The Legal Aid Advice Line can assist clients in all official 11 languages and during the 2022/23 financial year an upgrade in technology created the capability to deliver telephony advice services remotely, enabling Advice Line staff to work from home. Sign language was promulgated as SA's 12<sup>th</sup> official language in July 2023. The Census results show that less than 1% of the population communicated using sign language in both Censuses 2011 and 2022.

**Table 2.8: Population distribution by language spoken most often in the household, Census 2022**

Language	Census year			
	1996	2001	2011	2022
Afrikaans	14,5	13,4	13,5	10,6
English	8,7	8,3	9,7	8,7
IsiNdebele	1,5	1,6	2,1	1,7
IsiXhosa	17,9	17,6	16,0	16,3
IsiZulu	22,8	23,8	22,7	24,4
Sepedi	9,2	9,4	9,0	10,0
Sesotho	7,7	7,9	7,6	7,8
Setswana	8,2	8,2	8,0	8,3
Sign language	-	-	0,5	0,02
SiSwati	2,5	2,7	2,5	2,8
Tshivenda	2,2	2,3	2,4	2,5
Xitsonga	4,4	4,4	4,5	4,7
Other	0,6	0,5	1,6	2,1
<b>Total</b>	<b>100,0</b>	<b>100,0</b>	<b>100,0</b>	<b>100,0</b>

*Note: Excludes population aged younger than 1. Sign language data not available for 1996 and 2001.*

Clients access legal services through visits to the Legal Aid SA offices as the preference is for face-to-face consultations. Therefore, the provision of office space enables access to legal services and ease of access to offices by clients guides the decision on the location of offices. Currently the property portfolio consists of one national office, six provincial offices, 64 local offices and 64 satellite offices. Eight of these offices are owned by Legal Aid SA, 125 are leased from various landlords and four rent free court office spaces in Mitchells Plain, Polokwane, Kuruman and Mbombela are provided by the Department of Justice and Constitutional Development in their court buildings. There are various challenges experienced in the procurement of office accommodation, including escalating lease premiums amid budget cuts; non-responsive tenders; poor maintenance of leased premises and budget cuts. Further, the acquisition and management of office accommodation contributes significantly to the irregular expenditure incurred by Legal Aid SA. Besides the procurement challenges brought about by legally disputed requirements in the Preferential Procurement Regulations of 2017, a number of tenders that were advertised were evaluated as unresponsive, particularly with regard to office accommodation, resulting in the need to review specification requirements while ensuring that they comply with the regulations. The strategic solutions to these challenges include the purchase of buildings by Legal Aid SA, relocation to cheaper areas, reducing office space and merging with Legal Aid SA Provincial Offices and co-habiting with other government departments. Sixteen areas have been identified for office building acquisition, based on historical data on published tenders where there were no responses, property portfolio lease registers, areas with high rental and where irregular expenditure has been experienced.

Anticipated outcomes of the acquisition of properties are reduced rental over the medium to long-term; reduced office space and optimal use thereof; increased owned property portfolio; increased certainty of tenure; and reduced irregular expenditure.

The Minister of Justice and Constitutional Development has given his support for this strategy and has approved the purchase of office buildings in terms of the PFMA to address the ongoing challenge of acquiring office lease accommodation.

#### *Women, Youth and People with Disabilities*

Legal Aid SA, as an employer of choice mindful of the obligation to create a diverse and inclusive workforce, constantly reviews the employment of women, youth and people with disabilities with the aim of eradicating gaps in the employment of women, youth and people with disabilities. Policies and best practices are in place to advance the interests of these categories of employees and these are regularly reviewed to ensure the achievement of its annual goals and objectives with regard to women, youth and people with disabilities.

Legal Aid SA provides legal services on a demand basis and this includes services to women, youth and people with disabilities.

Children are a special vulnerable group and, as such, matters involving children receive priority and we have capacitated all our practitioners with training in dealing with matters involving children.

Legal Aid SA strongly opposes gender-based violence and legal practitioners are committed to promoting justice for victims of crime. The entity participates in the National Steering Committee on GBVF that monitors the implementation of the National Strategic Plan on GBVF. The Legal Aid Regulations have been revised to allow for more people to be able to access legal representation in Domestic Violence Act matters and legal advice is readily available on domestic violence, harassment and maintenance matters.

Youth unemployment remains a major socio-economic challenge and job creation is one of the national priorities flowing from the NDP. Legal Aid SA has a university outreach programme that aims to educate students on the career opportunities available to them to advance their legal careers, beginning with the CA Recruitment Programme. The organisation employs approximately 500 CAs per annum. Employing CAs provides a skills base for legal practitioners within the organisation, provides entry to the legal profession to legal graduates and employing Black CAs and women CAs contributes to the transformation of the legal profession.

The commitment to transformation and equal opportunity translates into prioritising the employment of women. In the 2022/23 financial year women comprised 56,7% of the workforce and 45,8% of the Senior Management workforce were women. This exceeded the targets of the Legal Aid SA Employment Equity Plan 2020-2025, which aims for 45.2% of both the total workforce and Senior Management being women. A focus on female youth resulted in 301 women CAs being recruited in 2022-2023 (60% of the 504 total).

A Judicare Women Empowerment Programme monitors the number of female practitioners who are accredited as Judicare Practitioners, with the aim of mirroring the actual composition of the legal profession. This programme continuously monitors the number of instructions given to women practitioners, as well as the type, number and value of these matters. Mentorship and Trial Advocacy Training is also provided to further empower these practitioners.

### Financial

Strong internal controls are embedded within Legal Aid SA's reporting processes including financial reporting aligned to the Generally Recognised Accounting Practice (GRAP) Financial Reporting Framework. This has resulted in 22 unqualified audit reports.

Supply chain management policies and procedures are in place and are reviewed and updated to align to changes in legislation and regulations and tested through the Internal Audit Coverage Plan. This enables Legal Aid SA to continue to mature its financial management processes, internal controls and financial risk management controls. Irregular expenditure has increased in the 2022/23 financial year and is largely attributable to the newly established LRMU's allocation of matters to non-tax compliant practitioners and/or those not registered on the Central Supplier Database (CSD). An Internal Control Unit is in place 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. The Internal Control Unit maintains registers on irregular expenditure, fruitless and wasteful expenditure and losses and damages. Numerous processes and system enhancements have been developed to minimise the recurrence of irregular expenditure.

Legal Aid SA's current and cash ratio is slightly above the industry benchmark. Positive cash and cash equivalent balances support the business operations, however Legal Aid SA's cash reserve may be reduced as more cash is drawn to supplement the budget shortfall. The MTEF 2021/22 to 2023/24 preliminary allocation letter received on 8 December 2020 indicates that there will be budget baseline reductions totalling R534 million over the MTEF period. Legal Aid SA is expected to reduce compensation to employees by R225,768,000 and goods and services expenditure by R308,902,000, over the MTEF period. The continued budget cuts are not sustainable as it impacts on staffing and service delivery and will in the medium-term significantly affect the ability of Legal Aid SA to fulfil its mandate. The 2022 MTEF Allocations letter dated 29 November 2021 confirmed a preliminary allocation for 2022/23 of R2,094,147,000 which includes R11,165,000 for the appointment of Specialised Commercial Crimes Court practitioners. The 2023 MTEF Allocations letter dated 23 November 2022 confirmed a preliminary allocation for 2023/24 of R2,189,449,000 which includes an amount of R76,625,000 for the function shift being the migration of the Land Rights Management facility legal representation functions from Vote 29: Agriculture, Land Reform and Rural Development to Legal Aid South Africa. The 2024 MTEF Allocations letter indicates budget reductions for Legal Aid SA of R229 million in 2024/25, R239 million in 2025/26 and R250 million in 2026/27. Amounts of R50 million in 2024/25, R52 million in 2025/26 and R54 million in 2026/27 will be shifted from the Department of Agriculture, Land Reform and Rural Development to Legal Aid South Africa for legal representation in land rights matters and will be used to fund the contingent liability.

In the MTEF 2023/24 allocation, salaries and related costs account for 80% of the allocation, the operating budget 12%, other direct expenditure (directly linked to the provision of legal services) 5% and the capital budget 3%.

In 2024/25 salaries and related costs will continue to be the biggest driver of spending constituting an average of 79% of the allocation over the MTEF, the operating budget is the second highest driver accounting for 12% of the allocation over the MTEF period, other direct expenditure relates to expenditure that is directly linked to the provision of legal services at 6% of the budget. The remaining 3% is for the replacement of capital assets according to the CARP.

With regard to the status of the institution's compliance with the Broad-Based Black Economic Empowerment Act 53 of 2003, Legal Aid SA's B-BBEE status is non-compliant. Targeted Employment Equity transformation programmes and programmes focused on supplier development will be implemented.

### Technology

Business intelligence systems are in place for Legal Aid SA core applications (eLAA, SYSPRO and SAP) and data is used to drive operational efficiency and competitive advantage. The organisation will continue to use analytics and business intelligence systems to enhance efficiencies. A Cybersecurity Policy and Strategy, as well as a Cybersecurity roadmap and risk register are in place. To achieve the objective of building a resilient cyber environment, penetration testing and security audits are conducted regularly to identify any vulnerabilities and ongoing staff training is conducted.

The implementation of the Software-defined Wide Area Network (SD-WAN) offers several benefits such as enhanced performance, increased bandwidth utilisation, improved application visibility and simplified network management. This transition has resulted in significant cost savings and improved network performance, enabling seamless connectivity across the organisation's geographically distributed offices.

Mobile applications are being explored to empower legal staff with self-service tools that they can access from anywhere on their corporate cellphones, further capacitating remote work.

A cloud-based telephone management system, which replaces the traditional PABX system, has been rolled out to all offices and the Legal Aid Advice Line and this system is available from anywhere using any device.

### Technology and Legal

The electronic Legal Aid Administration 2016 (eLAA) system continues to be stabilised and enhanced, subsequent to the eLAA (Release 1) having become operational in October 2019. This core system has been upgraded to the latest version to keep up with emerging technologies. This new version provides an intuitive user experience, improved integration capabilities and advanced analytics, empowering employees to work more efficiently and effectively. As at the end of the 2022-2023 financial year the eLAA release 2 project status is at 64% overall completion. Management information is digitalised and data integrity is continuously addressed.

Legal Aid SA has an institutionalised electronic knowledge management system which includes legal support systems.

We see an increased move to digitalisation, including

- i. Online applications for legal aid;
- ii. Increased focus on self-help solutions and better informed public using online solutions information;
- iii. Training and education solutions: Induction programmes automated, podcasts, TED talk types, court room simulation;
- iv. Automated documentation solutions extended to criminal matters (HotDocs type);
- v. Technology developed and implemented to ensure early access to legal advice to arrested and detained persons at police cells;
- vi. Legal discussion forums extended to legal collaboration platforms, inclusive of Judicare and/or other legal practitioners, and

### Governance and Ethics

New members of the Board were appointed for a five-year term starting from 2018/19-2023/24. A Combined Assurance Forum with Terms of Reference was approved by the Board and the Combined Assurance Forum was established. Internal Audit drives the implementation of the Combined Assurance Model and co-ordinates the provision of risk assurance services through a combined assurance initiative.

Ethics Programmes were maintained and a Register of Interests is maintained for all staff. Lifestyle audits are to be extended and the Register of Interests is to be cross-checked with approved procurement to manage conflicts of interest.

A webpage on monitoring contract expiry dates was initiated to reduce irregular expenditure resulting from late initiating of procurement processes on contracts that were about to expire. There has been an improvement in the detection of irregular expenditure incurred. In order to enhance internal controls and ensure compliance with laws and regulations, a system to process and track deviations was developed and implemented during 2020-2021. This further assisted in reducing irregular expenditure.

### People Development/Human Capital Management

Legal Aid SA has a strong people centred focus in the Terms and Conditions of Employment (family leave, religious leave, flexible work arrangement, service awards, reduced working hours). Innovative people management practises are in place and there are high levels of employee retention with low levels of turnover (4.5% as at 31 March 2023).

There has been a positive uptake of modern talent management practises within Legal Aid SA.

The organisation has a highly academically qualified knowledge workforce, in which 90% of employees have tertiary education. In addition, legal practitioners have the skill and competence to deal with complex matters given that the average years of experience of legal practitioners is high, at 15 years. Further, the organisation has Top Employer SA accreditation of the Legal Aid SA talent management practises.

The Legal Aid SA workforce is dominated by Millennials who are managed by Generation X and we need to be aware of this generational gap and the implications thereof.

Previous reductions in the Total Cost of Employment and talent management programme budgets at Legal Aid SA resulted in financial rewards and benefits being rightsized and cut to a minimum with no funding for new posts. Employee morale was adversely affected by the budget cuts and shortfall and led to growing dissatisfaction with the EVP offering due to reductions. This offered an opportunity to refocus and segment the EVP. Maintaining a competitive EVP remains a priority for the organisation and to this end the following EVP aspects were revisited and reviewed: the prior year's Group Life cover was doubled with additional cover benefits ranging from Temporary Disability, Permanent Disability and Critical Illness, professional services membership fees were subsidised, Candidate Attorneys' Practical Legal Training and Board Examination Fees were covered in full, the postgraduate bursary funding ceiling was doubled and the undergraduate bursary funding ceiling was increased by 50%. Given that the strategic objectives can only be achieved through a motivated and engaged workforce, which requires continuous EVP improvements to attract and retain talent, the EVP elements were reviewed in the 2022/23 financial year. This resulted in the addition of GEMS, the Government Medical Aid Scheme, with increased employer subsidy, and increases of R10,000 to both undergraduate and postgraduate bursary funding, an increase in prize money for the National Achiever Awards by 100% for each award category, and the 2020-2021 performance bonus base percentage was increased by 75% across the board in recognition of the dedication of employees. The EVP elements that were maintained are the professional services membership fees subsidies, Candidate Attorneys' Practical Legal Training and Board Examination Fees are covered in full and life cover at R1 million per life covered. More than half of the staff have been with the organisation for more than 11 years, which indicates the worth of the EVP offering.

Employee wellness and health and safety programmes are prioritised to maintain a healthy and happy workforce. A well-structured Employee Wellness Programme is offered through the in-house clinical psychologist and an external service provider staffed by qualified professionals. Vicarious trauma training is also provided nationally to assist legal professionals who are exposed to trauma through the criminal cases they deal with. There is a continued focus on leadership development and training to help leaders understand the importance of delivering services efficiently and empowering them to act in ethically responsible ways, focusing on values-based ethical leadership training, client management services and leadership development.



An independent internal Omnibus Survey was conducted in the 2020-2021 financial year confirmed employee satisfaction levels and a positive organisational climate. Regular staff surveys are conducted and these create platforms for engagement and continue to grow Legal Aid SA's affinity to employees and the brand.

An Employment Equity Audit was conducted in 2019 in order to prepare the next five-year Employment Equity Plan for 2020-2025. As at the end of the 2022/23 financial year the most prominent areas of under-representation are that of Blacks and Africans at Senior Management levels. Employees with disabilities represent 1.45% of the total workforce; the target is 2%. The approved Employment Equity Plan 2020-2025 is being implemented and the focus during recruitment is on those areas where there are gaps in representation.

### **3. PART C: MEASURING OUR PERFORMANCE**

#### **3.1. Institutional Performance Information**

##### **3.1.1. Impact Statement**

<b>Impact Statement</b>	Equal access to justice to build a just society
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Key Performance Indicator	Programme	Programme Purpose	Outcome	Outputs	Output Indicators	Annual Target	Quantity Targets				Annual Targets					Key Risk	Risk mitigation	Cost of Delivery	Budget	Performance		
							Q1	Q2	Q3	Q4	2024/25	2024/25	2024/25	2024/25	2024/25						2024/25	2024/25
							Actual/Target Performance					Financial Performance									M&EF Period	
APP Outcome 1	Enhanced clients and communities having improved access to their legal rights, rights and responsibilities.																					
APP Outcome 1	Quality client focused legal aid in criminal matters, particularly for indigent and vulnerable persons.																					
APP P1	To deliver quality legal aid services to criminal matters that are client-focused, within available resources.																					
APP P1	Access to criminal legal aid for indigent and vulnerable persons in criminal matters, particularly for indigent and vulnerable persons.	Delivering quality legal aid services to criminal matters that are client-focused, within available resources.	Legal representation to qualifying indigent persons	Client coverage percentage	Average planned Q1 coverage of 95% (Actual coverage of 95%) Average planned Q2 coverage of 95% (Actual coverage of 95%) Average planned Q3 coverage of 95% (Actual coverage of 95%) Average planned Q4 coverage of 95% (Actual coverage of 95%)	95%	95%	95%	95%	95%	95%	95%	95%	95%	95%	95%	95%	95%	95%	95%		
APP Outcome 2	Efficient and sustainable manner of delivery legal aid services to public. Delivery services to promote and defend their rights.																					
APP Outcome 2	Quality client focused legal aid, including to indigent and vulnerable persons, in civil matters with a priority focus on the most constitutional rights matters.																					
APP P1	Access to civil legal aid services to indigent and vulnerable persons in civil matters, particularly for indigent and vulnerable persons.	Delivering quality legal aid services to civil matters that are client-focused, within available resources.	Legal representation to qualifying indigent persons	Client coverage percentage	Average planned Q1 coverage of 95% (Actual coverage of 95%) Average planned Q2 coverage of 95% (Actual coverage of 95%) Average planned Q3 coverage of 95% (Actual coverage of 95%) Average planned Q4 coverage of 95% (Actual coverage of 95%)	95%	95%	95%	95%	95%	95%	95%	95%	95%	95%	95%	95%	95%	95%			
APP P2	Access to legal aid services to indigent and vulnerable persons in civil matters, particularly for indigent and vulnerable persons.	Delivering quality legal aid services to civil matters that are client-focused, within available resources.	Legal representation to qualifying indigent persons	Client coverage percentage	Average planned Q1 coverage of 95% (Actual coverage of 95%) Average planned Q2 coverage of 95% (Actual coverage of 95%) Average planned Q3 coverage of 95% (Actual coverage of 95%) Average planned Q4 coverage of 95% (Actual coverage of 95%)	95%	95%	95%	95%	95%	95%	95%	95%	95%	95%	95%	95%	95%	95%			
APP Outcome 3	Quality client focused advice services.																					
APP P1	Access to legal aid services to indigent and vulnerable persons in civil matters, particularly for indigent and vulnerable persons.	Delivering quality legal aid services to civil matters that are client-focused, within available resources.	Legal representation to qualifying indigent persons	Client coverage percentage	Average planned Q1 coverage of 95% (Actual coverage of 95%) Average planned Q2 coverage of 95% (Actual coverage of 95%) Average planned Q3 coverage of 95% (Actual coverage of 95%) Average planned Q4 coverage of 95% (Actual coverage of 95%)	95%	95%	95%	95%	95%	95%	95%	95%	95%	95%	95%	95%	95%	95%			
APP Outcome 4	Client focused strategic legal services to ensure the best access to constitutional rights, as well as to increase access to justice for indigent and vulnerable persons.																					
APP P1	Access to legal aid services to indigent and vulnerable persons in civil matters, particularly for indigent and vulnerable persons.	Delivering quality legal aid services to civil matters that are client-focused, within available resources.	Legal representation to qualifying indigent persons	Client coverage percentage	Average planned Q1 coverage of 95% (Actual coverage of 95%) Average planned Q2 coverage of 95% (Actual coverage of 95%) Average planned Q3 coverage of 95% (Actual coverage of 95%) Average planned Q4 coverage of 95% (Actual coverage of 95%)	95%	95%	95%	95%	95%	95%	95%	95%	95%	95%	95%	95%	95%	95%			
APP Outcome 5	Efficient and effective justice system outcomes equal. Access to justice for all.																					
APP Outcome 5	Contribute to the effective functioning of the justice and legal system thereby promoting the rule of law and strengthening justice to justice.																					
APP P1	Participate in public sector forums to contribute to improving the efficient functioning of the justice system to improve justice to justice.	Participating in public sector forums to contribute to improving the efficient functioning of the justice system to improve justice to justice.	Participating in public sector forums to contribute to improving the efficient functioning of the justice system to improve justice to justice.	Participating in public sector forums to contribute to improving the efficient functioning of the justice system to improve justice to justice.	Participating in public sector forums to contribute to improving the efficient functioning of the justice system to improve justice to justice.	Participating in public sector forums to contribute to improving the efficient functioning of the justice system to improve justice to justice.	Participating in public sector forums to contribute to improving the efficient functioning of the justice system to improve justice to justice.	Participating in public sector forums to contribute to improving the efficient functioning of the justice system to improve justice to justice.	Participating in public sector forums to contribute to improving the efficient functioning of the justice system to improve justice to justice.	Participating in public sector forums to contribute to improving the efficient functioning of the justice system to improve justice to justice.	Participating in public sector forums to contribute to improving the efficient functioning of the justice system to improve justice to justice.	Participating in public sector forums to contribute to improving the efficient functioning of the justice system to improve justice to justice.	Participating in public sector forums to contribute to improving the efficient functioning of the justice system to improve justice to justice.	Participating in public sector forums to contribute to improving the efficient functioning of the justice system to improve justice to justice.	Participating in public sector forums to contribute to improving the efficient functioning of the justice system to improve justice to justice.	Participating in public sector forums to contribute to improving the efficient functioning of the justice system to improve justice to justice.	Participating in public sector forums to contribute to improving the efficient functioning of the justice system to improve justice to justice.	Participating in public sector forums to contribute to improving the efficient functioning of the justice system to improve justice to justice.	Participating in public sector forums to contribute to improving the efficient functioning of the justice system to improve justice to justice.			
APP Outcome 6	Efficiency in our constitutional and statutory matters having strategic legal services to justice for all, in all relevant, sustainable and sustainable manner.																					
APP Outcome 6	Access to the Executive Authority for the Minister of Justice and Constitutional Services and Parliament on delivery of members, governance and accountability.																					
APP P1	Access to the Executive Authority for the Minister of Justice and Constitutional Services and Parliament on delivery of members, governance and accountability.	Access to the Executive Authority for the Minister of Justice and Constitutional Services and Parliament on delivery of members, governance and accountability.	Access to the Executive Authority for the Minister of Justice and Constitutional Services and Parliament on delivery of members, governance and accountability.	Access to the Executive Authority for the Minister of Justice and Constitutional Services and Parliament on delivery of members, governance and accountability.	Access to the Executive Authority for the Minister of Justice and Constitutional Services and Parliament on delivery of members, governance and accountability.	Access to the Executive Authority for the Minister of Justice and Constitutional Services and Parliament on delivery of members, governance and accountability.	Access to the Executive Authority for the Minister of Justice and Constitutional Services and Parliament on delivery of members, governance and accountability.	Access to the Executive Authority for the Minister of Justice and Constitutional Services and Parliament on delivery of members, governance and accountability.	Access to the Executive Authority for the Minister of Justice and Constitutional Services and Parliament on delivery of members, governance and accountability.	Access to the Executive Authority for the Minister of Justice and Constitutional Services and Parliament on delivery of members, governance and accountability.	Access to the Executive Authority for the Minister of Justice and Constitutional Services and Parliament on delivery of members, governance and accountability.	Access to the Executive Authority for the Minister of Justice and Constitutional Services and Parliament on delivery of members, governance and accountability.	Access to the Executive Authority for the Minister of Justice and Constitutional Services and Parliament on delivery of members, governance and accountability.	Access to the Executive Authority for the Minister of Justice and Constitutional Services and Parliament on delivery of members, governance and accountability.	Access to the Executive Authority for the Minister of Justice and Constitutional Services and Parliament on delivery of members, governance and accountability.	Access to the Executive Authority for the Minister of Justice and Constitutional Services and Parliament on delivery of members, governance and accountability.	Access to the Executive Authority for the Minister of Justice and Constitutional Services and Parliament on delivery of members, governance and accountability.	Access to the Executive Authority for the Minister of Justice and Constitutional Services and Parliament on delivery of members, governance and accountability.	Access to the Executive Authority for the Minister of Justice and Constitutional Services and Parliament on delivery of members, governance and accountability.			

Outcome/Strategic Objective	Programme	Programme Purpose	Outcomes	Outputs	Output Indicators	Annual Target	Quarterly Targets				Annual targets					Key Risk	Risk mitigation	Proof of Delivery	Budget	Dependencies	RESPONSIBLE ACCOUNT																										
											Actual Performance		Estimated Performance		MTEF Period																																
							Q1	Q2	Q3	Q4	2024/25	2025/26	2024/25	2025/26	2024/25							2025/26																									
<b>APP Objective 5</b>	<b>An organisation re-inventing and embedding sustainable and agile practices in every segment to positively impact on society, the economy and the environment.</b>																																														
<b>APP Outcome 7</b>	<b>Improve financial sustainability and manage the budget to the budget.</b>																																														
<b>APP P2</b>	<b>To continuously improve financial planning (budgeting) including managing the budget cuts to ensure a balanced budget.</b>																																														
<b>APP P2.1</b>	Financial Planning	To ensure balanced financial plans for each year of the MTEF period that balances planned expenditure against revenue.	Improving financial sustainability and managing the reductions to the budget.	Approved balanced MTEF and Budget.	Budget which is balanced	Balanced budget (in consideration of government grant allocation and available cash reserves for Legal Aid SA).					Prepare MTEF 2025/26-2027/28 aligned to Strategic Plan	The Board approved the MTEF for the period 2025/26-2027/28 in June 2016. The balanced budget for 2025-2027 was approved by the Board on 30 November 2019.	The MTEF 2022/23-2025/26 was approved by the Board at the November 2021 meeting. The Budget 2022/23 was approved by the Board at the February 2022 meeting.	MTEF 2023/24-2025/26 was approved by the Board at the November 2022 meeting. A balanced Budget 2023-2024 was approved by the Board at the February 2023 Board Meeting.	Balanced budget (in consideration of government grant allocation and available cash reserves for Legal Aid SA).	Balanced budget (in consideration of government grant allocation and available cash reserves for Legal Aid SA).	Balanced budget (in consideration of government grant allocation and available cash reserves for Legal Aid SA).	Balanced budget (in consideration of government grant allocation and available cash reserves for Legal Aid SA).	Budget cuts during the 5 year SP period and/or no additional funding allocated to Legal Aid SA.	Lobby government for additional funding.	Approved MTEF 2025/26-2027/28 Approved Budget -2023/24		Allocation Letter	CFO																							
<b>APP P2</b>	<b>Maintain strong and best practice financial management and reporting to ensure unqualified audit outcome and high financial maturity.</b>																																														
<b>APP P2.1</b>	Financial Reporting	Financial reporting for a financial year (usually presented to National Treasury and the Office of the Auditor General, which is complied with relevant standards and regulations. To report on one expenditure and control expenditure 25% on the budget period.	Improving financial sustainability and managing the reductions to the budget.	Annual and mid-year Financial Statements	Financial reporting compliant with relevant standards and regulations.	Annual and mid-year Financial Statements compliant with relevant standards and regulations.	Annual Financial Statements compliant with relevant standards and regulations.	Mid-year Financial Statements compliant with relevant standards and regulations.				The Legal Aid SA mid-year Financial Statements 2020-2021 were prepared and approved by the Board at its November 2021 meeting. The Annual Financial Statements for 2020-2021 were finalized and submitted to the A-G at the end of May 2021.	The mid-year Financial Statements compliant with the applicable standards were approved by the Board at the November 2021 meeting. The approved mid-year Financial Statements have been submitted to the external auditors. The interim audit by the external auditors is still in progress.	Annual Financial Statements for 2022-2023 are due in Q1 of 2023/24. The final interim audit report from the A-G identified no material findings.	Annual and mid-year Financial Statements compliant with relevant standards and regulations.	Annual and mid-year Financial Statements compliant with relevant standards and regulations.	Annual and mid-year Financial Statements compliant with relevant standards and regulations.	Annual and mid-year Financial Statements compliant with relevant standards and regulations.	Qualified audit reports from the A-G.	Implement Internal Control Framework. Quality check Financial Statements. Keep abreast of developments in financial reporting standards.	Annual Financial Statements. Mid-year Financial Statements		9 781 484																								
<b>APP Objective 6</b>	<b>Sustaining good governance, best practices and maintaining high ethical standards and integrity, high performance and accountability.</b>																																														
<b>APP Outcome 8</b>	<b>Maintain and enhance good governance.</b>																																														
<b>APP P3</b>	<b>To maintain best governance practices (PFMA compliance, King IV guidelines and other relevant statutory requirements).</b>																																														
<b>APP P3.1</b>	Compliance with statutory requirements	Governance practices within Legal Aid SA fully compliant to statutory requirements throughout each year.	Maintaining and enhancing good governance	Quarterly updated compliance progress reports. Six monthly updated Legislative Universe Reports.	Compliance with statutory requirements including Legal Aid South Africa Act 2014 and PFMA.	100% compliance with statutory requirements	100%	100%	100%	100%	The Compliance Universe was updated during the 2020-2021 financial year. Monthly Compliance Checklists were signed off by Executive Directors and the Quarterly Compliance Reports were reviewed and noted by the Board.	1. Compliance Universe updated and confirmed annually by all Executives. 2. Monthly Legislative Compliance Checklist is signed off. 3. Quarterly Compliance Reports submitted. 4. Compliance Policy and SOP reviewed annually. 5. Legislative Checklist updated whenever there are changes in legislation or new legislation is introduced.	Legal Aid SA complies with all legislation in the Legislative Universe, except for one compliance identified in terms of the PFMA.	100% compliance with statutory requirements	100% compliance with statutory requirements	100% compliance with statutory requirements	100% compliance with statutory requirements	100% compliance with statutory requirements	Non-compliance with statutory requirements due to non-reference to King IV	Annual confirmation by Executives of their compliance responsibilities. Monthly sign-off Executive Compliance Checklist. Quarterly Compliance reports to the Board. On	One Annual confirmation by all Executives. Twelve Monthly confirmations by all Executives. Four quarterly compliance reports. Annual revised legislative universe. Updated legislative Checklist. Annual revised Compliance Policy and SOPs.		3 917 647	Author-General Report	COO CFO																						
<b>APP P3</b>	<b>Maintain and enhance independent monitoring and oversight providing combined assurance.</b>																																														
<b>APP P3.1</b>	Risk-based Audit Coverage Plan	Audit Coverage Plan of the organisation independently reviewed from the functional/management perspective throughout each year over the MTEF to provide independent assurance on governance, compliance in line with the internal control framework and risk management.	Maintaining and enhancing good governance	One Annual Audit Coverage Plan. One Revised Mid-Year Audit Coverage Plan. Audit Reports issued as per the Audit Coverage Plan.	Delivery of annual Audit Coverage Plan	25% of Audit Coverage Plan delivered	26	27	28	26	124 out of 130 Compliance Audit Reports were completed by the end of 2020/21, resulting in 95% total achievement of the annual target. If additional audit projects were completed outside the approved Annual Coverage Plan with reference to the overall achievement of 100% 130 out of 130 total audit projects for the year.	The 124 total reports comp 86 reports and 1 additional report completed by the General Audit Unit. The Computer Audit Unit completed a total of 21 reports and 4 additional reports. The Forensic Audit Unit completed a total of 17 reports and 1 additional report.	A total of 107 out of an annual target of 112 projects were completed by year end which translates to 96% achievement of the annual target. The annual target is 95% of the Annual Coverage Plan. 55 projects were completed by the General Audit Unit, 22 were completed by the Computer Audit Unit, and 30 were completed by the Forensic Audit Unit.	25% of Audit Coverage Plan delivered	25% of Audit Coverage Plan delivered	25% of Audit Coverage Plan delivered	25% of Audit Coverage Plan delivered	25% of Audit Coverage Plan delivered	Poor quality audits yielded.	Quality Assurance Programme in place	Finalised and issued audit reports		27 828 855																								

Organisational Unit or Programme	Programme	Programme Purpose	Outcomes	Outputs	Output Indicators	Annual Target	Quarterly Targets				Annual targets				Key Risk	Risk mitigation	Proof of Delivery	Budget	Dependencies	RESPONSIBLE EXECUTIVE		
							Audit/Actual Performance				Estimated Performance		NTEF Period									
							G1	G2	G3	G4	2023/24	2024/25	2024/25	2025/26								
							2023/24	2024/25	2024/25	2025/26	2024/25	2025/26	2026/27	2026/27								
APP	P11	An effective and strategic Board providing leadership and oversight of sustainable performance.																				
APP	P11-1	An effective, functional Board	An efficient Board (Accounting Authority) which is properly constituted in terms of the Legal Aid SA Act (39 of 2016) and which is convened in its meetings as per its meeting schedule, an effective Board which provides strategic direction and which maintains oversight of performance against the Strategic Plan and APP.	Managing and governance	Board meetings as per schedule. Governance instruments approved by the Board.	Skilled and effective Board and Board Committees	Properly constituted Board (in terms of Legal Aid SA Act, 2016) and Board Decisions made timely	Properly constituted Board (in terms of Legal Aid SA Act, 2016) and Board Decisions made timely	Properly constituted Board (in terms of Legal Aid SA Act, 2016) and Board Decisions made timely	Properly constituted Board (in terms of Legal Aid SA Act, 2016) and Board Decisions made timely	As at the end of the 2020-2021 FY, the Board of Legal Aid SA was not fully constituted. 13 out of 14 Board positions were filled. An effective and strategic Board provided leadership and oversight of delivery on the performance of Legal Aid SA. Board Committees were in existence and functioned effectively.	As at the end of 2021-2022, the Board of Legal Aid SA was not fully constituted. 13 out of 14 Board positions were filled. An effective and strategic Board provided leadership and oversight of delivery on the performance of Legal Aid SA. Board Committees were in existence and functioned effectively.	As at the end of 2022-2023, the Board of Legal Aid SA was not fully constituted in terms of the Legal Aid SA Act, Act 39 of 2016. However, the Board was operational to lead the organization. Board meetings were held during 2022-2023, comprising 4 Board meetings and 3 special Board meetings. Governance instruments were approved by the Board.	Properly constituted Board (in terms of Legal Aid SA Act, 2016) and fully functioning Board	Properly constituted Board (in terms of Legal Aid SA Act, 2016) and fully functioning Board	Properly constituted Board (in terms of Legal Aid SA Act, 2016) and fully functioning Board	Properly constituted Board (in terms of Legal Aid SA Act, 2016) and fully functioning Board	Lack of effectiveness at Board level due to poor instance, poor understanding of role and poor focus.	Board Structure, Chair and Performance reviewed annually to ensure continuity and common understanding	Reviewed Board Charters Board and Committees Minutes	852 679	BS



Part C: Measuring our Performance  
5. Institutional Programme Performance Information  
LEGAL AID SOUTH AFRICA

Part C: Measuring our Performance ANNUAL PERFORMANCE PLAN 2024/2025

5. Institutional Programme Performance Information

Annual Performance Plan 2024/2025

Employee and Organisational Capacity and Innovation and Learning Programmes

Department/Programme No.	Programme	Programme Purpose	Outcome	Outputs	Output Indicators	Annual Target	Quarterly Targets				Annual targets				Key Risk	Risk mitigation	Proof of Delivery	Budget	Dependencies	RESPONSIBLE EXECUTIVE				
							Q1	Q2	Q3	Q4	2024/25		2025/26								Estimated Performance		MTEP Period	
							2024/25	2025/26	2024/25	2025/26	2024/25	2025/26	2024/25	2025/26										
APP	Objective 9	An appropriately resourced national footprint that is adaptable to changing technological and environmental factors to ensure improved access to our clients, communities, stakeholders and employees.																						
APP	Outcome 11	Consolidate and review the resourcing of our national footprint to ensure adequate staffing, as well as safe and secure facilities for clients and staff, within available resources.																						
APP	P14	Appropriately staff all Legal Aid SA offices, within available resources.																						
APP	P14-1	Review and develop Staffing Plans to meet operational requirements for Legal and Support positions	To ensure that the staffing levels at all Legal Aid SA offices are maintained at the required recruitment level (205%), thereby ensuring the requisite capacity to render legal services to clients.	Consolidate and review the resourcing of our national footprint to ensure adequate staffing, as well as safe and secure facilities for clients and staff, within available resources.	Staffing plans ensure effective management of recruitment statistics at 205%.	Staffing plans implemented timely	Recruitment at 205%	Recruitment levels at 205%	Recruitment levels at 205%	Recruitment levels at 205%	Recruitment levels at 205%	The recruitment and staff turnover rates were recorded at 86.7% and 5.36%, respectively.	Recruitment was recorded at 3.2% below target. Staff turnover was recorded at 5.24%.	Recruitment was recorded at 33.6%, whereas staff turnover was recorded at 4.5%.	Recruitment levels at 205%	Recruitment levels at 205%	Recruitment levels at 205%	Recruitment levels at 205%	Low levels of recruitment is ineffective labour relations in compliance with policy compliance	1. To effectively implement recruitment and retention programmes. ii. Effective Labour relations in compliance with policies	502 082 393	COO MSE CIE LE HRE		
APP	Objective 10	Knowledgeable, informed, self-directed, and committed employees. Competently delivering the organisation's conditional mandate and strategies in a sustainable manner.																						
APP	Outcome 12	Strengthen and continuously improve the quality and expertise for each segment of the national footprint.																						
APP	P15	To strengthen and continuously improve the quality and expertise for each segment of the national footprint.																						
APP	P15-1	Skills Development	To develop a competent workforce capable of delivering strategic objectives and outcomes set in each year and accountability for the Strategic Planning period of 2020-2025. To develop the legal expertise of the legal practitioners to ensure the delivery of quality legal services/advice to clients.	ATP and ATR submitted to SASSETA in compliance with the Skills Development Act	Continuously and consistently improve the quality and expertise for each segment of the national footprint.	Submission of the Workplace Skills Plan (WSP) and Annual Training Report (ATR) in compliance with the Skills Development Act	WSP & ATR submission 30th April 2024	Legal Aid SA submitted the following to the SASSETA in April 2020: Workplace Skills Plan (WSP) & ATR	WSP and ATR submitted on April 2021.	ATP and ATR submitted to the SASSETA on 30 April 2022.	Submission of the Workplace Skills Plan (WSP) and Annual Training Report (ATR) in compliance with the Skills Development Act	Submission of the Workplace Skills Plan (WSP) and Annual Training Report (ATR) in compliance with the Skills Development Act	Submission of the Workplace Skills Plan (WSP) and Annual Training Report (ATR) in compliance with the Skills Development Act	Submission of the Workplace Skills Plan (WSP) and Annual Training Report (ATR) in compliance with the Skills Development Act	Submission of the Workplace Skills Plan (WSP) and Annual Training Report (ATR) in compliance with the Skills Development Act	Legal Aid SA failing to comply with the Skills Development Act	Technical development and submission of the ATP and ATR	175 244	HRE					
APP	P15-2	Employment Equity	Diverse workforce in line with annual targets to achieve employment equity goals. EE Plan and Reports.	Targets defined nationally per performance, per Office and per Department as per approved Employment Equity Plan	Implementation of the approved Employment Equity (EE) Plan 2020-2025	Implementation of the approved Employment Equity (EE) Plan 2020-2025	Implementation of the approved Employment Equity (EE) Plan 2020-2025	Implementation of the approved Employment Equity (EE) Plan 2020-2025	Implementation of the approved Employment Equity (EE) Plan 2020-2025	Implementation of the approved Employment Equity (EE) Plan 2020-2025	Implementation of the approved Employment Equity (EE) Plan 2020-2025	Implementation of the approved Employment Equity (EE) Plan 2020-2025	Implementation of the approved Employment Equity (EE) Plan 2020-2025	Implementation of the approved Employment Equity (EE) Plan 2020-2025	Implementation of the approved Employment Equity (EE) Plan 2020-2025	Legal Aid SA implementing the EE target in all offices, whereas African Males, Coloured Males, Indian Males and people with disabilities one underrepresented in the Top Management, Senior Management and Professional levels. African Females are above the target at the lower levels.	Overall females are above the target in all offices, whereas African Males, Coloured Males, Indian Males and people with disabilities one underrepresented in the Top Management, Senior Management and Professional levels. African Females are above the target at the lower levels.	Overall Employment Equity: Blacks 91.4%, Target 91.3%, 0.1% above target. Whites 77.6%, Target 79.2%, 1.6% below target. Females 90.7%, Target 45.2%, 11.5% above target. Persons with disability 1.40%, Target 2%, 0.6% below target. Employment Equity at Senior Management level is still a challenge. Blacks 41.4% (Target 91.3%) 0.9% below target. Africans 69.9% (Target 79.2%) 9.3% below target. Women 45.80% (Target 45.2%) 0.6% above target.	Legal Aid SA unable to achieve EE Targets	EE Plan implement with national and provincial targets	124 402	HRE		
APP	Objective 11	Enhance emerging technologies including the Fourth Industrial Revolution to optimise its impact on business and the provision of client services through emerging, responsive and adaptive IT environments.																						
APP	Outcome 13	Enhance and maintain an integrated and service-oriented and secure Information Technology system with capacity to integrate stakeholders.																						
APP	P16	Annual review and approval of IT strategy, IT Architecture Framework, IT Maturity and IT Policies with continuous maturity assessments for competitive advantage.																						
APP	P16-1	IT Network	Build and maintain an effective, service-oriented Information Systems Architecture and Technology responsive to the daily work requirements of staff and customer needs.	Enhance and maintain an integrated and service-oriented Information Technology system with capacity to integrate stakeholders.	Provide effective throughput of reliable data across accessible IT systems.	Stable and reliable Wide Area Network (WAN) / Local Private Network (VPN)	VPN connected to all sites and available at 95% of the time	VPN connected to all sites and available at 95% of the time	VPN connected to all sites and available at 95% of the time	Upgrade the bandwidth at all offices	Upgrade the bandwidth at all offices	Average WAN availability was 97.95% in 2020-2021, which is 3.95% above the target of 95%.	Average network availability was 99.95% in 2021-2022, which is 4.95% above the target of 95%. Procurement process of 21 switches was completed by the end of the FY.	In 2022-2023 average WAN availability for all sites was 99.27%, which is 4.27% above the target of 95%.	VPN connected to all sites and available at 95% of the time	Employ SSO/WAN technology	Review the cloud based telephone system for business value	Review technology trends	Up to date network infrastructure	Monthly review of Network availability reports in line with the SLA	WAN availability report	30 678 871	ISE	
APP	P16-2	IT Hardware	Build and maintain an effective, service-oriented Information Systems Architecture and Technology responsive to the daily work requirements of staff and customer needs.	Hardware available to support, maintain and sustain business needs	Stable hardware platform able to meet performance and availability delivery	IT hardware capacity aligned to business needs and available 99% of the time	Server availability at 99% of the time.	Upgrade the Disaster Recovery recovery rehearsal	Review the disaster recovery rehearsal	Review the disaster recovery rehearsal	Assessment of the virtual environment for effective configuration	Average server availability was 99.97% in the FY, which was 0.97% above the target of 99%. 8 new servers were procured and installed on the production environment. 80 asset verification screenshots were procured and configured for operation. 10 floor switches were procured and distributed to Local Offices.	The average server available was 99.96%, which is 0.96% above the target of 99%. The R2 environment was procured in 2021-2022 to replace the outdated Server as per the Capital Asset Replacement Programme (CARP).	In 2022-2023 average availability was 99.24%, which is 0.24% below the target of 99%.	IT hardware capacity aligned to business needs and available 99% of the time	IT hardware capacity aligned to business needs and available 99% of the time	IT hardware capacity aligned to business needs and available 99% of the time	Up to date server infrastructure and available 99% of the time	Upgrade hardware infrastructure to meet user demands.	IT Up to date CARP. Monitoring and availability reports	Server Hardware Availability Reports	12 274 268	ISE	
APP	P16-3	IT Software and Applications	Build and maintain an effective, service-oriented Information Systems Architecture and Technology responsive to the daily work requirements of staff and customer needs.	Update, reliable and secure IT software and applications responsive to business needs.	Maintain and upgrade IT software and applications	IT software and applications fully integrated and available 99% of the time	External website functionality review	Conduct the disaster recovery rehearsal	Review the disaster recovery rehearsal	Review the disaster recovery rehearsal	Review call centre functionalities and external website	37 eLAA system bugs developed, tested and approved. eLAA and Sypro integration re-designed for better performance. 7 eLAA Release 2 modules developed, tested and deployed. 19 user manuals developed and distributed to all users. Average systems availability at 98%, which is within the tolerance levels. User satisfaction survey improved from satisfactory levels to good levels. Disaster recovery rehearsal conducted twice in 2020-2021.	Land matters specifications are under development for migrating on the eLAA Release 1, with a total of 42 enhancements following the completion of the Business Requirements and Gap Analysis phases for eLAA Release 1 in 2021-2022.	31 enhancements were included in production in 2022-2023. The R2 environment was procured to the least environment with average systems availability of 96.24%. The eLAA mobile application has been developed to help Legal Practitioners carry out their daily tasks efficiently and conveniently. The functions developed and tested successfully are: 1. Matter Activity Report 2. Internal matters finalisation	IT software upgrade roadmap	IT software upgrade roadmap implemented	IT software and applications fully integrated and available 99% of the time	Implement phase 2 of Single ERP system	Implement phase 2 of Single ERP system	Outdated IT software and applications	Upgrade IT software and applications as they become due	IT MIS including Report on new applications developed. Number of enhancements on existing applications. User satisfaction survey. Disaster recovery rehearsal report	1 424 208	ISE

5. Institutional Programme Performance Information

Annual Performance Plan 2024/2025

Employee and Organisational Capacity and Innovation and Learning Programmes

Department/Programme/Strategic Programme/Programme Name	Programme	Programme Purpose	Outcome	Outputs	Output Indicators	Annual Target	Quarterly Targets				Annual targets					Key Risk	Risk mitigation	End of Delivery	Budget	Dependencies	RESPONSIBLE EXECUTIVE	
							Q1	Q2	Q3	Q4	Audit/Actual Performance		Estimated Performance		MTEF Period							
											2023/21	2021/22	2023/24	2024/25	2025/26							2026/27
APP	PIB-4	Cybersecurity		Resilient cybersecurity environment	Develop and maintain organisational cybersecurity metrics	Cybersecurity roadmap in place and implemented	Conduct penetration testing Continuous Staff training on Cyber Security issues	Review and monitor Cyber Security Risk Assessment & Findings implemented. Continuous Staff training on Cyber Security issues.	Cyber Security Risk Assessment & Findings implemented. Continuous Staff training on Cyber Security issues.	Continuous Staff training on Cyber Security issues.	Cybersecurity Strategy reviewed and approved by the Board Cybersecurity Risk Register compiled, with mitigation measures effective. Business case was developed and approved by the ISSEC for laptop encryption tool to be installed on all laptops. Cybersecurity Strategic Plan reviewed and approved by the Board as part of the Cybersecurity Strategic Plan review.	Cybersecurity Strategic Plan reviewed and approved. Cybersecurity training conducted for all users in 2021-2022. Security penetration testing conducted in 2021-2022. Cybersecurity Committee attended its meeting and reported to the ISSEC in 2021-2022.	2 penetration test conducted in 2022-2023 with improvements on the second penetration test vulnerabilities detected and no critical findings raised. Cybersecurity roadmap reviewed and approved by the Board as part of the Cybersecurity Strategic Plan review.	Cybersecurity roadmap in place and implemented Continuous vulnerability assessment and remediation Implement encryption mechanism on all laptops for data loss protection	Implement the test of the key controls of Cyber Security	Cyber Security Road Map in place and implemented	Report and issues of business assets and personnel information of employees, clients and key stakeholders.	Implement Cyber Security road map	Cyber Security Road Map implementation report	11 811 149		ISE ALL

### 3.1.2 Measuring our Outcomes

MTSF Priority	Priority 6: Social cohesion and safe communities			
Objectives	Outcome	Outcome Indicator	Baseline (2019/20)	Five-year Target
<b>Client, Community, Stakeholder and Shareholder</b>				
<u>Objective 1</u> Empowered clients and communities making informed choices about their legal matters, rights and responsibilities.	<u>Outcome 1</u> Quality client-focused legal aid in criminal matters, particularly for indigent and vulnerable persons.	Number of clients assisted in criminal legal aid matters; Court coverage targets of DC, RC and HC	<u>Court Coverage:</u>  Average DC coverage: 86%  Average RC coverage: 94%  HC coverage: All matters requiring legal aid	<u>Court Coverage:</u>  Average planned DC coverage: ≥80%  Average planned RC coverage: ≥90%  HC planned coverage: All matters requiring legal aid
<u>Objective 2</u> All indigent and vulnerable members of society have equal access to public-funded legal services to protect and defend their rights.	<u>Outcome 2</u> Quality client-focused legal aid, including to indigent and vulnerable persons, in civil matters with a priority focus on land and other constitutional rights matters.	Number of clients assisted in civil matters	<u>Total Civil Matters:</u> 51,777  LO: 45,034  Judicare: 1,810 (13%)  Co-op: 4,310 (within budget)	<u>Total Civil Matters:</u> 2020/21: 47,931 2021/22: 48,463 2022/23: 54,077 2023/24: 47,529 2024/25: 48,405 Total: 246,405 <u>Total LO Matters:</u> 2020/21: 45,173 2021/22: 45,625 2022/23: 46,289 2023/24: 43,404 2024/25: 44,215 Total: 224,706 <u>Total Judicare Matters:</u> 2020/21: 1,120 2021/22: 1,120 2022/23: 4,628 2023/24: 965



MTSF Priority	Priority 6: Social cohesion and safe communities			
Objectives	Outcome	Outcome Indicator	Baseline (2019/20)	Five-year Target
				2024/25: 743 Total: 8,576 <u>Total Co-op Matters:</u> 2020/21: 4,596 2021/22: 1,718 2022/23: 3,160 2023/24: 3,160 2024/25: 3,447 Total: 16,081 <u>Land Matters:</u> 2022/23: 800 new matters 2023/2024: 200 new matters 2024/25: 600 new matters Total: 1,600
	<u>Outcome 3</u> Quality client-focused legal advice services.	Number of clients assisted with general legal advice	<u>Total Advice Matters (excluding Call Centre):</u> FY 2019/20: 266,055 Legal Aid Advice Line: 39,008	<u>Total Advice Matters:</u> 2020/21: 228,523 2021/22: 228,523 2022/23: 228,523 2023/24: 228,523 2024/25: 209,961 Total: 1,124,053  <u>Total Legal Aid Advice Line:</u> 2020/21: 47,921 2021/22: 47,921 2022/23: 47,921 2023/24: 47,921 2024/25: 47,921 Total: 239,605

MTSF Priority	Priority 6: Social cohesion and safe communities			
Objectives	Outcome	Outcome Indicator	Baseline (2019/20)	Five-year Target
	<u>Outcome 4</u> Client-focused strategic litigation services in order to give content to constitutional rights, as well as to increase access to justice for indigent and vulnerable persons.	Number of new strategic litigation matters approved; Success rate	<u>Strategic Matters Approved:</u> FY 2019/20: 25  Success rate: 88%	2021/22: 16 new matters  2022/23: 16 new matters  2023/24: 16 new matters  2024/25: 16 new matters
<u>Objective 3</u> A fair, efficient and effective justice system that ensures equal access to justice for all.	<u>Outcome 5</u> Contribute to the effective functioning of the justice and legal sector thereby promoting the rule of law and increasing access to justice.	Participation in relevant structures aimed at improving the functioning of the justice system and courts	<u>Represented at:</u> 1 National Efficiency Enhancement Committee & 9 Provincial Efficiency Enhancement Committees	<u>Represented at:</u> ≥ 90% attendance of all NEEC and PEEC meetings as per meeting schedules
<u>Objective 4</u> Delivering on our constitutional and statutory mandate thereby ensuring equal access to justice for all, in an independent, accountable and sustainable manner.	<u>Outcome 6:</u> Account to the Executive Authority (the Minister of Justice and Correctional Services) and Parliament on delivery of mandate, governance and sustainability.	4 Quarterly Reports and 1 Annual Report submitted timeously to the Executive Authority	4 Quarterly Performance Reports and 1 Annual Report (2018/19), submitted to Executive Authority, the AGSA and Parliament	4 Quarterly Performance Reports submitted within 30 days after the end of each quarter and 1 Annual Report submitted within five months after the end of the financial year to the Executive Authority

MTSF Priority	Priority 6: Social cohesion and safe communities			
Objectives	Outcome	Outcome Indicator	Baseline (2019/20)	Five-year Target
<b>Finance and Sustainability</b>				
<u>Objective 5</u> An organisation re-inventing and embedding sustainable and agile practises in every segment to positively impact on society, the economy and the environment.	<u>Outcome 7</u> Improve financial sustainability and manage the reductions to the budget.	Balanced budget	NT MTEF allocation of 2020/21 – 2022/23 translated into a medium-term expenditure budget for Legal Aid SA, which is approved by the Board and submitted to NT  Budget: R2,062,468,682 Expenditure: R2,014,039,462 Percentage spent: 98%	NT MTEF allocation of 2025/26 translated into a medium-term expenditure budget for Legal Aid SA, which is approved by the Board and submitted to NT  Budget: R2,6 billion Expenditure: R2,5 billion Percentage spent: 98%
		Financial reporting that is compliant with relevant standards and regulations	Unqualified audit opinion with no matters of emphasis	Annual and mid-year Financial Statements compliant with relevant standards and regulations
<u>Objective 6</u> Sustaining good governance, best practises and maintaining high ethical standards and integrity, high performance and accountability.	<u>Outcome 8</u> Maintain and enhance good governance.	Statutory compliance (including Legal Aid South Africa Act, 2014 and PFMA)	Revised quarterly compliance checklists in place. Statutory compliance signed off by Executives. Quarterly Compliance Report presented to the Board	100% compliance with statutory requirements
		Annual Audit Coverage Plan executed/delivered	97% completion of the Annual Coverage Plan in 2019/20	≥95% completion of the Annual Audit Coverage Plan each year
		Properly constituted Board and Board Committees skilled to function effectively	As at the end of 2019-2020, the Board of Legal Aid SA was not fully constituted.	Properly constituted Board (in terms of Legal Aid SA Act, 2014) and Board Decisions made timeously

MTSF Priority	Priority 6: Social cohesion and safe communities			
Objectives	Outcome	Outcome Indicator	Baseline (2019/20)	Five-year Target
			The term of the representative of the Director-General of Justice on the Board ended on 29 February 2020.	
Internal Business Processes				
<u>Objective 7</u> Legal Aid South Africa's regulatory framework is responsive to the changing legal, social and economic environment.	<u>Outcome 9</u> Maintain a regulatory framework that incorporates best practises and is responsive to changes in the overall environment.	Legal Aid SA Act (2014) reviewed once every 2 years or as and when required	Two amendments still awaiting Executive Authority approval and gazetting. The amendments have been resubmitted to be considered for inclusion in the 2020 Judicial Matters Amendment Bill.	Legal Aid SA Act reviewed in 2020, 2022 and 2024 or as and when required and amendments gazetted where required
		Legal Aid Regulations (Policy) reviewed at least once every 2 years or as and when required	All amendments to the Regulations have been gazetted. No further amendments to the Regulations were deemed necessary in the 2019-2020 financial year.	Legal Aid Regulations reviewed in 2021, 2023 and 2025 or as and when required and amendments gazetted where required  Review of Regulations 17 and 18 to align to the Land Court Bill
		Legal Aid Manual (Procedures) reviewed annually or as and when required	Two amendments to the Manual have been gazetted and implemented Legal Aid Manual Version 3 came into operation on 1 June 2019 and Version 4 came into operation on 28 October 2019.	Legal Aid Manual reviewed annually and amendments gazetted where required  Review of Procedures to provide for Land Court matters

<b>MTSF Priority</b>	<b>Priority 6: Social cohesion and safe communities</b>			
<b>Objectives</b>	<b>Outcome</b>	<b>Outcome Indicator</b>	<b>Baseline (2019/20)</b>	<b>Five-year Target</b>
<p><u>Objective 8</u> An effective, efficient, economic and environmentally responsive supply chain management system supporting client services delivery and internal business processes.</p>	<p><u>Outcome 10</u> Sustain strong financial management, supply chain and asset management practises informed by best practise.</p>	<p>Compliance with PPPFA, PFMA, relevant National Treasury Regulations</p>	<p>Supply Chain Management Policy implemented to ensure 100% compliance with relevant SCM prescripts. There was irregular expenditure incurred for non-CSD registered Sheriffs and non-CSD/ non-tax compliant landlords for office leases. Reports on the acquisition of goods/ services in excess of R0,5 million, indicating compliance with PPPFA, PFMA and relevant NT regulations were presented to the Board on a quarterly basis. Quarterly tenders awarded including deviations were presented to the Board at its quarterly meetings.</p>	<p>Legal Aid SA 100% compliant with the PPPFA, PFMA and NT Regulations when acquiring goods and services, with specific focus on women, youth and people with disabilities.</p>

MTSF Priority	Priority 6: Social cohesion and safe communities			
Objectives	Outcome	Outcome Indicator	Baseline (2019/20)	Five-year Target
<b>Employee and Organisational Capacity and Innovation and Learning</b>				
<u>Objective 9</u> An appropriately resourced national footprint that is adaptable to changing technological and environmental factors to ensure improved access to our clients, communities, stakeholders and employees.	<u>Outcome 11</u> Consolidate and review the resourcing of our national footprint to ensure adequate staffing, as well as safe and secure facilities for clients and staff, within available resources.	Staffing plans	Staff recruitment at year end at 91.9%. The staff turnover rate is at 5.78%. (excluding CAs and Temporary/ Contract staff)	Staff recruitment at ≥95% based on available budget  Staff turnover rate ≤ 6% (excluding CAs and Temporary/ Contract staff)
<u>Objective 10</u> Knowledgeable, informed, self-directed and committed employees competently delivering the organisation's constitutional mandate and strategies in a sustainable manner.	<u>Outcome 12</u> Strengthen and continuously improve the quality and expertise for each segment of the national footprint.	Compliance with Skills Development Act	The Workplace Skills Plan and Annual Training Report were submitted to SASSETA in compliance with the Skills Development Act. Submitted in Q1 as per statutory deadline.	Submission of the Workplace Skills Plan and Annual Training Report timeously by the end of April 2020, 2021, 2022, 2023, 2024 in full compliance with the Skills Development Act
		Employment Equity targets defined as per Employment Equity Plan	Legal Aid SA has a diverse workforce in line with annual targets to achieve employment equity goals, as per the EE Plan and Reports. Overall, African men, Coloured men and people with disabilities are the most underrepresented groups. We still have a challenge with African Males in Senior, Professional,	EE Plan 2025 approved by Board and submitted to the Department of Labour  EE Audit and EE Plan in 2025 in place  Implementation of the approved Employment Equity (EE) Plan 2020 - 2025  African 79.20% Coloured 9.5%

MTSF Priority	Priority 6: Social cohesion and safe communities			
Objectives	Outcome	Outcome Indicator	Baseline (2019/20)	Five-year Target
			<p>Skilled technical and Semi-Skilled Levels, as well as African Females in Senior and Professional Levels. Disability Recruitment grew from 0.9% to 1.67%, of a target of 2%. Coloured Females in Top &amp; Senior Management and Indian Males in the Skilled and Semi-skilled Levels are also a challenge as these groups are underrepresented.</p>	<p>Indian 2.6% White 8.6% Disability 2%</p> <p>Senior Management: Women 45.2% Blacks 91.3% Africans 79.2%</p>
<p><u>Objective 11</u> Embracing emerging technologies including the Fourth Industrial Revolution to optimise its impact on business and the provision of client services through a responsive and adaptive IT environment.</p>	<p><u>Outcome 13</u> Enhance and maintain an integrated and service and client-oriented and secured Information Technology system with capacity to integrate stakeholders.</p>	<p>Stable and reliable Wide Area Network (WAN) &amp; Virtual private network (VPN)</p>	<p>Average network availability was 95.54% in the FY 2019-2020. This is in line with the performance target of 95%.</p>	<p>Wide Area Network infrastructure upgraded to Software Defined Network with the minimum of 10Mbps bandwidth at all branches</p> <p>WAN annual availability 95%</p> <p>VPN connected to all sites and available at 95% of the time</p>
		<p>Stable hardware platform</p>	<p>Average server availability for 2019-2020 was 99%, which is in line with the performance target.</p>	<p>Private cloud infrastructure with 99% of server availability</p> <p>IT hardware capacity aligned to business needs and available 99% of the time</p>

MTSF Priority	Priority 6: Social cohesion and safe communities			
Objectives	Outcome	Outcome Indicator	Baseline (2019/20)	Five-year Target
		IT software and applications maintained and upgraded	The eLAA system was supported and maintained, with 12 bug fixes implemented. ii. 76.12% of all offices migrated to the newer technologies. iii. 30 Local Offices upgraded to 10mbps. iv. Disaster recovery conducted in Q1 and Q3 of the FY. v. Average systems availability at 98%.	Integrated eLAA system with mobile application for clients in Release 2 Hot disaster recovery site  IT software and applications fully integrated and available 99% of the time.  IT software upgrade roadmap in place.
		Organisational cyber security metrics developed and maintained	Cyber Security Strategy in place. Cyber security assessment conducted and risks identified with the proposed road map.	Cyber resilient environment with ongoing staff training programme in place Cybersecurity roadmap in place

### 3.1.3 Explanation of Planned Performance over the Five-year Period

The outcomes identified by Legal Aid SA contribute to the achievement of the constitutional and legislative mandate of the organisation.

Legal Aid SA has used the Balanced Scorecard as its strategic planning tool, viewing the organisation from four perspectives, which are as follows:

- I. Client, Community, Stakeholder and Shareholder (customer perspective)
- II. Finance and Sustainability (financial perspective)
- III. Internal Business Processes (internal process perspective)
- IV. Employee and Organisational Capacity and Innovation and Learning (learning and growth perspective)

The outcomes in Client, Community, Stakeholder and Shareholder are as follows:

- i. Quality client-focused legal aid in criminal matters, particularly for indigent and vulnerable persons.
- ii. Quality client-focused legal aid, including to indigent and vulnerable persons, in civil matters with a priority focus on land and other constitutional rights matters.
- iii. Quality client-focused legal advice services.



- iv. Client-focused strategic litigation services in order to give content to constitutional rights, as well as to increase access to justice for indigent and vulnerable persons.
- v. Contribute to the effective functioning of the justice and legal sector thereby promoting the rule of law and increasing access to justice.
- vi. Account to the Executive Authority (the Minister of Justice and Correctional Services) and Parliament on delivery of mandate, governance and sustainability.

These outcomes link to the NDP 2030 Chapter 12 which focuses on Building Safer Communities, Chapter 11 on Social Protection and Chapter 14 on Promoting Accountability and Fighting Corruption. The relevant priority of the MTSF 2019-2024 is Priority 6 Social Cohesion and Safe Communities. Since Legal Aid SA services are to ensure that indigent and vulnerable persons are able to access justice, this includes women, children and people with disabilities.

Access to justice is a critical component of building safer communities. We provide coverage of specialist courts including Child Justice Courts and Sexual Offences Courts and our practitioners are equipped with the expertise to represent clients. Children are a special vulnerable group and matters involving children receive priority. Children are represented in all Child Justice Courts, as well as Preliminary Inquiry Courts, and we guarantee legal representation to all children in civil matters. Our Remand Detainee Programme incorporates the monitoring of children awaiting trial in correctional facilities for periods greater than one month and these cases are tracked individually. Our civil units provide legal representation for children, most of whom are children in need of care, in the Children's Courts. Through our partnership with the Master's Offices, we assist in the administration of estates in which children are beneficiaries, and place these monies for children with the Guardian's Fund. Legal Aid SA provides representation to vulnerable groups of people in a variety of specialist matters. This includes assistance to women, mental healthcare patients, children, people with disabilities, refugees and the elderly. In the 2018-2019 financial year, Legal Aid SA entered into a Memorandum of Understanding with Childline SA and strengthened links with the Teddy Bear Foundation, aimed at creating greater access to legal services for children and caregivers of children. We also linked with the National Movement of Shelters to ensure that people affected by gender-based violence are referred to Legal Aid SA when they need legal services.

Legal advice services are accessible through the toll-free Legal Aid Advice Line and paralegals at all 128 of our offices. Following the findings of a study conducted in the previous financial year on demand for legal aid in the High Courts, general advice capacity was made available at High Courts to decrease the number of unrepresented litigants and ensure that qualifying clients' rights are protected. Linkages with community structures such as Community Advice Offices are a further enabler in the accessibility of legal advice and legal representation.

Communities are also empowered on their legal rights through media campaigns and community forums, thereby fostering constitutional values. The cases that are dealt with in strategic litigation matters address social justice issues and the outcomes of these cases often have a positive impact on a broader population.

A well-functioning criminal justice system is critical in achieving safer communities and will result in increasing public confidence in the criminal justice system. Legal Aid SA is a stakeholder in the Justice, Crime Prevention and Security Cluster and programmes aligned with the NDP and the MTSF are implemented through the cluster. This includes participation in the National and Provincial Efficiency Enhancement Committees in our commitment to improve the performance of the justice cluster and ensure increased efficiency in finalising criminal cases. Legal Aid SA has to ensure that it fulfils its role in making sure that courts function optimally so that criminal and civil cases where we are providing representation are resolved efficiently to ensure that the rule of law is upheld and access to justice is realised for indigent and vulnerable persons.

The outcomes in Finance and Sustainability are as follows:

- i. Improve financial sustainability and manage the reductions to the budget.
- ii. Maintain and enhance good governance.

These outcomes link to the NDP 2030 Chapter 14 on Promoting Accountability and Fighting Corruption. The relevant priority of MTSF 2019-2024 is Priority 6 Social Cohesion and Safe Communities. Legal Aid SA operates within a strong governance framework, uses public funding responsibly in the execution of its mandate and is accountable. Prudent and best practise financial management has resulted in unqualified audit opinions for the past 22 years. It has an effective and functioning Governing Board and Audit Committee and complies with applicable legislation. A coherent approach to enterprise risk management is maintained and the organisation has managed to uphold a zero-tolerance approach to fraud and corruption.

The outcomes in Internal Business Processes are as follows:

- i. Maintain a regulatory framework that incorporates best practises and is responsive to changes in the overall environment.
- ii. Sustain strong financial management, supply chain and asset management practises informed by best practise.

These outcomes link to the NDP 2030 Chapter 12 which focuses on Building Safer Communities, Chapter 11 on Social Protection and Chapter 14 on Promoting Accountability and Fighting Corruption. The relevant priority of MTSF 2019-2024 is Priority 6 Social Cohesion and Safe Communities. The legislative mandate of Legal Aid SA must be responsive to the environment and meet the needs of the business and the people we serve. It is important to ensure that legislation is consistent with the Constitution.

As an organisation that utilises public funds we must implement cost-effective measures and adhere to legislation such as the PFMA, PPPFA and National Treasury Regulations and ensure that our Supply Chain Management Policy is in line with the relevant legislation and that controls are in place and adhered to.

The outcomes in the Employee and Organisational Capacity and Innovation and Learning are as follows:

- i. Consolidate and review the resourcing of our national footprint to ensure adequate staffing, as well as safe and secure facilities for clients and staff, within available resources.
- ii. Strengthen and continuously improve the quality and expertise for each segment of the national footprint.
- iii. Enhance and maintain an integrated and service and client-oriented and secured Information Technology system with capacity to integrate stakeholders.

The outcomes in this component of the balanced scorecard link to NDP Chapter 12 which focuses on Building Safer Communities, Chapter 13 on Building a Capable State and MTSF Priority 3 Education, Skills and Health and Priority 1 A Capable, Ethical and Developmental State. Legal Aid SA has a national footprint, with offices located close to public transport and taking into consideration the location of courts that we service. Satellite Office locations mean that historically marginalised communities can access our offices which are appropriately resourced to deliver access to justice. Quality services to clients is a priority since the provision of quality services has a bearing on the outcomes of cases and therefore the lives of clients served. Through a focus on quality services to clients and competent, informed and knowledgeable practitioners, we are able to assure a high quality of legal services is rendered to clients. Training programmes and skills development is ongoing and the organisation has a bursary scheme in place and an Employment Equity Plan for the 2020-2025 period. Modern IT systems are in place to sustain and improve performance which includes a new electronic Legal Aid Administration System (eLAA). Legal Aid SA continues to improve its technology platform along the emerging approaches of the 4<sup>th</sup> Industrial Revolution.

The organisational enablers to achieve the five-year target include:

- i. Government grant
- ii. Financial planning and reporting
- iii. Adherence to good governance practises
- iv. Skilled and knowledgeable staff
- v. Quality management programmes
- vi. Risk management programmes
- vii. Tools and resources
- viii. Strategies, policies and standard operating procedures

- ix. Stakeholder relationships with legal and justice system stakeholders and linkages with community structures
- x. Commitment to human rights and the rights to access to justice
- xi. Performance management
- xii. Monitoring and evaluation processes
- xiii. Positive organisational culture
- xiv. Leadership
- xv. Employment Value Proposition
- xvi. Resilient cyber security environment

The outcomes identified by the organisation are aimed at fulfilling the organisation's constitutional and legislative mandate. These outcomes are relevant because they plan for and measure performance on all aspects that impact on the organisation, including external and internal factors. All segments are incorporated; client and community and stakeholders, finance and sustainability, internal business processes and employee and organisation capacity.

The legal aid services provided ensure access to justice for the populace, considering the high costs of legal services/representation. Our national footprint and toll-free Legal Aid Advice Line serve as a differentiator in that our services are available for both urban- and rural-based citizens, thus facilitating access to justice.

### **3.2 Programme Resources**

**LEGAL AID SOUTH AFRICA**

**ANNUAL PERFORMANCE PLAN - 2024/2025**

**APP Overall Budget Trends (2024/2025) and MTEF period)**

[I Resources consideration per Programme over MTEF and Strategic Plan Period](#)

[II Resources consideration per Economic Classification over MTEF and Strategic Plan Period](#)

[III Expenditure Trends over MTEF and Strategic Plan Period](#)

[IV Staff Trends over MTEF and Strategic Plan Period](#)

[I Resources consideration per Programme over MTEF and Strategic Plan Period](#)

		2020/2021	2021/2022	2022/2023	2023/2024	2024/2025	2025/2026	2026/2027
<b>Balance Scorecard Component</b>		<b>Audited Outcomes</b>			<b>Adjusted Budget (Current)</b>			
1	Client, Community, Stakeholder and Shareholder	1 471 632 532	1 466 404 584	1 646 951 172	1 806 970 370	1 744 167 889	1 786 655 444	1 868 841 594
2	Finance and Sustainability	31 835 189	33 806 949	47 059 008	56 081 863	55 349 968	57 840 716	63 443 548
3	Internal Business Processes	20 232 584	23 117 627	36 933 961	46 994 787	39 825 697	41 617 853	46 158 619
4	Employee and Organisational Capacity and Innovation and Learning	521 868 459	554 543 998	653 993 629	621 663 778	597 676 360	619 241 299	647 107 157
5	Additional Programmes	-	-	-	-	-	-	-
<b>Total budget allocations</b>		<b>2 045 568 764</b>	<b>2 077 873 157</b>	<b>2 384 937 770</b>	<b>2 531 710 798</b>	<b>2 437 019 914</b>	<b>2 505 355 312</b>	<b>2 625 550 919</b>

[II Resources consideration per Economic Classification over MTEF and Strategic Plan Period](#)

		2020/2021	2021/2022	2022/2023	2023/2024	2024/2025	2025/2026	2026/2027
		<b>Audited Outcomes</b>			<b>Adjusted Budget (Current)</b>			
1	Total salaries and related costs	1 538 998 862	1 514 523 247	1 616 018 727	1 847 059 553	1 958 864 961	1 985 614 972	2 088 711 174
1.1	New funding - (land reform)	-	-	-	-	-	-	-
1.2	New funding (case backlog top up)	-	-	-	-	-	-	-
1.3	New funding (Court Expansion Programme)	-	-	-	11 165 000	11 332 000	11 843 000	12 435 150
1.4	Increase in legal capacity (civil capacity)	-	-	-	-	-	-	-
2	Other Expenditure	114 222 850	81 401 261	329 746 332	279 753 673	116 514 372	144 630 260	150 198 372
3	Operating Expenditure	202 334 532	188 132 448	323 187 686	240 946 331	251 711 864	258 838 627	258 838 627
3.1	Contractual obligations	121 400 719	112 879 469	193 912 612	199 610 064	207 531 909	220 109 164	230 160 501
3.2	Non-contractual obligations	80 933 813	75 252 979	129 275 074	41 336 267	44 179 955	46 857 435	48 997 191

4	Capital Expenditure	59 021 633	80 608 308	71 672 175	118 992 496	63 596 717	70 854 961	81 794 104
4.1	Computer Hardware	13 655 165	13 455 396	35 965 025	37 979 710	10 635 226	12 151 582	18 900 271
4.2	Corporate IT	-	-	-	12 170 570	12 170 570	9 406 600	8 998 282
4.3	Land and Buildings	-	11 255 833	-	-	-	-	-
4.4	Furniture and Equipment	1 121 525	2 738 896	683 491	216 969	-	-	-
4.5	Building Improvement	6 409 648	1 695 351	6 263 820	3 145 667	2 966 896	3 106 340	3 103 373
4.6	Leasehold Improvement	4 501 347	4 124 581	5 288 632	4 987 282	3 087 282	3 093 282	3 099 642
4.7	Motor Vehicles	5 048 901	19 593 638	24 055 935	35 469 295	14 521 204	15 640 517	18 972 890
4.8	Computer Software - eLAA System Development Funding /ERP System	4 780 958	6 157 937	8 351 405	25 023 003	20 215 539	27 456 640	28 719 646
5	<b>Total expenditure excluding depreciation</b>	<b>1 914 577 877</b>	<b>1 864 665 264</b>	<b>2 340 624 920</b>	<b>2 497 917 053</b>	<b>2 402 019 914</b>	<b>2 471 781 820</b>	<b>2 591 977 427</b>
6	<b>Depreciation</b>	<b>32 849 427</b>	<b>33 877 144</b>	<b>33 793 745</b>	<b>33 793 745</b>	<b>35 000 000</b>	<b>33 573 492</b>	<b>33 573 492</b>
7	<b>Total expenditure including depreciation</b>	<b>1 947 427 304</b>	<b>1 898 542 408</b>	<b>2 374 418 665</b>	<b>2 531 710 798</b>	<b>2 437 019 914</b>	<b>2 505 355 312</b>	<b>2 625 550 919</b>
	<b>Surplus/(Deficit)</b>	<b>130 445 854</b>	<b>486 395 362</b>	<b>157 292 133</b>	<b>-</b>	<b>-</b>	<b>0</b>	<b>-0</b>

### III Expenditure Trends over MTEF and Strategic Plan Period

- i. National Treasury implemented budget reductions as per Allocation letter dated 29 January 2024. Legal Aid South Africa's grant allocation was reduced by R228,7 million in 2024/25, R239 million in 2025/26 and R249,9 million in 2026/27 fiscal years. The organisation has also received an additional funding of R50 million for 2024/25, R52 million for 2025/26 and R54 million over the MTEF period 2026/27 for the land reform matters.
- ii. The expenditure focus over the five-year period is on the delivery of legal services which is the core business of Legal Aid South Africa. More than 70% of Legal Aid SA's budget has been allocated to the Client and Community Component of the Balance Scorecard, which is directly linked to the delivery of legal services. This will continue to be the trend over the MTEF period. The balance of the budget is allocated towards programmes that support the delivery of legal services.
- iii. Budget constraints continue to affect the operations of Legal Aid South Africa. The salaries and related costs budget is also negatively impacted by the cost of living increases which are higher than the macro increases and these have to be absorbed within the baseline allocation.
- iv. The operating expenditure budget has been reduced over the past five-year period, except for expenditure linked to contractual obligations. After the reversal of the baseline reductions, operating expenditures was increased by 5%, a percentage that is in line with the Marco increase.
- v. Areas of funding pressures which are linked to contractual obligations are as follows:
  - a) Office accommodation
  - b) Escalations linked to contracts for security contracts and cleaning services
  - c) Substantial increases in municipal services rates and vehicle fuel
- vi. Only 3% of the budget has been allocated to capital expenditure. This is not adequate to replace assets as and when they fall due. Legal Aid SA has implemented measures to extend the lifespan of the assets, taking into account the current budget constraints.

### IV Staff Trends over MTEF and Strategic Plan Period

POST CATEGORY	2020/2021	2021/2022	2022/2023	2023/2024	2024/2025	2025/2026	2026/2027
	Audited outcomes (filled posts)			Filled posts as at 31 January 2024			
i. Legal professionals (legal practitioners including Paralegals)	2 025	1 896		2 163	2 163	2 163	2 163
ii. Non-legal staff	546	530		529	530	531	532
iii. <b>TOTAL (recruited staff)</b>	<b>2 571</b>	<b>0</b>	<b>2 586</b>	<b>2 692</b>	<b>2 693</b>	<b>2 694</b>	<b>2 695</b>
iv. <b>Staff establishment at 31 March annually</b>	<b>2 799</b>	<b>2 799</b>	<b>2 839</b>	<b>2 844</b>	<b>2 844</b>	<b>2 844</b>	<b>2 844</b>

v. Includes new/additional posts (refer to note i)								
vi. Staff recruitment (against staff establishment)	91.9%	0.0%	91.1%	95%	95%	95%	95%	95%

**Notes on Staff Trends**

- i. The budget cuts for the MTEF period will have a negative impact on the establishment as recruitment will have to be prioritised. The total establishment for the 2024/25 financial year is 2,844 positions.
- ii. The budget cuts were not specific however it will affect CoE and the number of positions as the other areas of the budget do not have much room to implement the communicated budget cut.

**LEGAL AID SOUTH AFRICA**

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**APP Overall Budget Trends - 2024/2025 and MTEF Period)**

[V Resources consideration for Client, Community, Stakeholder and Shareholder per Programme](#)  
[Resources consideration per Economic Classification over MTEF and Strategic Period](#)  
[Expenditure Trends over MTEF and Strategic Period](#)

**V(I) Resources consideration**

	2020/2021	2021/2022	2022/2023	2023/2024	2024/2025	2025/2026	2026/2027
	<b>Audited OutcomeBudget</b>			<b>Adjusted Budget (Current)</b>	<b>Medium Term allocations/estimates</b>		
<b>Client, Community, Stakeholder and Shareholder</b>							
<b>1 Client, Community, Stakeholder and Shareholder</b>	<b>1 471 632 532</b>	<b>1 466 404 584</b>	<b>1 646 951 172</b>	<b>1 806 970 370</b>	<b>1 744 167 890</b>	<b>1 786 655 444</b>	<b>1 868 841 594</b>
<b>P1</b> To deliver quality legal aid services in criminal matters that are client-focused, within available resources.	1 196 732 585	1 138 844 538	1 209 543 230	1 518 633 499	1 422 084 667	1 456 726 343	1 523 735 754.87
<b>I</b> To increase access points, including to vulnerable groups, to criminal legal aid services	-	-	-	-	-	-	-
<b>II</b> To improve on specialised legal service delivery	-	-	-	-	-	-	-
<b>P2</b> Deliver quality civil legal aid and land services that are client-focused, with a priority for constitutional rights, within available resources.	180 746 117	190 089 052	293 057 630	201 949 139	227 026 755	232 557 078	243 254 703.42
<b>III</b> To increase access points to civil legal aid and respond to needs of the rural poor and different vulnerable groups	-	-	-	-	-	-	-
<b>P3</b> To deliver quality legal advice services that are client-focused, within available resources.	82 166 690	114 223 261	115 507 726	71 750 074	74 154 728	75 961 121	79 455 332.77
<b>IV</b> To maintain (and expand within budget) the Legal Aid Advice Line to deliver (increase access) quality telephonic legal services that are client-focused	-	-	-	-	-	-	-
<b>V</b> To implement new forms of first level legal services that are client-focused	-	-	-	-	-	-	-
<b>VI</b> To improve client relationship management and implement a client feedback mechanism for all legal aid services	-	-	-	-	-	-	-
<b>P4</b> To undertake strategic litigation, particularly in social justice related matters in order to give content to the rights enshrined in the constitution.	6 849 189	16 788 622	21 944 075	5 250 000	12 776 867	13 088 109	13 690 161.73
<b>VII</b> To explore, develop and implement new alternative dispute resolution options to improve access to justice	-	-	-	-	-	-	-
<b>P5</b> To participate in justice cluster forums to contribute to improving the efficient functioning of the justice system to improve access to justice.	5 107 951	6 427 153	6 748 511	7 866 084	7 052 194	7 223 984	7 556 287.19
<b>VIII</b> To implement recommendations of the Criminal and Civil Justice Reviews	-	-	-	-	-	-	-
<b>IX</b> To improve the functioning of the justice and legal sector by building stronger and effective partnerships with stakeholders in the justice sector	-	-	-	-	-	-	-
<b>X</b> Improve awareness, inform and educate communities on constitutional rights and responsibilities	-	-	-	-	-	-	-
<b>XI</b> Increasing co-operation with and accountability to stakeholders	-	-	-	-	-	-	-
<b>XII</b> Increasing access to justice through partnerships with civil society organisations and the legal fraternity (including pro bono)	-	-	-	-	-	-	-
<b>XIII</b> Supporting developing legal aid agencies (within and outside the country)	-	-	-	-	-	-	-



P6	To account and provide assurance to the Executive Authority (the Minister of Justice and Correctional Services) and Parliament on performance, governance and sustainability	30 000	31 958	150 000	1 521 574	1 072 679	1 098 809	1 149 354,45
<b>Total Budget Allocation</b>		<b>1 471 632 532</b>	<b>1 466 404 584</b>	<b>1 646 951 172</b>	<b>1 806 970 370</b>	<b>1 744 167 890</b>	<b>1 786 655 444</b>	<b>1 868 841 594</b>
<i>Programmes indicated with Roman numerals relate to prior years</i>								
<b>V(II) Budget allocations per Economic Classifications over the MTEF Period</b>								
		<b>2020/2021</b>	<b>2021/2022</b>	<b>2022/2023</b>	<b>2023/2024</b>	<b>2024/2025</b>	<b>2025/2026</b>	<b>2026/2027</b>
		<b>Adjusted Budget (Current)</b>			<b>Adjusted Budget (Current)</b>	<b>Medium Term allocations/estimates</b>		
<b>1</b>	<b>Total salaries and related costs</b>	<b>1 265 020 590</b>	<b>1 238 765 503</b>	<b>1 317 204 840</b>	<b>1 527 216 697</b>	<b>1 627 653 518</b>	<b>1 642 025 185</b>	<b>1 718 643 221</b>
<b>2</b>	<b>New funding (Court Expansion Programme)</b>	<b>15 508 752</b>	<b>-</b>	<b>-</b>	<b>11 165 000</b>	<b>11 332 000</b>	<b>11 843 000</b>	<b>12 435 150</b>
<b>3</b>	<b>Other Expenditure</b>	<b>114 884 001</b>	<b>81 521 228</b>	<b>329 746 332</b>	<b>279 753 673</b>	<b>116 514 372</b>	<b>144 630 259</b>	<b>150 198 373</b>
<b>3.1</b>	Judicare	96 310 311	67 688 832	284 846 990	253 539 620	88 806 845	115 524 989	118 932 361
<b>3.2</b>	Disbursement	7 830 192	3 110 805	8 726 380	7 280 305	7 922 947	7 893 037	8 556 110
<b>3.3</b>	Expert Witnesses	-	54 340	1 601 412	1 361 875	1 034 000	1 198 945	1 299 679
<b>3.4</b>	Co-operation Agreement	8 483 020	8 329 485	11 024 058	9 990 761	10 139 910	11 910 880	13 218 186
<b>3.5</b>	Impact Litigation	1 599 327	2 272 138	21 944 075	5 250 000	5 500 000	5 500 000	5 500 000
<b>3.6</b>	Travel and Circuit Courts	661 151	65 628	1 603 417	2 331 112	3 110 670	2 602 408	2 692 037
<b>4</b>	<b>Total Expenditure for the Balance Scorecard Component</b>	<b>1 379 904 591</b>	<b>1 320 286 731</b>	<b>1 646 951 172</b>	<b>1 806 970 370</b>	<b>1 744 167 890</b>	<b>1 786 655 444</b>	<b>1 868 841 594</b>
	<b>Surplus/(Deficit)</b>	<b>151 345 801</b>	<b>(180 546 588)</b>	<b>(160 019 199)</b>	<b>(0)</b>	<b>-</b>	<b>0</b>	<b>0</b>

**V(III) Expenditure Trends over MTEF and Strategic Plan Period**

- i. The delivery of criminal legal aid services programme is the largest spending item in this Balance Scorecard Component. This programme provides for the core service delivery of Legal Aid South Africa.
- ii. The delivery of civil legal aid services programme is the second largest item in this Balance Scorecard Component.
- iii. Approximately 90% of the budget is allocated to personnel expenditure, which is directly linked to the delivery of legal services.

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**APP Overall Budget Trends- 2024/2025 and MTEF Period)**

- [VI 1. Resources consideration for Finance and Sustainability per Programme](#)
- [2. Resources consideration per Economic Classification over MTEF and Strategic Period](#)
- [3. Expenditure Trends over MTEF and Strategic Period](#)

**VI(i) Resources consideration**

		2020/2021	2021/2022	2022/2023	2023/2024	2024/2025	2025/2026	2026/2027
	<b>Finance and Sustainability</b>	<b>Budget</b>			<b>Adjusted Budget (Current)</b>	<b>Medium Term allocations/estimates</b>		
<b>2</b>	<b>Finance and Sustainability</b>	<b>33 806 949</b>	<b>37 059 008</b>	<b>47 059 008</b>	<b>56 081 863</b>	<b>55 349 968</b>	<b>57 840 716</b>	<b>63 443 548</b>
	To continuously improve financial planning (budgeting) including managing the budget cuts to ensure a balanced budget.							
<b>P7</b>		3 189 540	3 412 807	4 119 030	11 652 091	12 869 302	13 448 421	14 751 123
	Maintain strong and best practice financial management and reporting to ensure unqualified audit outcome and high financial maturity.							
<b>P8</b>		6 606 677	7 069 145	5 540 495	8 136 379	9 781 484	10 221 651	11 211 787
<b>XIV</b>	Sustainable government grant funding	-	-					
<b>XV</b>	Client contributions and other revenue streams	-	-					
<b>XVI</b>	Increasing sustainable (non-financial) and integrated performance and reporting	-	-					
<b>XVII</b>	Sustainable corporate policies and practices	-	-					
<b>XVIII</b>	Improve and maintain risk management to optimum maturity level	-	-					
<b>XIX</b>	Maintain fraud management practices	-	-					
	To maintain best governance practices (PFMA compliance, King IV guidelines and other relevant statutory requirements).							
<b>P9</b>		3 108 850	3 295 381	3 493 104	4 681 872	3 917 647	4 093 941	4 490 507
	An effective and strategic Board providing leadership and oversight of delivery on performance				-	-	-	
<b>P10</b>	Maintain and enhance independent monitoring and oversight providing combined assurance	20 125 722	22 466 707	33 081 679	30 550 787	27 928 855	29 185 653	32 012 768
	An effective and strategic Board providing leadership and oversight of sustainable performance.							
<b>P11</b>		776 160	814 968	824 700	1 060 734	852 679	891 050	977 362
	<b>Total Budget Allocation</b>	<b>33 806 949</b>	<b>37 059 008</b>	<b>47 059 008</b>	<b>56 081 863</b>	<b>55 349 968</b>	<b>57 840 716</b>	<b>63 443 548</b>
	<i>Programmes indicated with Roman numerals relate to prior years</i>							

VI(II) Budget allocations per Economic Classifications over the MTEF Period								
		2020/2021	2021/2022	2022/2023	2023/2024	2024/2025	2025/2026	2026/2027
		Budget			Adjusted Budget (Current)	Medium Term allocations/estimates		
1	Total salaries and related costs	26 524 267	29 412 193	39 029 852	45 426 309	43 963 465	45 941 820	50 392 047
2	Operating Expenditure	7 282 681	7 646 815	8 029 156	10 655 554	11 386 503	11 898 896	13 051 501
2.1	Contractual obligations	-	-	-	-	-	-	-
2.2	Non-contractual obligations	7 282 681	7 646 815	8 029 156	10 655 554	11 386 503	11 898 896	13 051 501
3	Total Expenditure for the Balance Scorecard Component	33 806 949	37 059 008	47 059 008	56 081 863	55 349 968	57 840 716	63 443 548
	Surplus/(Deficit)	3 252 060	10 000 000	102 147 173	0	-	-	-

VI(III) Expenditure Trends over MTEF and Strategic Plan Period

- i. The largest programme relates to independent monitoring and oversight unit providing combined assurance.
- ii. This programme has a direct impact in ensuring that Legal Aid South Africa achieves and maintains an unqualified audit opinion status.
- iii. Independent monitoring and oversight unit providing combined assurance is the largest programme in the Finance and Sustainability component of the balance scorecard.
- iv. Strong and best practice financial reporting programme is the second largest programme in the Finance and Sustainability Component of the Balance Scorecard.
- v. Programmes relating to the Board and Executive Authority oversight role are included in the Finance and Sustainability Component of the Balance Scorecard.

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APP Overall Budget Trends 2024/2025 and MTEF Period)

VII Resources consideration for Business Processes (Internal) Component and per Programme  
Resources consideration per Economic Classification over MTEF and Strategic Period  
Expenditure Trends over MTEF and Strategic Period

VII(i) Resources consideration

	2020/2021	2021/2022	2022/2023	2023/2024	2024/2025	2025/2026	2026/2027
Business Processes (Internal)	Budget			Adjusted Budget (Current)	Medium Term allocations/estimates		
<b>3 Business Processes (Internal)</b>	<b>20 232 584</b>	<b>23 117 627</b>	<b>36 933 961</b>	<b>46 994 787</b>	<b>39 825 697</b>	<b>41 617 853</b>	<b>46 158 619</b>
XX To adjust the mixed model service delivery model to improve court coverage and delivery	-	-	-	-	-	-	-
XXII To review and improve on matrix and risk-based management	-	-	-	-	-	-	-
XXIII To refine and develop legal service delivery and support models to improve sustainability. Efficiency and effectiveness of delivery and functioning of the justice system	-	-	-	-	-	-	-
P12 Ensure that the Legal Aid Act, Legal Aid Regulations (policy) and Legal Aid Manual (procedures) are reviewed to ensure relevance to changes in the environment.	1 105 329	1 917 919	5 734 253	3 759 583	3 999 850	4 179 843	4 635 890.02
P13 To maintain a strong supply chain management framework and practices	19 127 256	21 199 707	31 199 707	43 235 204	35 825 847	37 438 010	41 522 728.75
XXIV Ensuring good financial management	-	-	-	-	-	-	-
XXV Maintain integrated, accurate and timeous management information (support and legal functions)	-	-	-	-	-	-	-
<b>Total Budget Allocation</b>	<b>20 232 584</b>	<b>23 117 627</b>	<b>36 933 961</b>	<b>46 994 787</b>	<b>39 825 697</b>	<b>41 617 853</b>	<b>46 158 619</b>

Programmes indicated with Roman numerals relate to prior years

VII(ii) Budget allocations per Economic Classifications over the MTEF Period

	2020/2021	2021/2022	2022/2023	2023/2024	2024/2025	2025/2026	2026/2027
	Budget			Adjusted Budget (Current)	Medium Term allocations/estimates		
<b>1 Total salaries and related costs</b>	<b>13 590 624</b>	<b>16 041 968</b>	<b>29 858 302</b>	<b>36 447 836</b>	<b>32 196 050</b>	<b>33 644 963</b>	<b>37 315 737</b>
14 New funding (Child Just Act and Childrens Act)	-	-	-	-	-	-	-
15 New funding (case backlog top up)	-	-	-	-	-	-	-
16 New funding ( Court Expansion Programme)	-	-	-	-	-	-	-
17 Increase in Legal capacity (civil capacity)	-	-	-	-	-	-	-
18 New funding (COLI)	-	-	-	-	-	-	-
<b>2 Operating Expenditure</b>	<b>6 641 960</b>	<b>7 075 659</b>	<b>7 075 659</b>	<b>10 546 952</b>	<b>7 629 647</b>	<b>7 972 890</b>	<b>8 842 882</b>
2.1 Contractual obligations	5 536 632	5 338 869	5 338 869	7 958 099	5 756 875	6 015 844	6 672 310
2.2 Non-contractual obligations	1 105 329	1 736 790	1 736 790	2 588 853	1 872 772	1 957 046	2 170 572
<b>3 Total Expenditure for the Balance Scorecard Component</b>	<b>20 232 584</b>	<b>23 117 626</b>	<b>36 933 960</b>	<b>46 994 787</b>	<b>39 825 697</b>	<b>41 617 853</b>	<b>46 158 619</b>
<b>Surplus/(Deficit)</b>	<b>-</b>	<b>-</b>	<b>0</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-0</b>

VII(III) Expenditure Trends over MTEF and Strategic Plan Period

- i. Supply chain management framework and practices is the largest programme in this Balance Scorecard Component.
- ii. This programme ensures compliance with the relevant supply chain management prescripts including PFMA, PPPFA and relevant National Treasury regulations and instructions. It ensures that all Bid Committees are functional and operate effectively throughout the period under review.
- iii. With effect from 2015/16 onwards, the good financial management programme was incorporated into the supply chain management framework practices.

LEGAL AID SOUTH AFRICA

**ANNUAL PERFORMANCE PLAN 2024/2023**

**APP Overall Budget Trends 2024/2025 and MTEF Period**

VIII [Resources consideration for Employee and Organisational Capacity and Innovation and Learning per Programme](#)  
[Resources consideration per Economic Classification over MTEF and Strategic Period](#)  
[Expenditure Trends over MTEF and Strategic Period](#)

VIII(i) [Resources consideration](#)

		2020/2021	2021/2022	2022/2023	2023/2024	2024/2025	2025/2026	2026/2027
	<b>Employee and Organisational Capacity and Innovation and Learning</b>	<b>Budget</b>			<b>Adjusted Budget (Current)</b>	<b>Medium Term allocations/estimates</b>		
<b>4</b>	<b>Employee and Organisational Capacity and Innovation and Learning</b>	<b>543 066 806</b>	<b>521 868 459</b>	<b>554 543 998</b>	<b>621 663 778</b>	<b>597 676 360</b>	<b>619 241 299</b>	<b>647 107 157</b>
<a href="#">XXVI</a>	Expand and maintain the national footprint, including the physical and ICT service points, to improve access, especially in rural areas	-	-					
<a href="#">XXVII</a>	Building a segment of the national footprint which in partnership with other delivery/supply agents (including pro bono) improve access to justice	-	-					
<b>P14</b>	Appropriately staff all Legal Aid SA offices, within available resources.	449 555 619	420 494 694	452 446 849	521 904 890	502 082 393	520 198 178	543 607 095.54
<a href="#">XXVIII</a>	To implement interventions to improve and monitor the quality of legal services to deliver desired outcomes	-	-					
<b>P15</b>	To strengthen and continuously improve the quality and expertise for each segment of the national footprint.	52 282 673	57 433 971	57 707 395	57 600 104	51 216 620	53 064 582.14	55 452 488.34
<a href="#">XXIX</a>	Legal research undertaken to support delivery of quality legal services, to inform legal aid policy and protect client's rights	-	-					
<a href="#">XXX</a>	Legal support interventions implemented to support delivery of quality legal service (including legal resources and experts)	-	-					
<a href="#">XXXI</a>	Independent Legal Quality Assurance (LQA)	-	-					
<a href="#">XXXII</a>	Talent and career management (including recruitment and succession planning)	-	-					
<a href="#">XXXIII</a>	Competency and skills development	-	-					
<a href="#">XXXIV</a>	Build a learning and innovative organisation (including implementation of a knowledge management strategy)	-	-					
<a href="#">XXXV</a>	Employer brand	-	-					
<a href="#">XXXVI</a>	Employee Value Proposition	-	-					
<a href="#">XXXVII</a>	Maintain a Competitive Rewards and Remuneration System	-	-					
<a href="#">XXXVIII</a>	Develop and maintain a value-based leadership pipeline	-	-					

P16	Annual review and approval of IT strategy, IT Architecture Framework, IT Maturity and IT Policies with continuous maturity assessments for competitive advantage.	41 228 514	43 939 795	44 389 754	42 158 785	44 377 347	45 978 539	48 047 573.56
XXXIX	Modernise Information and Communication Technology (ICT) client platform for effective social media networking							
	<b>Additional Programmes</b>							
	<b>Total Budget Allocation</b>	<b>543 066 806</b>	<b>521 868 459</b>	<b>554 543 998</b>	<b>621 663 778</b>	<b>597 676 360</b>	<b>619 241 299</b>	<b>647 107 157</b>
	Programmes indicated with Roman numerals relate to prior years							
	<b>VIII(II) Budget allocations per Economic Classifications over the MTEF Period</b>							
		<b>2020/2021</b>	<b>2021/2022</b>	<b>2022/2023</b>	<b>2023/2024</b>	<b>2024/2025</b>	<b>2025/2026</b>	<b>2026/2027</b>
		<b>Adjusted Budget</b>			<b>Adjusted Budget (Current)</b>	<b>Medium Term allocations/estimates</b>		
	<b>1 Total salaries and related costs</b>	<b>220 337 038</b>	<b>230 303 583</b>	<b>234 601 593</b>	<b>247 025 421</b>	<b>243 580 688</b>	<b>234 144 541</b>	<b>240 902 760</b>
	14 New funding (Child Just Act and Childrens Act)			-	-			
	15 New funding (case backlog top up)			-	-			
	16 New funding ( Court Expansion Programme)			-	-			
	17 Increase in Legal capacity (civil capacity)			-	-			
	18 New funding (COLI)			-	-			
	<b>2 Operating Expenditure</b>	<b>224 445 189</b>	<b>146 058 764</b>	<b>189 680 835</b>	<b>221 852 116</b>	<b>255 498 955</b>	<b>280 668 305</b>	<b>290 836 801</b>
	2.1 Contractual obligations	135 197 825	88 686 131	113 808 501	133 111 269	153 299 373	168 400 983	174 502 081
	2.2 Non-contractual obligations	89 247 365	57 372 633	75 872 334	88 740 846	102 199 582	112 267 322	116 334 720
	<b>3 Capital Expenditure</b>	<b>37 134 916</b>	<b>56 966 227</b>	<b>86 467 825</b>	<b>118 992 496</b>	<b>63 596 717</b>	<b>70 854 961</b>	<b>81 794 104</b>
	3.1 Computer Hardware	13 655 165	13 455 396	17 478 563	37 979 710	10 635 226	12 151 582	18 900 271
	3.2 Corporate IT	-	-	11 078 223	12 170 570	12 170 570	9 406 600	8 998 282
	3.3 Land and Buildings	-	11 255 833	-	-	-	-	-
	3.4 Furniture and Equipment	2 738 896	683 491	1 249 408	216 969	-	-	-
	3.5 Building Improvement	6 409 648	1 695 351	2 509 166	3 145 667	2 966 896	3 106 340	3 103 373
	3.6 Leasehold Improvement	4 501 347	4 124 581	13 325 936	4 987 282	3 087 282	3 093 282	3 099 642
	3.7 Motor Vehicles	5 048 901	19 593 638	26 941 278	35 469 295	14 521 204	15 640 517	18 972 890
	3.8 IJS/ Computer software - e LAA System Development Funding	4 780 958	6 157 937	13 885 251	25 023 003	20 215 539	27 456 640	28 719 646
	<b>4 Total Expenditure for the Balance Scorecard Component</b>	<b>481 917 143</b>	<b>433 328 574</b>	<b>510 750 253</b>	<b>587 870 033</b>	<b>562 676 360</b>	<b>585 667 807</b>	<b>613 533 665</b>
	<b>5 Depreciation</b>	<b>32 849 427</b>	<b>31 684 908</b>	<b>33 793 745</b>	<b>33 793 745</b>	<b>35 000 000</b>	<b>33 573 492</b>	<b>33 573 492</b>
	<b>6 Total Expenditure including Depreciation</b>	<b>514 766 570</b>	<b>465 013 482</b>	<b>544 543 998</b>	<b>621 663 778</b>	<b>597 676 360</b>	<b>619 241 299</b>	<b>647 107 157</b>
	<b>Surplus/(Deficit)</b>	<b>28 300 236</b>	<b>56 854 977</b>	<b>-</b>	<b>0</b>	<b>0</b>	<b>-</b>	<b>-</b>
	<b>VIII(III) Expenditure Trends over MTEF and Strategic Plan Period</b>							
	i. The largest programme in this component consists of staffing costs for support employees.							
	ii. The second largest programme relate to strengthening and improving organisational competences and expertise required for delivery of quality outcomes							
	iii. The third largest programme relates to the ICT infrastructure required to support the national footprint that delivers legal services.							
	iv. All capital infrastructure is accounted for under this programme.							
	v. With effect from 2015/2016, some sub-programmes were merged into one, resulting in fewer programmes in subsequent years of the MTEF.							
	vi. Capital expenditure for the 2023/24 financial year is higher than the subsequent years due to approved rollover funding included in the adjustment budget.							

### 3.3 Key Risks and Strategic Risks

#### Key Risks and Mitigations

Outcome	Key Risk	Risk Mitigation
<u>Outcome 1:</u> Quality client-focused legal aid in criminal matters, particularly for indigent and vulnerable persons.	Accused persons not legally represented at their trials	Court Coverage Plans
<u>Outcome 2:</u> Quality client-focused legal aid, including to indigent and vulnerable persons, in civil matters with a priority focus on land and other constitutional rights matters.	Inadequate delivery of Civil Legal services  Inadequate delivery of legal services to farm occupiers, labour tenant and restitution claimants. Inability to meet demand for land-related matters	Practitioner productivity monitoring programmes  Build capacity to deal with legal representation in land-related matters
<u>Outcome 3:</u> Quality client-focused legal advice services.	General advice demand not met because of lack of awareness	General Advice SOP Civil Supervision SOP Increasing awareness
<u>Outcome 4:</u> Client-focused strategic litigation services in order to give content to constitutional rights, as well as to increase access to justice for indigent and vulnerable persons.	Appropriate strategic litigation matters not identified and taken on  Outcome of impact matters not satisfactory	CCMC oversight of impact matters
<u>Outcome 5:</u> Contribute to the effective functioning of the justice and legal sector thereby promoting the rule of law and increasing access to justice.	Incomplete/insufficient data to monitor efficiency of Justice System.	Facilitating of common indicators across the sector.
<u>Outcome 6:</u> Account to the Executive Authority (the Minister of Justice and Correctional Services) and Parliament on delivery of mandate, governance and sustainability.	Failure to account to Executive Authority and Parliament	Oversight by Board to ensure quarterly Performance Reports and Annual Report are finalised and submitted to the Executive Authority timeously
<u>Outcome 7:</u> Improve financial sustainability and manage the reductions to the budget.	Budget cuts during the 5-year SP period and/or no additional funding allocated to Legal Aid SA.	Lobby government for additional funding

Outcome	Key Risk	Risk Mitigation
	Qualified audit reports from the A-G	Implement Internal Control Framework Quality check Financial Statements Keep abreast of developments in finance reporting standards
<u>Outcome 8:</u> Maintain and enhance good governance.	Non-compliance with statutory requirements Corporate governance failure due to non-adherence to King IV  Poor quality audits finalised  Lack of effectiveness at Board level due to poor balance, poor understanding of role and poor focus	i. Annual confirmation by Executives of their compliance responsibilities ii. Monthly sign-off Executive Compliance Checklist iii. Quarterly Compliance reports to the Board  Quality Assurance Programme in place  Board structure, Charter and performance reviewed annually to ensure continuity and common understanding
<u>Outcome 9:</u> Maintain a regulatory framework that incorporates best practises and is responsive to changes in the overall environment.	Legal Aid SA Act becoming outdated and irrelevant  Regulations/Policy not responsive to client and community needs  Legal Aid Manual not serving business needs	Periodic review and amendment of the Act  Periodic review of Policy by the Board  Annual review of procedures
<u>Outcome 10:</u> Sustain strong financial management, supply chain and asset management practises informed by best practise.	Non-compliance with PPPFA, PFMA and relevant NT Regulations	Implementation of Internal Control Framework including statutory compliance
<u>Outcome 11:</u> Consolidate and review the resourcing of our national footprint to ensure adequate staffing, as well as safe and secure facilities for clients and staff, within available resources.	i. Low levels of recruitment ii. Ineffective labour relations iii. Low levels of policy compliance	i. To effectively implement recruitment and retention programmes. ii. Effective Labour relations iii. Compliance with policies
<u>Outcome 12:</u> Strengthen and continuously improve the quality and expertise for each segment of the national footprint.	Legal Aid SA failing to comply with the Skills Development Act  Legal Aid SA unable to achieve EE Targets	Timeous development and submission of the ATP and ATR  EE Plan implemented with national and provincial targets



Outcome	Key Risk	Risk Mitigation
<p><b>Outcome 13:</b> Enhance and maintain an integrated and service-oriented and secured Information Technology system with capacity to integrate stakeholders.</p>	<p>Up to date network infrastructure</p> <p>Inadequate hardware infrastructure to meet user demands</p> <p>Outdated IT software and applications</p> <p>Exposure and losses of business assets and personal information of employees, clients and key stakeholders.</p>	<p>Monthly review of Network availability reports in line with the SLA</p> <p>i. Up to date CARP ii. Monitoring and review of system utilisation reports</p> <p>Upgrade IT software and applications as they become due</p> <p>Implement Cyber Security road map</p>

Links to long-term infrastructure plan														
No.	Project name	Programme	Outputs	Project Start Date	Project Completion Date	Total Estimated Cost	Current Year Expenditure	ACTUAL			Budget	Medium-term estimates		
								2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27
<b>Total new and replacement assets</b>														
<b>1. Building improvements</b>														
Owned Land and Buildings	Building improvements	National office						1 695 351	925 800	950 563	2 966 896	2 966 896	3 106 340	3 103 373
<b>Total Building improvements</b>								<b>1 695 351</b>	<b>925 800</b>	<b>950 563</b>	<b>2 966 896</b>	<b>2 966 896</b>	<b>925 800</b>	<b>3 103 373</b>
<b>2. Leasehold improvements</b>														
Various leased offices	Leasehold improvements	Various Offices						4 124 581	5 460 292	219 541	4 987 282	3 087 282	3 093 282	3 099 642
<b>Total Leasehold improvements</b>								<b>4 124 581</b>	<b>5 460 292</b>	<b>219 541</b>	<b>4 987 282</b>	<b>3 087 282</b>	<b>3 093 282</b>	<b>3 099 642</b>
<b>3. Maintenance and repairs</b>														
Owned Land and Buildings	Maintenance and repairs	Various Offices						1 370 056	939 393	2 955 418	2 057 875	2 142 806	2 214 937	2 367 066
<b>Total Maintenance and repairs</b>								<b>1 370 056</b>	<b>939 393</b>	<b>2 955 418</b>	<b>2 057 875</b>	<b>2 142 806</b>	<b>2 214 937</b>	<b>2 367 066</b>

## PART D: Technical Indicator Descriptions (TID)

<b>Client, Community, Stakeholder and Shareholder</b>	
<b>Indicator Title</b>	Planned Court coverage in the District Courts, Regional Courts and High Courts
<b>Definition</b>	<p>Refers to the percentage of District and Regional Court days that Legal Aid SA has planned capacity, utilising budgeted Internal positions, Agency Agreement Partners and Judicare practitioners in approved “Judicare only courts”, to cover the various courts in order to provide legal representation.</p> <p>In the High Court, this refers to 100% of matters on the court roll that require legal aid at each division of the High Court.</p>
<b>Source of data</b>	Legal Aid SA Local Offices provide court coverage plans on a bi-annual basis.
<b>Method of calculation/assessment</b>	<p>A webpage has been created to collect the information from our Local Offices for the lower courts and this data is analysed. The percentage that a court is planned to be covered is determined by the number of days that we plan to cover the courts divided by the total number of days that the court sits in a typical month.</p> <p>For High Courts, information is obtained directly from our system, noting that clients who require legal aid have to complete an application form which is recorded on our system.</p>
<b>Assumptions</b>	Accurate information provided/recorded on court coverage plans and as confirmed by the DoJ&CD.
<b>Disaggregation of Beneficiaries (where applicable)</b>	<ul style="list-style-type: none"> <li>• Target for women: dependent on request for services.</li> <li>• Target for youth: dependent on request for services.</li> <li>• Target for people with disabilities: dependent on request for services.</li> </ul>
<b>Spatial Transformation (where applicable)</b>	<ul style="list-style-type: none"> <li>• Contribution to spatial transformation priorities: N/A.</li> <li>• Spatial impact area: All criminal court seats in the country serviced by Legal Aid SA.</li> </ul>
<b>Reporting cycle</b>	<p>Lower court coverage calculation is completed bi-annually and reported quarterly.</p> <p>High Court reporting is done quarterly.</p>
<b>Desired performance</b>	Higher coverage is preferred.
<b>Indicator responsibility</b>	NOE
<b>Indicator Title</b>	Number of clients assisted in civil matters
<b>Definition</b>	Refers to the number of civil matters in which Legal Aid SA provides legal representation.
<b>Source of data</b>	All internal and Judicare instructions for civil legal aid are captured on the Legal Aid SA legal aid administration system. Co-operation Agreement statistics are provided by Co-operation Partners in quarterly reports to Provincial Offices.

<b>Method of calculation/ assessment</b>	<p>Target:</p> <p>Internal practitioners – The target for new matters is set by calculating the number of new matters each category of civil practitioners is required to undertake in a year, multiplied by an anticipated recruitment rate of 95% for the financial year (Recruitment rate). This is then set at 90% of the calculated number to determine the new matter target for the year for internal practitioners.</p> <p>Judicare – The Civil Judicare target is calculated at 10% of the actual total new Judicare matters for the previous FY.</p> <p>Existing Co-operation Agreement Partners – The new matter target per partner is determined as follows:</p> <ol style="list-style-type: none"> <li>1. Calculating the average number of cases finalised by each co-operation partner in the preceding 3 financial years (excluding any terminated agreements).</li> </ol> <p>New Co-operation Agreement Partners – The matter target for a new partner is determined as follows:</p> <ol style="list-style-type: none"> <li>2. Only in the event that a new Co-Operation service provider is appointed, then the approved Co-Operation Agreement Budget for a new partner is divided by the cost per case achieved by an existing partner, undertaking similar legal work, in the FY preceding the year in which the new agreement is implemented.</li> </ol> <p>Actual:</p> <p>The number of civil matters for both internal practitioners and Judicare is calculated from the eLAA data that is collected in all legal aid instructions captured on the system. The actual number of new civil matters for Co-operation Partners is determined from the data that is submitted by the partners to the Provincial Offices as per the contractual requirements.</p>
<b>Assumptions</b>	Functional administration system and accurate statistics from Co-operation Agreement Partners.
<b>Disaggregation of Beneficiaries (where applicable)</b>	Disaggregated data will be made available for women, children and youth (excluding co-operation partners).
<b>Spatial Transformation (where applicable)</b>	Civil legal services are made available within the magisterial districts covered by each Local Office.
<b>Reporting cycle</b>	Quarterly
<b>Desired performance</b>	Actual performance that is higher than targeted performance is desirable.
<b>Indicator responsibility</b>	CLE
<b>Indicator Title</b>	Number of clients assisted in land matters
<b>Definition</b>	Refers to the number of land matters in which Legal Aid SA provides legal representation and advice.

<b>Source of data</b>	Judicare and internal instructions for land matters to be captured on the Legal Aid SA legal administration system.
<b>Method of calculation/assessment</b>	Referrals for legal representation in land matters received through the DALRRD and Commission on Restitution of Land Rights. Some (740) matters transferred to Legal Aid SA by the Land Rights Management Facility (of the DALRRD) at the beginning of Q4: 2021/22.
<b>Assumptions</b>	Functional administration system and accurate statistics from Judicare practitioners.
<b>Disaggregation of Beneficiaries (where applicable)</b>	Disaggregated data will be made available for women, children and youth.
<b>Spatial Transformation (where applicable)</b>	Civil legal services in land matters are made available within the magisterial districts covered by each Local Office. Most of the land matters are litigated in the Land Claims Court.
<b>Reporting cycle</b>	Quarterly
<b>Desired performance</b>	Actual performance that is higher than targeted performance is desirable.
<b>Indicator responsibility</b>	LE: LRM
<b>Indicator Title</b>	Number of clients assisted with general legal advice
<b>Definition</b>	Refers to the number of consultations in which Legal Aid SA provided legal advice.
<b>Source of data</b>	Our paralegals and staff providing legal advice capture the client details and advice details on the electronic Legal Aid Administration (eLAA) system and the Call Centre staff capture the client and advice details on the Thetha Nathi system webpage. Advice provided by Remand Detainee paralegals is captured on the Remand Detainee webpage.
<b>Method of calculation/assessment</b>	Target: The target for advice matters is set at the same number of advice matters as achieved in the previous financial year. The target is not adjusted from the previous financial year as the target is dependent on demand and the available capacity. Actual: The number of advice matters is calculated from the legal advice services data that has been recorded on the eLAA system, Remand Detainee and Thetha Nathi webpages.
<b>Assumptions</b>	Functional administration system and webpages.
<b>Disaggregation of Beneficiaries (where applicable)</b>	<ul style="list-style-type: none"> <li>• Target for women: N/A.</li> <li>• Target for youth: N/A.</li> <li>• Target for people with disabilities: N/A.</li> </ul>
<b>Spatial Transformation (where applicable)</b>	Civil advice services are made available at all 128 offices as well as identified outreach sites in rural areas serviced by Satellite Offices.
<b>Reporting cycle</b>	Quarterly

<b>Desired performance</b>	Actual performance that is higher than targeted performance is desirable.
<b>Indicator responsibility</b>	CLE
<b>Indicator Title</b>	Number of new strategic litigation matters approved Success rate for strategic litigation matters
<b>Definition</b>	Refers to the number of matters in which legal representation is provided where the impact is far-reaching and not always focused on an individual client.
<b>Source of data</b>	The Strategic Litigation Unit maintains schedules of matters that are assessed, approved and not approved by the Constitutional Case Management Committee (CCMC) and finalised.
<b>Method of calculation/ assessment</b>	<p>The target for New and Finalised strategic litigation matters is set at 16 matters per annum.</p> <p>The matters that are funded/taken on are approved by the CCMC with a set budget for each matter approved. The number of matters that can be funded/taken on by the Unit must be done within the budget that is made available annually. The success rate is set at 90% of matters finalised with an outcome. The CCMC determines the required outcome which may not always be that the case should be won, but could be to ensure clarity of the law or equality of arms. Where a matter does not have an outcome, it will not be included in the denominator and remunerator to determine the success rate. This would be where the client/s cannot be found and do not give instructions so that a matter can be taken to an outcome stage.</p> <p>The number of matters assessed, approved and finalised are calculated manually.</p>
<b>Assumptions</b>	Accurate statistics for strategic litigation matters.
<b>Disaggregation of Beneficiaries (where applicable)</b>	<ul style="list-style-type: none"> <li>• Target for women: N/A.</li> <li>• Target for youth: N/A.</li> <li>• Target for people with disabilities: N/A.</li> </ul>
<b>Spatial Transformation (where applicable)</b>	N/A
<b>Reporting cycle</b>	Quarterly
<b>Desired performance</b>	Actual performance that is higher than targeted performance is desirable.
<b>Indicator responsibility</b>	CLE
<b>Indicator Title</b>	Participation in relevant structures aimed at improving the functioning of the justice system and courts
<b>Definition</b>	The attendance of Legal Aid SA representatives at identified structures that are aimed at improving the functioning of the justice system.

<b>Source of data</b>	Minutes of meetings of all committees.
<b>Method of calculation/ assessment</b>	Minutes of meetings are provided by relevant secretariats.
<b>Assumptions</b>	Minutes of meetings recorded and distributed timeously.
<b>Disaggregation of Beneficiaries (where applicable)</b>	<ul style="list-style-type: none"> <li>• Target for women: N/A.</li> <li>• Target for youth: N/A.</li> <li>• Target for people with disabilities: N/A.</li> </ul>
<b>Spatial Transformation (where applicable)</b>	N/A
<b>Reporting cycle</b>	Depends on the sittings of the structure concerned.
<b>Desired performance</b>	Attendance at all meetings of the different structures by Legal Aid SA representatives.
<b>Indicator responsibility</b>	NOE
<b>Indicator Title</b>	4 Quarterly Reports and 1 Annual Report submitted timeously to the Executive Authority
<b>Definition</b>	Quarterly and Annual Reports.
<b>Source of data</b>	Individual and team work performance from legal and support staff in respect of deliverables in our APP and which are recorded on the eLAA system, SYSPRO, SAP or any other monitoring system including webpages.
<b>Method of calculation/ assessment</b>	The eLAA, SAP and SYSPRO systems used as sources of data for production and actual performance. Each APP indicator is calculated in accordance with its own methodology in order to produce the required information.
<b>Assumptions</b>	Accurate information recorded/collected for compilation of Quarterly Reports and Annual Report.
<b>Disaggregation of Beneficiaries (where applicable)</b>	<ul style="list-style-type: none"> <li>• Target for women: N/A.</li> <li>• Target for youth: N/A.</li> <li>• Target for people with disabilities: N/A.</li> </ul>
<b>Spatial Transformation (where applicable)</b>	N/A
<b>Reporting cycle</b>	Quarterly reports submitted within 30 days after end of a quarter. Annual Report submitted within five months after the end of the financial year.
<b>Desired performance</b>	100% compliance.
<b>Indicator responsibility</b>	BS, All Executives

<b>Finance and Sustainability</b>	
<b>Indicator Title</b>	Balanced budget (as per government grant allocation)
<b>Definition</b>	The approved budget is within the available resource allocation.
<b>Source of data</b>	Historical expenditure and National Treasury allocation letter.
<b>Method of calculation/ assessment</b>	The total budgeted expenditure excluding depreciation is compared to the grant allocation and projected interest.
<b>Assumptions</b>	Availability of historical expenditure; allocation letter received from National Treasury.
<b>Disaggregation of Beneficiaries (where applicable)</b>	<ul style="list-style-type: none"> <li>• Target for women: N/A.</li> <li>• Target for youth: N/A.</li> <li>• Target for people with disabilities: N/A.</li> </ul>
<b>Spatial Transformation (where applicable)</b>	Budget is prepared per Local Office which includes Legal Aid SA's 64 Local Offices across the national footprint.
<b>Reporting cycle</b>	Annually
<b>Desired performance</b>	Balanced and approved MTEF 2024/25 – 2026/27 and Budget 2024/25.
<b>Indicator responsibility</b>	CFO
<b>Indicator Title</b>	Financial reporting that is compliant with relevant standards and regulations
<b>Definition</b>	Prepare monthly finance MIS and Quarterly Financial Statements.
<b>Source of data</b>	Financial reporting system.
<b>Method of calculation/ assessment</b>	Approved budgets compared to actual expenditure.
<b>Assumptions</b>	Operational financial reporting system; accurate data.
<b>Disaggregation of Beneficiaries (where applicable)</b>	<ul style="list-style-type: none"> <li>• Target for women: N/A.</li> <li>• Target for youth: N/A.</li> <li>• Target for people with disabilities: N/A.</li> </ul>
<b>Spatial Transformation (where applicable)</b>	N/A
<b>Reporting cycle</b>	Quarterly
<b>Desired performance</b>	Financial reporting compliant with relevant standards and regulations, resulting in optimum financial maturity.
<b>Indicator responsibility</b>	CFO



<b>Indicator Title</b>	Statutory compliance (including Legal Aid South Africa Act, 2014 and PFMA)
<b>Definition</b>	Statutory compliance reporting.
<b>Source of data</b>	Compliance with reporting or payments in line with statutory requirements.
<b>Method of calculation/ assessment</b>	Relevant reports serve as proof of compliance.
<b>Assumptions</b>	Accurate information provided and timeously collated.
<b>Disaggregation of Beneficiaries (where applicable)</b>	<ul style="list-style-type: none"> <li>• Target for women: N/A.</li> <li>• Target for youth: N/A.</li> <li>• Target for people with disabilities: N/A.</li> </ul>
<b>Spatial Transformation (where applicable)</b>	N/A
<b>Reporting cycle</b>	Reporting cycle compliant to relevant report.
<b>Desired performance</b>	100% compliance.
<b>Indicator responsibility</b>	All Executives
<b>Indicator Title</b>	Annual Audit Coverage Plan executed/delivered
<b>Definition</b>	Audit Coverage Plan (ACP).
<b>Source of data</b>	Legal Aid SA's files and records in business units or from IT system, eLAA, SAP or SYSPRO systems.
<b>Method of calculation/ assessment</b>	Delivery against ACP compiled manually with audit reports as proof of delivery; Combined Assurance Report.
<b>Assumptions</b>	Accurate information recorded and provided.
<b>Disaggregation of Beneficiaries (where applicable)</b>	<ul style="list-style-type: none"> <li>• Target for women: N/A.</li> <li>• Target for youth: N/A.</li> <li>• Target for people with disabilities: N/A.</li> </ul>
<b>Spatial Transformation (where applicable)</b>	N/A
<b>Reporting cycle</b>	Quarterly auditing report on work done.
<b>Desired performance</b>	≥95% of Audit Coverage Plan delivered.
<b>Indicator responsibility</b>	IAE
<b>Indicator Title</b>	Properly constituted Board and Board Committees skilled to function effectively
<b>Definition</b>	Board of Legal Aid SA.

<b>Source of data</b>	Attendance registers and decisions made by the Board.
<b>Method of calculation/assessment</b>	Minutes of the Board meetings; attendance registers; Board Succession Plan; Board Evaluation Report.
<b>Assumptions</b>	Consistent quorate Board meetings and accurate Board records.
<b>Disaggregation of Beneficiaries (where applicable)</b>	<ul style="list-style-type: none"> <li>• Target for women: N/A.</li> <li>• Target for youth: N/A.</li> <li>• Target for people with disabilities: N/A.</li> </ul> Board composition: 14 members of which 4 are women.
<b>Spatial Transformation (where applicable)</b>	N/A
<b>Reporting cycle</b>	Quarterly meetings.
<b>Desired performance</b>	Board Charters and Board Committee Charters; Board properly constituted at all times, appointments and re-appointments made timeously.
<b>Indicator responsibility</b>	Board of Directors; BS
<b>Internal Business Processes</b>	
<b>Indicator Title</b>	Legal Aid South Africa Act No. 39 of 2014 reviewed once every two years or as and when required
<b>Definition</b>	The Legal Aid SA Act sets the governance framework for the functioning of Legal Aid SA.
<b>Source of data</b>	Legislation and Board meeting minutes.
<b>Method of calculation/assessment</b>	Verification of promulgation and implementation by the Board.
<b>Assumptions</b>	Legislation requires amendment, accurate Board records and Executive Authority/Parliament in agreement with proposed amendments.
<b>Disaggregation of Beneficiaries (where applicable)</b>	<ul style="list-style-type: none"> <li>• Target for women: N/A.</li> <li>• Target for youth: N/A.</li> <li>• Target for people with disabilities: N/A.</li> </ul>
<b>Spatial Transformation (where applicable)</b>	N/A
<b>Reporting cycle</b>	Quarterly
<b>Desired performance</b>	All Board meetings held and quorate; Legal Aid SA founding legislation kept up to date to meet business needs.
<b>Indicator responsibility</b>	CLE, BS
<b>Indicator Title</b>	Legal Aid Regulations (Policy) reviewed at least once every two years or as and when required

<b>Definition</b>	The Legal Aid Regulations set out the policy relating to qualification criteria for legal aid and the types of matters in which legal aid is available.
<b>Source of data</b>	Government Gazette.
<b>Method of calculation/ assessment</b>	Verification of promulgation of the Regulations in the Government Gazette.
<b>Assumptions</b>	Regulations require amendment and Executive Authority/Parliament in agreement with the proposed amendments.
<b>Disaggregation of Beneficiaries (where applicable)</b>	<ul style="list-style-type: none"> <li>• Target for women: N/A.</li> <li>• Target for youth: N/A.</li> <li>• Target for people with disabilities: N/A.</li> </ul>
<b>Spatial Transformation (where applicable)</b>	N/A
<b>Reporting cycle</b>	Quarterly
<b>Desired performance</b>	The Legal Aid Regulations reviewed and updated as required to meet business needs.
<b>Indicator responsibility</b>	CLE
<b>Indicator Title</b>	Legal Aid Manual (Procedures) reviewed annually or as and when required
<b>Definition</b>	The Legal Aid Manual sets out the procedures and systems for the administration of legal aid.
<b>Source of data</b>	Government Gazette.
<b>Method of calculation/ assessment</b>	Verification of promulgation of the updated Manual in the Government Gazette.
<b>Assumptions</b>	Manual requires amendment and Executive Authority in agreement with proposed amendments.
<b>Disaggregation of Beneficiaries (where applicable)</b>	<ul style="list-style-type: none"> <li>• Target for women: N/A.</li> <li>• Target for youth: N/A.</li> <li>• Target for people with disabilities: N/A.</li> </ul>
<b>Spatial Transformation (where applicable)</b>	N/A
<b>Reporting cycle</b>	Quarterly
<b>Desired performance</b>	The Legal Aid Manual reviewed and updated as required.
<b>Indicator responsibility</b>	CLE
<b>Indicator Title</b>	Compliance with PPPFA, PFMA and relevant NT Regulations when acquiring goods and services

<b>Definition</b>	Implement Supply Chain Management Policy and ensure 100% compliance with relevant SCM prescripts.
<b>Source of data</b>	Expenditure reports, BAC minutes, deviation reports.
<b>Method of calculation/ assessment</b>	Measured against the number of SCM-relevant regulations.
<b>Assumptions</b>	Accurate reports and BAC meeting minutes.
<b>Disaggregation of Beneficiaries (where applicable)</b>	<ul style="list-style-type: none"> <li>• Target for women: dependent on PPPFA and B-BBEE.</li> <li>• Target for youth: dependent on B-BBEE rating.</li> <li>• Target for people with disabilities: B-BBEE rating.</li> </ul>
<b>Spatial Transformation (where applicable)</b>	Fostering localised procurement of goods and services which promotes resilient supply chain management for the economic and social development of local communities in the proximity of our Local Offices.
<b>Reporting cycle</b>	Quarterly
<b>Desired performance</b>	100% compliance with PPPFA, PFMA and relevant NT Regulations when acquiring goods and services.
<b>Indicator responsibility</b>	CFO
<b>Employee and Organisational Capacity and Innovation and Learning</b>	
<b>Indicator Title</b>	Staffing plans
<b>Definition</b>	Staff plans and workforce plans.
<b>Source of data</b>	Recruitment records and staffing plans collected monthly on SAP.
<b>Method of calculation/ assessment</b>	Work demand levels for legal practitioners given recruited staff per skill area; ratio allocations of workload per practitioner; ratio of support staff to legal personnel; managerial posts per size of LO; department organisational structure within defined scope of responsibility.
<b>Assumptions</b>	Accurate information from SAP system.
<b>Disaggregation of Beneficiaries (where applicable)</b>	<ul style="list-style-type: none"> <li>• Target for women: 45.2%.</li> <li>• Target for youth: 12% (85% of CAs under the age of 35).</li> <li>• Target for people with disabilities: 2%.</li> </ul>
<b>Spatial Transformation (where applicable)</b>	Staff plans aligned to EE targets across the national footprint.
<b>Reporting cycle</b>	Quarterly reporting on staff recruitment level.
<b>Desired performance</b>	≥95% staff recruitment level.
<b>Indicator responsibility</b>	NOE, CLE, COO
<b>Indicator Title</b>	Submission of the Annual Training Plan and Annual Training Report in compliance with the Skills Development Act

<b>Definition</b>	Skills plan.
<b>Source of data</b>	Individual development plans for employees.
<b>Method of calculation/ assessment</b>	Staff records on academic qualifications, training and development.
<b>Assumptions</b>	Individual development plans in place.
<b>Disaggregation of Beneficiaries (where applicable)</b>	<ul style="list-style-type: none"> <li>• Target for women: 45.2%.</li> <li>• Target for youth: 12% (85% of CAs under the age of 35).</li> <li>• Target for people with disabilities: 2%.</li> </ul>
<b>Spatial Transformation (where applicable)</b>	Annual Training Reports produce dispersed number of staff per business unit and Local Office along the targets of the Annual Training Plan.
<b>Reporting cycle</b>	Quarterly and annually.
<b>Desired performance</b>	As per Annual Training Plan.
<b>Indicator responsibility</b>	COO, NOE, HRE
<b>Indicator Title</b>	Employment Equity targets defined as per Employment Equity Plan
<b>Definition</b>	EE Plan.
<b>Source of data</b>	Staff recruitment statistics.
<b>Method of calculation/ assessment</b>	SAP records.
<b>Assumptions</b>	Accurate statistics.
<b>Disaggregation of Beneficiaries (where applicable)</b>	<ul style="list-style-type: none"> <li>• Target for women: 45.2%.</li> <li>• Target for youth: 12% (85% of CAs under the age of 35).</li> <li>• Target for people with disabilities: 2%.</li> </ul>
<b>Spatial Transformation (where applicable)</b>	Fostering a balance in reaching EE targets per business unit and Local Office.
<b>Reporting cycle</b>	Quarterly and annual EE statistics.
<b>Desired performance</b>	As per EE Plan.
<b>Indicator responsibility</b>	COO, HRE
<b>Indicator Title</b>	Stable and reliable Wide Area Network (WAN) and Virtual Private Network (VPN)
<b>Definition</b>	IT WAN maintenance.
<b>Source of data</b>	IT self-monitoring systems.

<b>Method of calculation/ assessment</b>	Data/information on system performance extracted from IT system.
<b>Assumptions</b>	IT self-monitoring systems operational.
<b>Disaggregation of Beneficiaries (where applicable)</b>	<ul style="list-style-type: none"> <li>• Target for women: N/A.</li> <li>• Target for youth: N/A.</li> <li>• Target for people with disabilities: N/A.</li> </ul>
<b>Spatial Transformation (where applicable)</b>	Wide Area Network (WAN) and Virtual Private Network (VPN) allows efficiency of coordinating business activities across the dispersed locations of Legal Aid SA's offices.
<b>Reporting cycle</b>	Quarterly MIS reports.
<b>Desired performance</b>	VPN connected and availability ≥95%.
<b>Indicator responsibility</b>	COO, ISE
<b>Indicator Title</b>	Stable hardware platform
<b>Definition</b>	IT hardware maintenance.
<b>Source of data</b>	IT self-monitoring systems.
<b>Method of calculation/ assessment</b>	Data/information on system performance extracted from IT system.
<b>Assumptions</b>	IT self-monitoring systems operational.
<b>Disaggregation of Beneficiaries (where applicable)</b>	<ul style="list-style-type: none"> <li>• Target for women: N/A.</li> <li>• Target for youth: N/A.</li> <li>• Target for people with disabilities: N/A.</li> </ul>
<b>Spatial Transformation (where applicable)</b>	N/A
<b>Reporting cycle</b>	Quarterly MIS reports.
<b>Desired performance</b>	≥99% availability of hardware.
<b>Indicator responsibility</b>	COO, ISE
<b>Indicator Title</b>	IT software and applications maintained and upgraded
<b>Definition</b>	IT platform maintenance.
<b>Source of data</b>	IT self-monitoring systems.
<b>Method of calculation/ assessment</b>	Data/information on system performance extracted from IT system.
<b>Assumptions</b>	IT self-monitoring systems operational.

<b>Disaggregation of Beneficiaries (where applicable)</b>	<ul style="list-style-type: none"> <li>• Target for women: N/A.</li> <li>• Target for youth: N/A.</li> <li>• Target for people with disabilities: N/A.</li> </ul>
<b>Spatial Transformation (where applicable)</b>	Employ software capable of the use of cloud service technology to enable safe storage and processing of spatial data, and to analyse business data sets from any area of our business locations.
<b>Reporting cycle</b>	Quarterly MIS reports.
<b>Desired performance</b>	≥95% availability of network and ≥99% availability of software and hardware.
<b>Indicator responsibility</b>	COO, ISE
<b>Indicator Title</b>	Organisational cyber security operational metrics developed and maintained
<b>Definition</b>	The Legal Aid SA Cyber Security Governance Framework sets out the procedures and systems for the development and maintenance of cyber security operational metrics.
<b>Source of data</b>	Multiple data sources from business activities, including physical security, access to classified assets, supplier service delivery management and configuration capacity of key IT infrastructure.
<b>Method of calculation/ assessment</b>	Organisational data collected and benchmarked against best practise to arrive at a metric value that matches Legal Aid SA's risk appetite.
<b>Assumptions</b>	Cyber security metrics based on the Key Risk Indicators which are reviewed periodically, and identified risks mitigated timeously.
<b>Disaggregation of Beneficiaries (where applicable)</b>	<ul style="list-style-type: none"> <li>• Target for women: N/A.</li> <li>• Target for youth: N/A.</li> <li>• Target for people with disabilities: N/A.</li> </ul>
<b>Spatial Transformation (where applicable)</b>	Appropriate business activity related to cyber security measures at National Office, Provincial and Local Offices across the national footprint are accounted for in the cyber security reports.
<b>Reporting cycle</b>	Quarterly MIS reports.
<b>Desired performance</b>	≥90% of the cyber security control measures are effective in detecting and protecting Legal Aid SA's cyber security environment.
<b>Indicator responsibility</b>	COO, ISE

## Annexure: District Development Model

Areas of Intervention	Medium Term (3 years – MTEF)				
	Project description	District Municipality	Location: GPS coordinates	Project leader	Social partners
Legal Services and Access to Justice	<p>Provision of criminal, civil and land legal representation and legal advice services.</p> <p>Legal aid services are provided in accordance with the Legal Aid South Africa Act No. 39 of 2014, the Legal Aid Regulations (policy regarding the administration of legal aid) and Manual (procedures on the administration of legal aid).</p>	Municipalities that LOs/SOs are located in.	64 LOs 64 SOs	NOE/ CLE/ LE: LRM	Justice Crime Prevention and Security Cluster Stakeholders; NGOs; CBOs; Private Practitioners (Judicare); Legal Profession



**ANNEXURE:**

**LEGAL AID SA**

**STRATEGIC  
PLAN 2020-2025**

**REVIEW 2024-2025**

**LEGAL AID SA**  
**STRATEGIC PLAN**  
**(incorporating Sustainability)**  
**2020-2025**  
**Review 2024-2025**



Submitted as an Annexure to the Legal Aid South Africa Annual Performance Plan 2024-2025

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## Foreword

The Legal Aid SA Strategic Plan (SP) 2020-2025 has been prepared by the Board (Accounting Authority) and Management of Legal Aid South Africa (Legal Aid SA) taking into account the external and internal environment within which the organisation operates, the performance of the organisation as at 2019/2020, the applicable statutory mandates, the relevant sections of the National Development Plan (NDP) 2030, the Medium Term Strategic Framework (MTSF 2019-2024) priorities as well as the strategic risks identified.

The relevant priorities in the NDP that have been included in this Strategic Plan 2020-2025 include those from Chapter 12, focusing on “Building safer communities” which spell out priorities to focus on to achieve a crime-free South Africa. There is alignment between the NDP and the Seven-point Plan resulting from the Criminal Justice System (CJS) Review. It is recommended that all departments in the Justice Crime Prevention and Security (JCPS) Cluster align their Strategic Plans with the Seven-point Plan. Cabinet also approved an Integrated Criminal Justice Strategy and Framework (ICJS) in 2017 as a mechanism to build on the Seven-point Plan and to ensure that a transformed, efficient, effective, victim-friendly, modernised and integrated CJS is achieved, leading to improved service delivery, improved quality of life and safety for all through interventions in an integrated approach across the CJS value chain. The implementation of the ICJS, inclusive of the CJS Seven-point Plan has been included in the SP.

Further sections of the NDP which are relevant to the delivery of legal aid have also been included in the SP. The applicability of Sustainable Development Goal 16 has been taken into account.

The economic challenges faced by the country as a result of low economic growth means that government is operating within serious financial constraints and this has impacted on Legal Aid SA. Financial sustainability has been impacted by i) the non-availability of new funding; ii) budget shortfall from the grant allocation (arising from the difference between the National Treasury (NT) macro increase and the Public Service Co-ordinating Bargaining Council (PSCBC) wage settlement and the PPI payments each year) and iii) budget cuts. The NT issued policy considerations and Guidelines for the Medium-Term Expenditure Framework (MTEF) of 2020/21 to 2022/23 stating the critical importance for any institution to balance its budget for the MTEF period starting in the 2020/21 Financial Year (FY) and the possibility of continued budget cuts over the next period. Legal Aid SA had two budget cuts in the 2020-2021 financial year, totalling R127 million. The organisation’s budget has been reduced by 15% over the MTEF period of 2021/22 to 2023/24 and the entity is expected to reduce compensation to employees by R122 million during 2023-2024. The 2024 MTEF indicates budget reductions amounting to R718 million over the 2024/25-2026/27 MTEF period.

An additional R156 million has been allocated for legal representation in land matters which will be used to fund the contingent liability arising from the transfer of land matters from the Department of Agriculture, Land Reform and Rural Development's Land Rights Management Facility.

The 2021 MTEF Guidelines specified that there are no additional resources available as a result of the deteriorating macro-fiscal outlook and the aim of the 2021 MTEF Budget is fiscal consolidation for the purpose of stabilising public debt. The MTEF 2021/22 to 2023/24 preliminary allocation letter received on 8 December 2020 indicated that there will be budget baseline reductions totalling R534 million over the MTEF period. Legal Aid SA is expected to reduce compensation to employees by R225,768,000 and goods and services expenditure by R308,902,000, over the MTEF period. The implementation of these baseline reductions will negatively impact on Legal Aid South Africa's ability to meet its constitutional mandate as there will be staff retrenchments and a consequent reduction in the delivery of legal aid services and coverage of courts. The 2022 MTEF Guidelines specify that there are no additional resources available as the macro economic environment remains constrained and fiscal consolidation will remain for the first two years of the MTEF 2022/23 and 2023/24. Whilst there have been efforts to reduce spending by reducing baselines across the board it is acknowledged that if this continued there could be a negative impact on service delivery. Government will use spending reviews and Zero-Based Budgeting as critical tools to enable government to make better decisions about resource allocation.<sup>1</sup> The 2022 MTEF Allocations letter dated 29 November 2021 confirmed a preliminary allocation for 2022/23 of R2,094,147,000 which includes R11,165,000 for the appointment of Specialised Commercial Crimes Court practitioners. The 2023 MTEF Allocations letter dated 23 November 2022 confirmed a preliminary allocation for 2023/24 of R2,189,449 including R76,625,000 for 2023/24 for the function shift (Transfer of function from Vote 29: Department of Agriculture, Land Reform and Rural Development). Amounts of R76.6 million in 2023/24, R80.1 million in 2024/25 and R83.7 million in 2025/26 have included in the MTEF allocation to accommodate the migration of the Land Rights Management Facility legal representation functions from Vote 29: Agriculture, Land Reform and Rural Development to Legal Aid South Africa. The 2024 MTEF Guidelines provide the principles to be taken into consideration for the preparation of the budget. These include i) no additional resources will be added onto the expenditure ceiling tabled in the 2023 Budget; ii) downward adjustments will be implemented on existing baselines to accommodate the funding shortfall. Any spending pressures must first be funded from current baselines and programmes that have not delivered their expected outcomes.; iii) departments are required to identify substantial savings within the baselines tabled in the 2023 Budget; iv) budget submissions must reflect the changes to baselines accordingly; v) funding pressure to a programme will need to be funded through reductions in another programme or through reprioritisation;

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<sup>1</sup> Medium Term Expenditure Framework Technical Guidelines 2022

vi) salary adjustments must be guided by the public service wage bill management strategy and institutions should consider the implications of their remuneration adjustments on future budgets.<sup>2</sup> The 2024 MTEF Allocations letter indicates budget reductions for Legal Aid SA of R229 million in 2024/25, R239 million in 2025/26 and R250 million in 2026/27, which amounts to a total of R718 million. Amounts of R50 million in 2024/25, R52 million in 2025/26 and R54 million in 2026/27 will be shifted from the Department of Agriculture, Land Reform and Rural Development to Legal Aid South Africa for legal representation in land rights matters.

This Strategic Plan is developed for this context of financial constraints including budget cuts which will impact the service delivery offering to clients as well as the Employee Value Proposition (EVP) which mediates the engagement and relationship between the employer and employees.

Other major environmental factors impacting the next period are the advances in technology and what is now termed the Fourth Industrial Revolution (4IR). All of these financial, technological and political changes will require an organisation that is agile and able to adapt to changing contexts while delivering the core mandate of the organisation which is the delivery of legal aid services to indigent and vulnerable persons in South Africa.

The Legal Aid SA Strategic Plan 2020-2025 has been prepared in compliance with the Revised Framework for Strategic Plans and Annual Performance Plans issued by the Department of Planning, Monitoring and Evaluation. This is as per National Treasury Instruction No. 10 of 2020/2021, effective from 15 August 2020.

On 15 March 2020, the President of the Republic of South Africa declared the COVID-19 pandemic a national disaster in terms of section 27(1) of the Disaster Management Act (DMA), 2002 (Act No. 57 of 2002). This then resulted in a countrywide lockdown except for essential services, with effect from 27 March 2020. The Legal Aid SA offices closed on 27 March 2020 and subsequently re-opened on 6 May 2020. A number of Regulations and Directives issued by government departments relating to COVID-19 impacted on Legal Aid SA operations, which were then adapted accordingly to minimise the spread of the virus and protect staff and clients. A COVID-19 Steering Committee comprising of management and representatives of the two recognised labour unions was set up in March to co-ordinate the Legal Aid SA response strategy to the pandemic. Risks affecting Legal Aid SA related to COVID-19 and the response or measures thereto to prevent and combat the spread of COVID-19 were identified and managed. The financial impact on the approved budget for the 2019/20 and 2020/21 budget was analysed. An estimation of expenditure for 2020/21 was quantified as well as the source of financing thereof.

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<sup>2</sup> 2024 Medium Term Expenditure Framework Technical Guidelines

Expenditure was funded from savings raised from the budget.

Legal Aid SA managed its response to the COVID-19 pandemic with the COVID-19 Steering Committee holding weekly meetings to mitigate risks posed by the pandemic, recommend work-related operational requirements and respond to concerns raised by staff.

Given the tabling of the Land Court Bill in Parliament in May 2021 and the role of Legal Aid SA in providing legal representation to litigants in land related matters, the entity worked with the Task Team on the transfer of the Land Rights Management Facility (including the Department of Justice and Constitutional Development, Department of Agriculture Land Reform and Rural Development and the Commission on Restitution of Land Rights) and took over this function from 01 January 2022, establishing the Land Rights Management Unit.

Other issues that have impacted on Legal Aid SA during the Strategic Plan period include the loss of the Bulwer Satellite Office which was burnt down in July 2021 during the unrest in KwaZulu-Natal and the procurement of office accommodation which poses various challenges including contributing significantly to the irregular expenditure incurred. Business disruptions and crises are anticipated, mitigated and monitored by the Crisis Management Steering Committee. These include challenges associated with loadshedding and related electricity disruptions, water disruptions, service delivery protests, health and safety disruptions and outbreak of other diseases.

The total reduction in budget allocation since 2015/16 is R449 million. Given that 80% of the budget is spent on employee costs and legal practitioners make up 76% of the total staff complement, service delivery has been negatively impacted. The total cut over the MTEF 2021/22 – 2023/24 period is R534,670 million (compensation to employees R225,768,000; goods and services R308,902,000). The continued budget cuts are not sustainable and will affect the ability of the organisation to fulfil its constitutional mandate, given that there will be a reduction in court coverage and delivery of legal aid services to indigent and vulnerable persons. This means that Legal Aid SA will execute our mandate under severe financial pressure and must continue its prudent financial management.

Government currently faces fiscal challenges which stem mainly from exceptionally large year-to-date decline in government tax revenue collections and worsened by the wage agreement for the public service which was not accommodated in the Budget Review 2023. On 31 August 2023, National Treasury issued a letter which summarises key elements of the fiscal challenges faced by government in the 2023-2024 financial year. Accounting Officers and Accounting Authorities were advised on specific measures required to achieve savings and prevent resource constraints from materialising in the latter part of the 2023-2024 financial year.

## **Executive Authority Statement**

It is my pleasure to present this Legal Aid South Africa five-year Strategic Plan 2020-2025 prepared by the Board and Management. Legal Aid SA is an autonomous statutory body created to deliver legal aid in South Africa. Given the social and economic inequalities as a result of our sordid history, the intervention by the State through Legal Aid SA is imperative.

Legal Aid SA is a testament of our democratic era's commitment to access to justice for all. Our system of legal aid underpinned by our constitutional values has proved itself to be amongst the best in the world.

No doubt the current economic challenges as well as COVID-19 faced by both South Africa and the global community will have an impact on some of the strategic objectives Legal Aid SA has set out. These challenges, though not insurmountable, will fundamentally transform the landscape of our legal system and the manner in which Legal Aid SA conducts its business.

The Strategic Plan will guide the Legal Aid SA mandate to assist millions of indigent South Africans to access justice regardless of their socio-economic status. This Strategic Plan has also factored in the new responsibility that arises as a result of the government's policy direction on land justice. This inevitably increases the scope of work for Legal Aid SA. The Land Court Bill, once approved by Parliament into an Act, will transform the current Land Claims Court dispensation and result in significant changes in the resolution of land disputes. The Land Court Bill seeks to extend legal aid representation to a party involved in matters concerning land reform at State expense if such party cannot afford legal representation. Legal Aid SA will therefore be resourced to provide critical support to enable access to justice in land matters.

Consequently, Legal Aid SA took over the legal representation function (and related budget) currently undertaken by the Land Rights Management Facility of the Department of Agriculture, Land Reform and Rural Development from 01 January 2022. This development fundamentally places Legal Aid SA at the centre of efforts towards land justice in South Africa.

I am very proud of Legal Aid SA's successes. It has evolved into a high performing organisation, which has delivered more than 90% of its Business Plans annually, received 22 consecutive unqualified audits since 2002/03 and has been accredited as a Top Employer for the past 14 years, and Leader of the Public Sector category for six years.

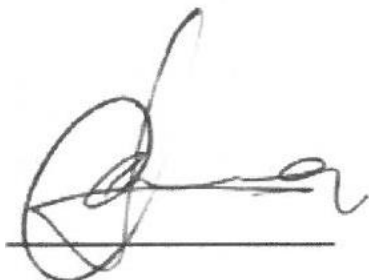
Legal Aid SA continues to champion the rights of all persons to access justice through the provision of independent, accessible and quality legal aid services in criminal and civil matters. Between financial years 2020/21 and 2022/23 Legal Aid SA assisted over 1 million new matters of which 87% are criminal matters and 13% are civil matters.



The provision of legal advice, in order to empower communities on their legal rights and responsibilities, benefitted more than 400,000 people annually via its national footprint of 64 Local and 64 Satellite Offices; the Legal Aid Toll-free Advice Line and consultations with remand detainees.

Notwithstanding the challenges associated with budget cuts and shortfalls, Legal Aid SA has sustained its service efforts of advancing constitutionalism and the rule of law within the Integrated Criminal Justice System. The organisation is part of dedicated forums that promote dialogue and representations on access to justice through collaborations and partnerships to advance the legal interests of vulnerable groups in societies.

It is with great pleasure that I present the Legal Aid SA Strategic Plan (SP) 2020-2025 Review 2024-2025 which is the final year of the strategic plan period. The outcomes in this Strategic Plan are congruent with government's priorities. During the 2022-2023 financial year, Legal Aid SA submitted the 2020-2025 Strategic Plan Mid-Term Progress Report reflecting performance during the first two and a half years of the planning cycle and I am pleased to report that despite having to contend with a global pandemic for the first two years of the Strategic Plan 2020-2025 period the entity ensured access to justice by assisting indigent and vulnerable people with legal representation and legal advice, thereby fulfilling its constitutional and legislative mandate.

A handwritten signature in black ink, appearing to read 'Ronald Lamola', written over a horizontal line.

**Mr Ronald Lamola, (MP)**

**Minister of Justice and Correctional Services**

## Accounting Authority Statement

During the first three years (FY 2020/21, 2021/22, 2022/23) of the current Strategic Plan 2020-2025, the Board, has been effective in upholding its responsibilities and continued to provide leadership and guidance in its oversight of the performance of Legal Aid SA. Presentations made annually to the Portfolio Committee on Justice and Correctional Services resulted in commendation for the organisation's excellent performance. In order to assist so many indigent and vulnerable people to access justice and protect their human rights, Legal Aid SA has had strong and efficient financial management, governance and human resources systems in place.

As the Accounting Authority, the role of the Board is to provide strategic direction and ensure fulfilment of Legal Aid SA's mandate. In so doing the Board approves a Strategic Plan (SP) which sets out the vision, mission and strategic objectives of the organisation. The vision for the 2020-2025 period is *"A dynamic South Africa in which constitutional rights are realised to ensure a just society for all"* and the mission is *"To remain a leader in the provision of equal access to justice to indigent and vulnerable persons by rendering quality legal services."*

The Board of Legal Aid SA adopted a stakeholder-inclusive approach in the development of this SP 2020-2025. We discussed and approved the methodology for the Legal Aid SA SP 2020-2025 and were involved in the development of the SP through workshops with Management and participation in stakeholder forums. The Legal Aid SA SP 2020-2025 has been crafted taking into account the government priorities as stated in the NDP 2030 and the MTSF 2019-2024, the mandate of the organisation and the available resources. In addition, Legal Aid SA has participated in the Land Court Bill legislative process and through the newly formed Land Rights Management Unit ensures implementation of its extended mandate to enable indigent litigants access to legal representation in land-related matters. I am proud to see our organisation at the centre of land justice efforts in South Africa, which is a further acknowledgement of our high performance and consistent delivery of our constitutional mandate.

The Board monitors the implementation of the SP and reports on this through Quarterly Performance Reports and Annual Reports, in compliance with statutory requirements. During the 2022-2023 the Board approved the 2020-2025 Strategic Plan Mid-Term Progress Report and this was submitted to the Executive Authority. Despite having to contend with a global pandemic for this first two years of the Strategic Plan 2020-2025 period, Legal Aid SA ensured access to justice by assisting indigent and vulnerable people with legal representation and legal advice. Whilst the number of people assisted was negatively impacted in the first year (FY 2020-2021), there has been a subsequent increase in the number of people assisted as the organisation was successful in adapting its practices and resources necessitated by the COVID-19 pandemic.

Committed Legal Aid SA citizens, through their dedication to rendering quality legal services and ensuring that constitutional rights are realised, ensured that the SP 2020-2025 was rolled out to fulfil our goal of ensuring equal access to justice for all to build a just society.

The Board is appreciative of the continued support received from the Minister of Justice and Correctional Services, Mr Ronald Lamola, as well as the Deputy Minister of Justice and Constitutional Development, Mr John Jeffery, during the first four years of the Strategic Plan 2020-2025 and throughout the pandemic.

As we enter the final year of this five-year Strategic Plan, the Board will continue to exercise its oversight role to ensure that Legal Aid SA maintains high levels of service excellence in delivering on its mandate, enabling access to justice to uphold the rights enshrined in our Constitution, as well as ensure the sustainability of the organisation.



**Judge Motsamai Makume**

**Board (Accounting Authority) Chairperson**

## Accounting Officer Statement

Legal Aid South Africa is a Schedule 3A National Public Entity. The mandate and objects of Legal Aid SA are succinctly described and detailed in the preamble to the Legal Aid SA Act (39 of 2014), in the following terms:

*“To ensure access to justice and the realisation of the right of a person to have legal representation as envisaged in the Constitution and to render or make legal aid and legal advice available; for that purpose, to establish an entity called Legal Aid South Africa with a Board of Directors and to define its objects, powers, functions, duties and composition; to provide for the independence and impartiality of Legal Aid South Africa; ...”*

The Strategic Plan (SP) sets the direction for the organisation, our policy priorities, impact statement, objectives and outcomes for a five-year period, as approved by the Board and the Executive Authority, within the scope of available resources. The implementation of the SP is aimed at fulfilling the constitutional mandate to deliver quality legal aid and legal advice services to indigent and vulnerable persons as well as building a sustainable organisation.

During the previous strategic planning period, 2015-2020, the overall focus was on increasing organisational maturity, sustaining high performance and excellence in all segments of the organisation and positively touching the lives of many more South Africans to ensure the outcome of quality justice for all.

Guided by our vision, mission and values, Legal Aid SA succeeded in delivering on its constitutional mandate in the period 2020- 2022. We have successfully increased the maturity level of each segment of the organisation and measured our performance against this.

In financial year 2020-2021, the first year of implementation of the Strategic Plan 2020-2025, the COVID-19 pandemic had an adverse effect on legal service delivery and court coverage, intake of new matters and finalisation of matters was lower than initially planned. In 2021-2022, the second year of implementation of the Strategic Plan 2020-2025, Legal Aid SA managed to increase the number of indigent and vulnerable people assisted with legal representation and advice compared the first year of implementation. The 2022-2023 financial year saw the return of so-called normal operations after the pandemic. A total of 1,441,812 persons were provided with legal representation and advice in the first three years of the Strategic Plan 2020-2025. The first full year of operations of the Land Rights Management Unit in 2022-2023 saw the organisation dealing with 326 new land matters. A total number of 44 new Impact Litigation matters were approved during the period, with the outcome of these matters having had a positive impact beyond just for those people involved in the litigation, as the cases litigated focus on the protection of constitutional rights. The organisation met more than 90% of the set targets in the Business Plans in 2020-2022, 84% in 2021-2022 and 97% in 2022-2023.

The national footprint has remained unchanged at 64 Legal Aid SA Local Offices and 64 Satellite Offices, supported by six Provincial Offices as well as the National Office. Limited staff resources were supplemented by the use of a mixed model delivery system, which entails entering into strategic partnerships with practitioners in private practice through our Judicare and Agency Agreement model, as well as with legal sector NGOs and University Law Clinics through Co-operation Agreements.

Despite unfavourable economic circumstances and having to manage budget cuts and shortfalls, the organisation followed good governance by utilising 98% of its allocated budget of R2,411 billion in the 2022-2023 FY and received its 22<sup>nd</sup> unqualified audit and 15<sup>th</sup> clean audit.

In the 2022-2023 financial year Legal Aid SA was named a Top Employer in South Africa for the 14<sup>th</sup> year, as well as Industry Leader in the Public Sector for the sixth year. Recruitment levels were over 90% and the percentage of legal staff including paralegals averaged 76%. The staff turnover rate (excluding contract staff) has remained at less than 6%.

Legal Aid SA's new IT legal administration application, electronic Legal Aid Administration 2016 (eLAA) went live in October 2019. The system has been continuously enhanced and upgraded to meet business needs.

The focus during this strategic planning period is on ensuring equal access to justice for all to build a just society. This will be done through achieving long-term organisational development, improving maturity levels and outcomes, and delivering sustainable high performance.

This will include improving the alignment of demand to supply of criminal legal aid services and implementing alternative delivery models for improved efficiency. In civil legal aid, greater focus will be given to constitutional priorities such as land and social issues and improving the sustainability of the civil legal aid offering to clients.

Particular focus has been given to land-related matters post the transfer of the legal representation component of the Land Rights Management Facility (LRMF) from the Department of Agriculture, Land Reform and Rural Development (DALRRD) to Legal Aid SA, effected on 01 January 2022. The Legal Aid SA Land Rights Management Unit (LRMU) received 740 files with a contingent liability of R144,686,671 from the DALRRD. Funding over the four-year period 2022/23 to 2025/26 has been confirmed by the National Treasury as funding to be transferred to Legal Aid SA. However, the contingent liability relating to fees due to Legal Practitioners for the pending instructions they held as at 1 January 2022, remains unfunded. Legal Aid SA has been allocated an additional amount of R156 million over the 2024/25-2026/27 MTEF period. The funding will be utilised to fund the contingent liability.

To ensure a seamless handover the LRMF Panel of Attorneys were allowed to proceed with the matters provided they were accredited on the Legal Aid SA Judicare System and compliant with National Treasury CSD requirements.

To date 185 Legal Practitioners across the 9 Provinces are accredited on the Judicare System to provide legal representation in land related matters.

Legal Aid South Africa continues building internal legal delivery capacity and infrastructure to handle the land related matters in-house. We have opted for a decentralised service delivery model per Province and Region to localise and improve accessibility of the legal aid services in land matters.

Attention will also be given to the legal empowerment of clients through enhancing client engagement in the conduct of their matters. Legal Aid SA will continue to play a role in improving the efficiency and accessibility of the justice system in order to positively impact on public confidence in the justice system.

A focus on strengthening financial management and maintaining clean audit outcomes as well as implementing best practises and Codes on Governance will contribute to the sustainability of the organisation. The organisation will review the Legal Aid SA Act, Regulations and Manual so that the regulatory framework remains responsive to the context in which we operate.

The organisational culture will be strengthened and the Employment Value Proposition will be repositioned to maintain a values-based, high performance, agile workplace. Legal Aid SA will embrace the Fourth Industrial Revolution in order to optimise the impact of advancements in technology on the business.

The 2024-2025 financial year is the final year of implementation of the Strategic Plan 2020-2025 and Legal Aid SA remains committed to the implementation thereof focusing on the realisation of the mandate in an effective and efficient manner. Given the stagnant economic growth and fiscal constraints experienced by Government it is likely that Legal Aid SA will work under severe financial pressure during the 2024-2025 financial year.

I look forward to the continued support of the Board and Executive Authority as well as staff and stakeholders in this final year of implementation of the Legal Aid SA Strategic Plan 2020-2025 as we work together to protect and defend the rights of indigent and vulnerable persons.



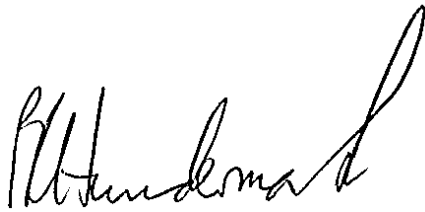
**Ms Mantiti Kola**

**Chief Executive Officer (Accounting Officer): Legal Aid South Africa**

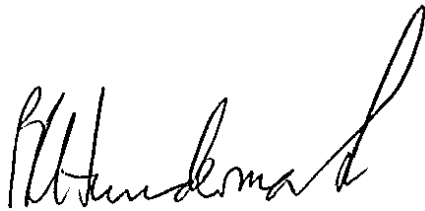
## Official Sign-off

It is hereby certified that this Strategic Plan Review 2024-2025:

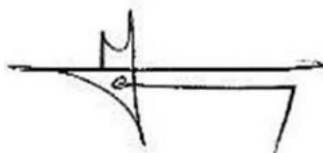
- i. Was developed and compiled by the Office of the CEO together with the Management of Legal Aid South Africa under the guidance of the Board (Accounting Authority).
- ii. Was deliberated on and approved by the Board (Accounting Authority) at the Board Meeting held on 25 November 2023.
- iii. Takes into account all the relevant legislation, policies and other mandates for which Legal Aid SA is responsible.
- iv. Accurately reflects the impact and outcomes that Legal Aid SA will endeavour to achieve over the period 2020-2025, given the resources made available in the MTEF for 2024-2027.



Mr Patrick Hundermark: Acting National Operations Executive



Mr Patrick Hundermark: Chief Legal Executive



Mr Sethopo Mamotheti: Chief Operations Officer



Ms Tintswalo Mofokeng: Chief Financial Officer



Mr Thabiso Mbhense: Legal Executive: Land Rights Management



Ms Mantiti Kola: Chief Executive Officer (Accounting Officer)

Approved by:



Judge Motsamai Makume: Board (Accounting Authority) Chairperson



Mr Ronald Lamola, (MP)

Minister of Justice and Correctional Services

Executive Authority



## List of Abbreviations and Acronyms

<b>4IR</b>	Fourth Industrial Revolution
<b>A-G</b>	Auditor-General
<b>AVR</b>	Audio Visual Remand
<b>BP</b>	Business Plan
<b>CAs</b>	Candidate Attorneys
<b>CAO</b>	Community Advice Office/s
<b>CJS</b>	Criminal Justice System
<b>CPI</b>	Consumer Price Index
<b>DoJ&amp;CD</b>	Department of Justice and Constitutional Development
<b>EVP</b>	Employee Value Proposition
<b>FY</b>	Financial Year
<b>GRAP</b>	Generally Recognised Accounting Practice
<b>ICJS</b>	Integrated Criminal Justice Strategy and Framework
<b>IJS</b>	Integrated Justice System
<b>IT</b>	Information Technology
<b>JCPS Cluster</b>	Justice Crime Prevention and Security Cluster
<b>MTSF</b>	Medium Term Strategic Framework
<b>MTEF</b>	Medium Term Expenditure Framework
<b>NDP</b>	National Development Plan
<b>NGO</b>	Non-Governmental Organisation
<b>NT</b>	National Treasury
<b>PAIA</b>	Promotion of Access to Information Act
<b>PFMA</b>	Public Finance Management Act
<b>PPI</b>	Performance Progression Increase
<b>PSCBC</b>	Public Service Co-ordinating Bargaining Council
<b>SAPS</b>	South African Police Service
<b>SASSETA</b>	Safety and Security Sector Education and Training Authority
<b>SCM</b>	Supply Chain Management
<b>SDG</b>	Sustainable Development Goals
<b>SOE</b>	State-owned Enterprise
<b>SP</b>	Strategic Plan
<b>UN</b>	United Nations

## Executive Summary

This document sets out the Strategic Plan 2020-2025 in accordance with the National Treasury Instruction No. 10 of 2020/2021 regarding the Implementation of the Revised Framework for Strategic Plans and Annual Performance Plans, effective from 15 August 2020. The *Revised Framework for Strategic Plans and Annual Performance Plans and Guidelines for the Implementation of the Revised Framework for Strategic and Annual Performance Plans* has been issued by the Department of Planning, Monitoring and Evaluation.

Strategic planning is one of the most important business tools that sets out the path for development over the medium term and guides business actions during that period. Effective strategic planning along with a process of tracking and measuring achievements against the Strategic Plans has enabled the organisation to attain the level of success that it has over the past 22 years.

In order to develop this Legal Aid SA Strategic Plan 2020-2025, the organisation has considered the external and internal environmental influences that have an impact on the organisation and consulted with stakeholders, both external and internal.

The Legal Aid SA VISION is “*A dynamic South Africa in which constitutional rights are realised to ensure a just society for all.*”

The MISSION is “*To remain a leader in the provision of equal access to justice to indigent and vulnerable persons by rendering quality legal services.*”

The VALUES that Legal Aid SA subscribes to are *i) Passion for Justice; ii) Ubuntu; iii) Integrity; iv) Accountability; v) Service Excellence, and vi) People and Planet Focused.*

During the 2020-2025 strategic planning period, Legal Aid SA will focus on making a strategic shift to *accomplish the following: Long-term organisational development achieved, through improved MATURITY LEVELS and OUTCOMES, delivering SUSTAINABLE HIGH PERFORMANCE, to achieve SDG Target 16.3 to ENSURE EQUAL ACCESS TO JUSTICE FOR ALL to build a JUST SOCIETY.*

The organisation has assessed the **strategic risks** that have to be mitigated during the Strategic Plan period. These are listed below:

- I. Clients deprived of their constitutional right to access to justice and/or to their liberty.
- II. Lack of capacity to deliver on the demand for legal services in Criminal, Civil and Land matters.
- III. Poor quality of legal services provided in Criminal, Civil and Land matters (by Local Offices; Judicare; Co-operation Partners; Agency Agreements).
- IV. Legal Aid SA reputation risk, arising particularly from managing social media risks.
- V. Lack of confidence in the justice system due to its perceived and experienced ineffectiveness in realising justice outcomes.

- VI. Continuing budget cuts and shortfalls impacting on Legal Aid SA's ability to deliver on its mandate.
- VII. Weakening culture of good corporate governance practises resulting in failure to detect system deficiencies and non-compliance.
- VIII. Unethical, corrupt or fraudulent practises or acts.
- IX. Sustainability risk: sustainable high performance and increasing maturity impacted by external factors (budget cuts, focus of State on crime and convictions) and internal factors (leadership, employee engagement, culture).
- X. Increasing trust deficit by employees due to varied perspectives of reality resulting in a growing conceptual gap against Management and negatively impacting on employee engagement.
- XI. Unable to keep pace with the new/emerging technology resulting in poor adoption of the 4IR opportunities that enhance effective business operations.
- XII. Poor data security and protection of information resulting in non-compliance with established regulations and standards of good practise.
- XIII. Poor risk-based approach on cybersecurity leading to exposure and losses of business assets and personal information of employees, clients and key stakeholders.

The **Impact Statement**: Equal access to justice to build a just society.

**Objectives:**

Objective 1: Empowered clients and communities making informed choices about their legal matters, rights and responsibilities.

Objective 2: All indigent and vulnerable members of society have equal access to public-funded legal services to protect and defend their rights.

Objective 3: A fair, efficient and effective justice system that ensures equal access to justice for all.

Objective 4: Delivering on our constitutional and statutory mandate thereby ensuring equal access to justice for all, in an independent, accountable and sustainable manner.

Objective 5: An organisation re-inventing and embedding sustainable and agile practises in every segment to positively impact on society, the economy and the environment.

Objective 6: Sustaining good governance, best practises and maintaining high ethical standards and integrity, high performance and accountability.

Objective 7: Legal Aid South Africa's regulatory framework is responsive to the changing legal, social and economic environment.

Objective 8: An effective, efficient, economic and environmentally responsive supply chain management system supporting client services delivery and internal business processes.

Objective 9: An appropriately resourced national footprint that is adaptable to changing technological and environmental factors to ensure improved access to our clients, communities, stakeholders and employees.

Objective 10: Knowledgeable, informed, self-directed and committed employees competently delivering the organisation's constitutional mandate and strategies in a sustainable manner.

Objective 11: Embracing emerging technologies including the Fourth Industrial Revolution to optimise its impact on business and the provision of client services through a responsive and adaptive IT environment.

The intended institutional **Outcomes**, to realise our mandate, are as follows:

Outcome 1: Quality client-focused legal aid in criminal matters, particularly for indigent and vulnerable persons.

Outcome 2: Quality client-focused legal aid, including to indigent and vulnerable persons, in civil matters with a priority focus on land and other constitutional rights matters.

Outcome 3: Quality client-focused legal advice services.

Outcome 4: Client-focused strategic litigation services in order to give content to constitutional rights, as well as to increase access to justice for indigent and vulnerable persons.

Outcome 5: Contribute to the effective functioning of the justice and legal sector, thereby promoting the rule of law and increasing access to justice.

Outcome 6: Account to the Executive Authority (the Minister of Justice and Correctional Services) and Parliament on delivery of mandate, governance and sustainability.

Outcome 7: Improve financial sustainability and manage the reductions to the budget.

Outcome 8: Maintain and enhance good governance.

Outcome 9: Maintain a regulatory framework that incorporates best practises and is responsive to changes in the overall environment.

Outcome 10: Sustain strong financial management, supply chain and asset management practises informed by best practise.

Outcome 11: Consolidate and review the resourcing of our national footprint to ensure adequate staffing, as well as safe and secure facilities for clients and staff, within available resources.

Outcome 12: Strengthen and continuously improve the quality and expertise for each segment of the national footprint.

Outcome 13: Enhance and maintain an integrated and service and client-oriented and secured Information Technology system with capacity to integrate stakeholders.

## 1. Introduction and Background

Legal Aid South Africa (Legal Aid SA) is a Schedule 3A National Public Entity as provided for by the Public Finance Management Act, 1999 (Act No. 1 of 1999). Legal Aid SA obtains its legislative mandate from the Legal Aid South Africa Act 39 of 2014, which was promulgated on 9 December 2014 and implemented from 1 March 2015. The administration and management of legal aid is detailed in the Legal Aid SA Act (2014), Legal Aid Regulations and the Legal Aid Manual. The Legal Aid Regulations contain the policy regarding the administration of legal aid and the Manual deals with the procedures on the administration of legal aid.

The Legal Aid SA Act (2014) is the founding legislation which establishes Legal Aid SA, the Board and provides for the object, functions and powers of the Board and Legal Aid SA. The entity is governed by a Board, which is the Accounting Authority of Legal Aid SA in terms of the Public Finance Management Act (1999). The powers, functions and duties of the Board are set out in the Legal Aid SA Act (2014). The role of the Board is to provide strategic direction and ensure fulfilment of Legal Aid SA's mandate.

Legal Aid SA is accountable to the Minister of Justice and Correctional Services as its Executive Authority, as well as to Parliament. This accountability relates to overall strategy and policy matters as well as finances. On operational matters and individual legal matters, Legal Aid SA operates autonomously in line with approved policy. This governance framework ensures the independence of the organisation as well as its accountability.

Performance highlights of Legal Aid SA include:

- i. Implementation of a changed delivery model to deliver legal aid services through salaried legal practitioners employed by it.
- ii. Prudent use of funds to operate a national footprint of offices with efficient and effective infrastructure, systems and processes that enables it to deliver its services and reach its clients.
- iii. Assistance to 581,430 persons with legal matters and legal advice during the 2022-2023 FY, successfully delivering on its mandate of ensuring access to justice for the indigent and vulnerable.
- iv. Achieving 22 unqualified audit reports since 2001/02, with 15 of the 22 being clean audit opinions from the Auditor-General South Africa.
- v. Investment in its most important asset, its people, who deliver and support the delivery of legal aid services. It has been accredited as a Top Employer for the past 14 years and has been the Industry Leader in the Public Sector category for six years.

This success can be attributed to the strong governance framework within which the organisation operates, an effective and functioning Governing Board and Audit Committee, compliance with applicable legislation, the Legal Aid SA Act, the PFMA and National Treasury Regulations, application of the relevant principles of the King IV Code on Corporate Governance, compliance with PAIA and an effective and independent Internal Audit Department.

A contributing factor to the success of the organisation is the emphasis placed on effective and inclusive strategic planning and the implementation of the Strategic Plan to ensure the delivery on our constitutional obligations and legislative mandate. Systems, policies and processes are in place to provide direction and ensure consistency of implementation across the national footprint. Management systems have been developed to monitor and track performance and data is used effectively to improve efficiencies and monitor and track performance.

Legal Aid SA is currently in the fourth year of implementation of the Legal Aid SA Strategic Plan 2020-2025. As a public entity we have to comply with the provisions of the PFMA, NT Regulations and the Revised Framework for Strategic Plans and Annual Performance Plans. To inform the Strategic Plan 2020-2025 we began by evaluating our performance against our Strategic Plan for the period 2015-2020. Gaps in our performance will be addressed in the 2020-2025 period.

This SP sets the direction for the organisation, its policy priorities, programmes and project plans for a five-year period, as approved by the Board and the Executive Authority, within the scope of available resources. The SP is underpinned by planning methodology. The planning tools used include SWOT (Strengths, Weaknesses, Opportunities and Threats) and STEEPLED (Social, Technological, Economic, Environmental, Political, Legal, Ethical and Demographic) for the situational analysis and the Balanced Scorecard for the development of the SP. Focus is on the impact, objectives and outcomes for the organisation. Particular focus is placed on the strategic shifts as this sets what major changes we want to achieve over the five-year period while undertaking our core business of delivering legal aid services to clients. Identifying strategic risks allows us to understand the challenges that may affect our ability to achieve the outcomes and objectives in our SP. Mitigating plans to manage these strategic risks assist to lessen the impact of these risks. Formulating outcomes sets out what we intend to achieve in the medium-term. The SP informs the Annual Performance Plan and Annual Operational Plan which focuses on programmes and outputs translating intention into action and implementation. Performance contracts assign responsibilities for programmes and projects to individual employees at all levels in the organisation so that performance on the Strategic Plan, Annual Performance Plan and Annual Operational Plan can be monitored and tracked to ensure we achieve the outcomes and impact. Reporting on performance is done through Quarterly Performance Reports and Annual Reports.

The Strategic Plan identifies strategically important outcomes and objectives against which the public institution's medium-term results can be measured and evaluated by Parliament and the public. Implementation of the Strategic Plan is aimed at fulfilling our constitutional and legislative mandate to deliver quality legal aid and legal advice services to indigent and vulnerable persons as well as building a sustainable organisation.

Legal Aid SA has incorporated its sustainability focus in its strategic planning process for 2020-2025 to develop an Integrated Strategic Plan. The Integrated Strategic Plan considers the societal impact of Legal Aid SA's work and aligns it to the delivery of the NDP and the global Sustainable Development Goals (SDGs).

## **2. Strategic Planning Methodology and Process**

### **2.1. Strategic Plan Methodology**

Legal Aid SA prepared its Strategic Plan 2020-2025 using the following methodology, which was approved by the Board and discussed by the staff:

- i. The Balanced Scorecard strategy framework since it incorporates all segments of a business/organisation. The segments are (a) client and community and stakeholders, (b) finance and sustainability, (c) internal business processes and (d) employee and organisation capacity, of an organisation's business.
- ii. The STEEPLED and SWOT analysis tools to scan the environment within which Legal Aid SA operates as this tracks current and future trends of key sectors within the environment in which the entity operates. The STEEPLED analysis is an analysis of the Social, Technological, Economic, Environmental, Political, Legal, Ethical and Demographic factors in the external environment of an organisation, which can affect its activities and performance.
- iii. Incorporate elements of the Stakeholder Framework that are relevant to Legal Aid SA because this will enhance the entity's commitment to a stakeholder-based approach, which is also part of its sustainability approach. This also aligns to the requirements of integrated reporting which the entity has implemented and to the Legal Aid SA Social and Ethics Programme, within which there is a programme that focuses on client and stakeholder relationships. Legal Aid SA follows the leading practises aligned to the King IV Report on Corporate Governance, which emphasises the critical role of stakeholders in the governance process, particularly stakeholder inclusivity and responsiveness.

- iv. Continue to incorporate the Strategic Shifts approach to its strategic planning which enables a focus of its Strategic Plan to its core business of delivering legal aid services to indigent and vulnerable persons as well as to emerging opportunities or new programmes and projects that are also about the delivery of legal aid services, or the support thereof, while being responsive to changes in the environment. This will contribute to forging the path of the entity going forward to achieve higher levels of success and excellence.

These changes will include, but not be limited to, changes in the technology sector and the potential impact of this on increasing access to justice to clients by reaching more clients, as well as improved efficiencies in its business management, encouraging social entrepreneurship and innovation to bring about the social change of increased access to justice, in addition to other changes arising from the changing legal needs of potential clients and developing capabilities to respond to these needs.

- v. Continue to conceptualise growth and development in terms of the maturity model of a 5-point scale that tracks the development of each segment of the organisation along a maturity path while sustaining performance excellence.
- vi. Include in its Strategic Plan how it intends to utilise its six capitals, namely, financial capital, manufactured capital, intellectual capital, human capital, social and relationship capital and natural capital so as to optimise the potential opportunities of each of the capitals and how it creates value over time as well as report on performance on these in its Integrated Annual Report.
- vii. Integrating sustainability into the Legal Aid SA Strategic Plan 2020-2025 to have a single Strategic Plan that incorporates organisational strategy and its sustainability strategy. All elements of the Strategic Plan have been reviewed with a sustainability lens to ensure that it also addresses the triple impact from a sustainability framework; impact on society/people, financial/profit and environment/planet.



## 2.2. Strategic Plan Process

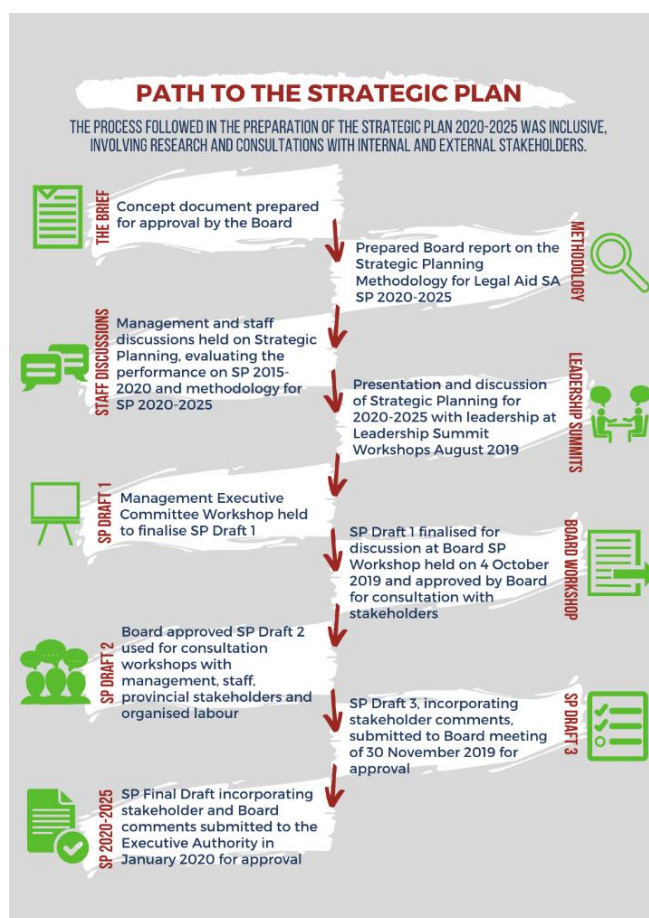


Figure 1: Strategic Plan Process

## 3. PART A: OUR MANDATE

### 3.1. Constitutional Mandate

Legal Aid SA derives its mandate from the Constitution of the Republic of South Africa (Act 108 of 1996).

The Constitution of RSA (Act 108 of 1996)

*Section 35(2) "Everyone who is detained, including every sentenced prisoner, has the right -*

*(a) ...*

*(c) to have a legal practitioner assigned to the detained person by the state and at state expense, if substantial injustice would otherwise result, and to be informed of this right promptly; ..."*

*Section 35(3) “Every accused person has a right to a fair trial, which includes the right -*

*(a) ...*

*(g) to have a legal practitioner assigned to the accused person by the state and at state expense, if substantial injustice would otherwise result, and to be informed of this right promptly; ...*

*(o) of appeal to, or review by, a higher court.”*

*Section 28(1) “Every child has the right,*

*(a) ...*

*(h) to have a legal practitioner assigned to the child by the state, and at state expense, in civil proceedings affecting the child, if substantial injustice would otherwise result; ...”*

*Section 34 “Everyone has the right to have any dispute that can be resolved by the application of law decided in a fair public hearing before a court or, where appropriate, another independent and impartial tribunal or forum.”*

### **3.2. Legislative and Policy Mandates**

The Legal Aid South Africa Act (Act No. 39 of 2014) as read with the Regulations (Policy Provisions) and Legal Aid Manual (Procedural Provisions) as well as other national legislation which gives effect to the rights and obligations enshrined in the Constitution.

#### **3.2.1. Legislative Mandates**

##### Legal Aid South Africa Act 39 of 2014

(Assented on 9 December 2014; Date of Commencement 1 March 2015)

*To ensure access to justice and the realisation of the right of a person to have legal representation as envisaged in the Constitution and to render or make legal aid and legal advice available; for that purpose to establish an entity called Legal Aid South Africa with a Board of Directors and to define its objects, powers, functions, duties and composition; to provide for the independence and impartiality of Legal Aid South Africa; to provide for the appointment of the Board of Directors and qualification for membership thereof; to provide for the appointment of a chairperson and a deputy chairperson; to provide for the term of appointment of a member of the Board of Directors; to provide for the termination of membership of the Board of Directors; to provide for meetings of the Board of Directors, quorum and procedure; to provide for the establishment of committees by the Board of Directors; to provide for the delegation of powers and the assignment of duties or functions of the Board of Directors; to provide for the appointment of a chief executive officer and his or her functions; to provide for the appointment of employees and the designation of certain officials as agents of Legal Aid South Africa and their terms and conditions of employment; to provide for the protection of client privilege in certain circumstances;*

*to provide for the recovery of costs by Legal Aid South Africa; to provide for the finances of Legal Aid South Africa; to provide for the provision of legal aid by direction of courts in criminal matters; to provide for the making of regulations; to provide for the compilation of a Legal Aid Manual; to provide for the amendment or repeal of laws; to provide for transitional arrangements; and to provide for matters incidental thereto.*

### **Objects of Legal Aid South Africa**

3. *The objects of Legal Aid South Africa are to—*

- (a) render or make available legal aid and legal advice;*
- (b) provide legal representation to persons at state expense; and*
- (c) provide education and information concerning legal rights and obligations, as envisaged in the Constitution and this Act.*

### **Powers, functions and duties of Board of Directors**

4. (1) *The Board may do all that is necessary or expedient to achieve the objects referred to in section 3, including the following:*

- (a) Provide legal services, representation and advice, by—*
  - (i) employing legal practitioners and candidate attorneys;*
  - (ii) employing paralegals, who are persons that are not legal practitioners but have knowledge and understanding of the law, its procedures and its social context acquired through training, education, work experience or a national registered qualification in paralegal practice; and*
  - (iii) procuring the services of legal practitioners in private practice by entering into contracts or agreements with them and other entities.*
- (b) Determine, in consultation with the Minister and the Minister of Finance, its own staff establishment and the terms and conditions of employment for its staff as provided for in section 18.*
- (c) Purchase or otherwise acquire, hold or alienate any—*
  - (i) movable property; or*
  - (ii) immovable property with the approval of the Minister acting in consultation with the Minister of Finance.*
- (d) Hire or let any movable or immovable property.*
- (e) Fix conditions subject to which legal aid is to be rendered, including—*
  - (i) conditions in accordance with which any rights in respect of costs recovered or recoverable in any legal proceedings or any dispute in respect of which the aid is rendered, are ceded to Legal Aid South Africa; and*
  - (ii) the payment of contributions to Legal Aid South Africa by persons to whom legal aid is rendered.*

*(f) Provide legal representation at state expense as envisaged in the Constitution and this Act, where substantial injustice would otherwise result and render or make legal aid and legal advice available.*

*(g) Conduct programmes to promote public awareness of constitutional and other legal rights and public understanding of the objects, role and activities of Legal Aid South Africa.*

*(h) Pay out of the funds of Legal Aid South Africa such remuneration and allowances to members of the Board, their alternates and any committee members appointed in accordance with section 13 who are not in the full-time service of the State, as may be determined by the Minister of Finance from time to time.*

*(i) Do all things and perform all functions necessary for, or incidental to, the attainment of the objects of Legal Aid South Africa.*

*(2) The Board is the accounting authority of Legal Aid South Africa in accordance with section 49 of the Public Finance Management Act, and is charged with the responsibilities referred to in that Act.*

New mandate: Land Rights

On 01 January 2022, Legal Aid SA took over the management of the legal representation component of the Land Rights Management Facility (LRMF) from the Department of Agriculture, Land Reform and Rural Development (DALRRD). The Legal Aid SA component providing land rights legal representation is the LRMU. The DALRRD transferred R33,000,000 in April 2022 and the baseline allocations for 2022-2023 to 2025-2026 were confirmed and included in the Legal Aid SA MTEF Allocation Letter of November 2022. The contingent liability recognised on 31 March 2022 is still not yet funded. There are ongoing engagements with the Department of Justice and Constitutional Development to access funding for these matters.

The LRMU is governed by Legal Aid Regulations 17 and 18, which deal with land rights and cases relating to the Land Reform (Labour Tenants) Act, 1996; Extension of Security of Tenure Act (ESTA), 1997; Prevention of Illegal Eviction from and Unlawful Occupation of Land Act, 1998, and the Restitution of Land Rights Act, 1994.

Regulation 17

Regulation 17 determines as follows in respect of the granting of legal aid in terms of the Restitution of Land Rights Act:

*“17. (1) Legal Aid South Africa may grant legal aid for cases under the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994) if the Land Claims Commissioner—*

*(a) makes funds available to Legal Aid South Africa to fund the matter;*

*or*

*(b) is the opposing party to the litigation or possible litigation.*

*(2) Legal aid may not be granted for the claim lodgement and investigation under the Restitution of Land Rights Act, 1994.”*

## Regulation 18

Regulation 18 provides for legal aid for persons affected by the Land Reform Act, the Extension of Security of Tenure Act, and the Prevention of Illegal Occupation and Eviction from Land Act and reads as follows:

*“18. (1) Legal aid may be granted to persons affected by the Land Reform (Labour Tenants) Act, 1996 (Act No. 3 of 1996), the Extension of Security of Tenure Act, 1997 (Act No. 62 of 1997) and the Prevention of Illegal Occupation and Eviction from Land Act, 1998 (Act No. 19 of 1998): Provided that the granting of legal aid in terms of this regulation is subject to the making available of funds by the relevant government department.*

*(2) Legal aid may be granted to a defendant or respondent who is an occupier as contemplated in the Acts referred to in sub regulation (1), if Legal Aid South Africa is satisfied that he, she or his or her family members are threatened with eviction.*

*(3) In matters referred to in sub regulation (1), where litigation has already started, Legal Aid South Africa may grant legal aid for mediation, arbitration or other alternative dispute resolution procedure, if Legal Aid South Africa is satisfied that these methods are likely to—*

*(a) eliminate or shorten litigation; or*

*(b) reduce the fees and disbursements that would otherwise be payable by Legal Aid South Africa.”*

On 16 September 2023, the President assented to the Land Court Act, Act No. 06 of 2023. *To provide for the establishment of a Land Court and appeals against decisions of the Land Court; to make provision for the administration and judicial functions of the Land Court; to provide for the jurisdiction of the Land Court and Magistrates’ Courts for certain land related matters; to provide for mediation procedures; to amend certain laws relating to the adjudication of land matters by other courts; and to provide for matters connected therewith.*

It should be noted that the Act commences on a date determined by the President by proclamation in the Gazette.

Of particular note for Legal Aid SA is the following:

*Section 16 (4) (a) Where a party involved in a matter before the Court is not represented by a legal representative because such party cannot afford to pay for legal representation, and the Court is of the opinion that it would be in the best interests of the party to have legal representation,*

*the Court must refer the matter to Legal Aid South Africa as contemplated in section 2 of the Legal Aid South Africa Act, 2014 (Act No. 39 of 2014).*

*(b) Legal Aid South Africa must deal with a matter referred to in paragraph (a) in accordance with section 4(1)(f) of the Legal Aid South Africa Act, 2014, to provide legal representation at State expense, where substantial injustice would otherwise result.*

*(c) Expenditure in connection with the implementation and application of paragraph (a) must be defrayed from money appropriated by Parliament for this purpose and monies appropriated by Parliament for this purpose constitute earmarked funds on the vote of Legal Aid South Africa, and may not be used for any other purpose.*

#### *Transitional arrangements*

*35. (3) Any money available from the budget allocation for purposes of section 29(4) of the Restitution of Land Rights Act, before its amendment by this Act, forms part of the budget allocation of Legal Aid South Africa for purposes of giving effect to section 16(4) of this Act.*

#### *Regulations*

*37. (1) (g) legal assistance that Legal Aid South Africa may provide to parties who wish to exercise their right to have a dispute resolved through mediation and any expenditure related thereto;*

#### Other Legislation and Codes Impacting on the Delivery of Legal Aid

The following laws also require the government to provide legal assistance to the indigent:

- (I) Criminal Procedure Act (sections 73, 309, 309B, 309C, 309D & 316) – Legal Representation in Trial and Appeals
- (II) The Child Justice Act (sections 82(1) & 83(2)) – Legal Representation for Children in Child Justice Court (no child may be refused legal representation)
- (III) Children’s Act 38 of 2005, (section 55(1)) – Legal Representation of Children in matters dealt with in the Act on order of the Court
- (IV) Labour Relations Act 66 of 1995 (section 149) – currently unfunded
- (V) Mental Healthcare Act 17 of 2000 (section 15)
- (VI) Restitution of Land Rights Act 22 of 1994 (section 22) – funding and mandate transferred with effect from 01 January 2022
- (VII) Prevention of Illegal Eviction from and Unlawful Occupation of Land Act 19 of 1998 (section 4(5)) – currently unfunded
- (VIII) Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000 (section 10(5))
- (IX) Refugees Act 140 of 1998 (section 27(b))
- (X) Land Reform (Labour Tenants) Act, 1996 (Act No. 3 of 1996) – funding and mandate transferred from 01 January 2022

- (XI) The Extension of Security of Tenure Act, 1997 (Act No. 62 of 1997) – funding and mandate transferred from 01 January 2022
- (XII) Domestic Violence Amendment Act 14 of 2021 (section 19(2)(c))
- (XIII) Communal Property Association Act 28 of 1996
- (XIV) Interim Protection of Informal Land Rights Act 31 of 1996
- (XV) Trust Property Control Act 57 of 1988

Legal Aid SA is able to provide assistance in these instances if budget permits, in accordance with the policy provisions contained in Regulations as per section 23 of the Legal Aid South Africa Act (39 of 2014). Due to our budget and resource limitations, there are criteria that determine qualification for and exclusions to assistance. All other proposed legislation or proposed amendments to legislation, insofar as they impact on Legal Aid SA's mandate and/or clients' rights, are monitored and commented on as part of the legal research agenda. This is to ensure that clients' rights are protected and the mandate of Legal Aid SA is not extended without concomitant funding.

#### Public Finance Management Act (PFMA)

Legal Aid SA is a National Public Entity listed in Schedule 3A of the Public Finance Management Act, Act 1 of 1999 (PFMA) and complies with the requirements of the PFMA and National Treasury Regulations which provide guidelines that must be upheld and implemented for the realisation of good governance. The Public Finance Management Act regulates financial management in all spheres and levels of government to ensure that all revenue, expenditure, assets and liabilities are managed efficiently, effectively and economically.

#### King IV Report on Corporate Governance

The King Report on Governance for South Africa 2016, together with the King Code of Governance Principles 2016, contains 17 governance principles, of which 16 apply to Legal Aid SA.

### **3.2.2. Policy Mandates**

#### National Development Plan (NDP) 2030

The NDP is a long-term vision for the country which provides a broad strategic framework to guide key government choices and actions, and focuses on the critical capabilities needed to transform the economy and society.

The plan highlights that accelerated development in South Africa requires the active support of all citizens; leadership in all sectors that puts the country's collective interests ahead of narrow, short-term goals; and radically improved government performance.<sup>3</sup>

There is a focus on building safer communities and achieving a crime-free South Africa. The following are the main goals of the NDP that relate directly to Legal Aid SA:

- i. Strengthening the CJS (Accelerating implementation of the plans to improve the criminal justice system),
- ii. Building safer communities using an integrated approach.

#### Medium-Term Strategic Framework 2019-2024

The MTSF outlines the country priorities of the electoral mandate and provides a medium-term roadmap for developing five-year institutional plans to enable the achievement of the NDP goals. The MTSF promotes coordination and alignment of priorities across all spheres of government and with non-government stakeholders and assists with integrating all components of national development into mainstream planning processes.<sup>4</sup>

#### Budget Prioritisation Framework

Government plans are implemented at different levels across the three spheres of government (national, provincial and local) and across a large number of public entities and state-owned enterprises. The Budget Prioritisation Framework aims to guide allocation of budget towards the achievement of government priorities.

The Budget Prioritisation Framework's objective is to establish the strategic framework for the decision-making on budget priorities that are required to advance the goals of the NDP using limited resources.<sup>5</sup>

#### Integrated Criminal Justice Strategy and Framework (ICJS) and Integrated Implementation Plan (IIP)

The ICJS Framework was approved by Cabinet in March 2017. The ICJS Integrated Implementation Plan (IIP) is based on the NDP 2030 and the seven priorities of the 2019 sixth administration of the Republic of South Africa.

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<sup>3</sup> Revised Framework for Strategic Plans and Annual Performance Plans; Issued by the Department of Planning, Monitoring and Evaluation; page 20

<sup>4</sup> Revised Framework for Strategic Plans and Annual Performance Plans; Issued by the Department of Planning, Monitoring and Evaluation; page 20

<sup>5</sup> Revised Framework for Strategic Plans and Annual Performance Plans; Issued by the Department of Planning, Monitoring and Evaluation; page 20



The IIP focuses on an integrated approach through the implementation of cross-cutting and integrated interventions across the CJS value chain to ensure that the outcome of a transformed, efficient, effective, victim-friendly, modernised and integrated Criminal Justice System is achieved, leading to improved service delivery, improved quality of life and safety for all. Numerous challenges within the CJS have been identified and will be addressed by the IIP.

#### African Union Agenda 2063

Agenda 2063 is a strategic framework for the socio-economic transformation of Africa over the next 50 years. It builds on and seeks to accelerate the implementation of past and existing continental initiatives for growth and sustainable development.

Agenda 2063 has the following aspirations: an integrated continent, politically united and based on the ideals of Pan-Africanism and the vision of Africa's Renaissance; an Africa of good governance, democracy, respect for human rights, justice and the rule of law; a peaceful and secure Africa; an Africa with a strong cultural identity, common heritage, shared values and ethics; an Africa whose development is people-driven, relying on the potential of African people, especially its women and youth, and caring for children; and Africa as a strong, united and influential global player and partner. These aspirations have priority areas which are aligned to the Sustainable Development Goals.<sup>6</sup>

#### United Nations Sustainable Development Goals (SDGs) 2030

The SDGs seek to end poverty and hunger in the world; to combat inequalities within and among countries; to build peaceful, just and inclusive societies; to protect human rights and promote gender equality and the empowerment of women and girls; and to ensure the lasting protection of the planet and its natural resources. Countries committed to the SDGs aim to create conditions for sustainable, inclusive and sustained economic growth, shared prosperity and decent work for all, taking into account different levels of national development and capacities. The SDGs are integrated and indivisible and balance the three dimensions of sustainable development, namely, the economic, the social and the environmental. There are 17 Sustainable Development Goals which demonstrate the scale and ambition of the global agenda.<sup>7</sup>

The adoption of the United Nations (UN) Principles and Guidelines on Access to Legal Aid in Criminal Justice Matters continues to play a critical role internationally to guide sustainable development.

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<sup>6</sup> Revised Framework for Strategic Plans and Annual Performance Plans; Issued by the Department of Planning, Monitoring and Evaluation; page 20

<sup>7</sup> Revised Framework for Strategic Plans and Annual Performance Plans; Issued by the Department of Planning, Monitoring and Evaluation; page 20

This is paving the way for the development of legal aid systems and increased access to justice by indigent persons in all member countries. Of particular relevance to Legal Aid SA is the inclusion of access to justice in the UN Sustainable Development Goals (SDGs). SDG 16, Target 16.3 calls upon countries to: Promote the rule of law at the national and international levels and ensure equal access to justice for all.

However, the common set of measures that have been agreed upon to track progress towards the goals and monitor the actions taken to achieve the SDGs are very narrow and focus only on criminal justice to the exclusion of civil justice.

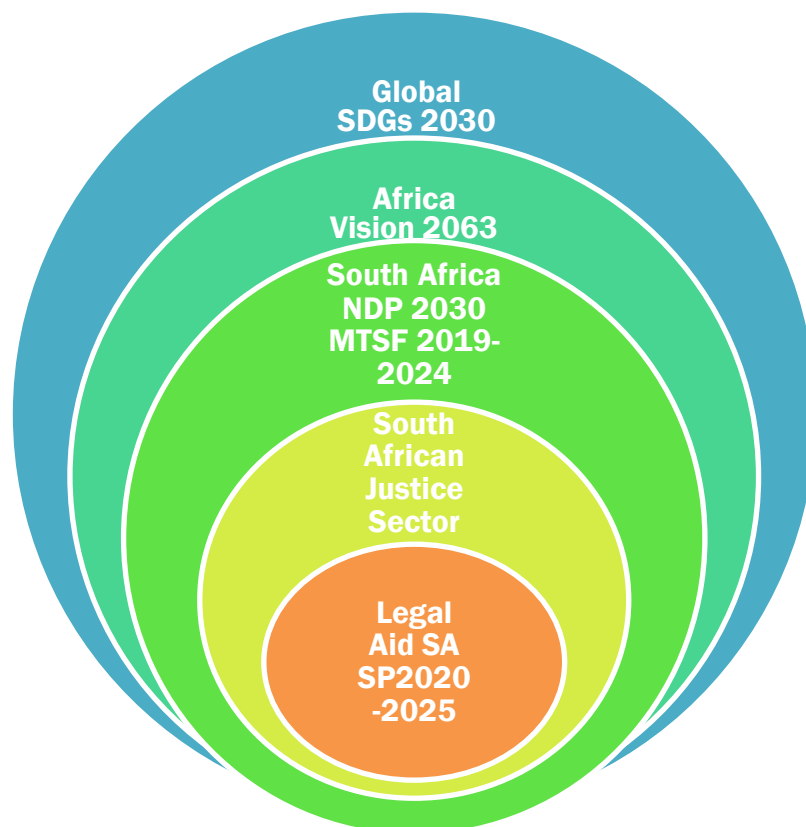


Figure 2: Policy Mandates

### 3.3. Institutional Policies and Strategies Related to the Five-year Planning Period

The organisation will continue to implement its Strategic Plan in accordance with its constitutional and legislative mandates as well as the policies mentioned in section 3.2.2. above, namely:

- i. National Development Plan 2030
- ii. Medium-term Strategic Framework 2019-2024
- iii. Budget Prioritisation Framework 2020
- iv. Integrated Criminal Justice Strategy and Framework (ICJS) and Integrated Implementation Plan (IIP)

- v. African Union Agenda 2063
- vi. Sustainable Development Goals 2030

### **3.4. Relevant Court Rulings**

Various court rulings have an impact and the organisation has to adapt policies and operations as these court rulings are made. The following Court Orders have an impact on Legal Aid SA:

i. **Life Esidimeni 19 March 2018**

For the first time in SA legal history, Constitutional Damages were awarded to litigants in the Esidimeni Arbitration which developed the jurisprudence in respect of the law of damages. Although the Arbitration award by the former Deputy Chief Justice is not binding authority, it does open the debate on when Constitutional Damages is appropriate. This issue is now being taken further with Legal Aid SA funding the appeal to the SCA in the Daniel Komape matter where the court *a quo* refused to award Constitutional Damages to the family. This ensures that the courts decide the issue of when it would be appropriate to award Constitutional Damages where the law of Delict is not able to provide an adequate remedy. In this way Legal Aid SA contributes to the development of the law to reflect our constitutional values where the law is skewed against indigent persons.

ii. **Anton Meyer v Legal Aid South Africa**

Judgment of the Gauteng High Court, Johannesburg, in 2015 in which section 22 of the Legal Aid SA Act (replacement of section 3B) was considered and the court found that the applicants did not qualify for legal aid assistance.

Section 22 of the Legal Aid SA Act replaced section 3B of the Legal Aid Act 22 of 1969, which was the relevant section that came under consideration before the SCA in the Porritt and Bennet matter. In this matter the court considered whether the applicant had dismissed the onus to show that he has a lifestyle that is consistent with his alleged inability to afford the cost of his own legal representation. The court found that the applicant's application to Legal Aid SA did not contain a full disclosure of all relevant facts and documents pertaining to his inability to afford the cost of his own legal representation. The court therefore found that the applicant did not discharge the onus and therefore he did not qualify for legal assistance at State expense.

iii. **Magidiwana v Legal Aid South Africa and others (Marikana)**

The North Gauteng High Court ordered Legal Aid SA on 14 October 2013 to forthwith take steps to provide legal funding to the applicants for their participation in the Marikana Commission of Inquiry.

The judgment may have far reaching implications for Legal Aid SA's sustainability. Whereas it may be desirable to fund legal representation for poor/indigent persons who have standing before commissions of inquiry, it is our view that this has to be done on a sustainable basis with a proper balancing of competing rights.

It is accordingly a concern to us that our mandate has been extended by court order in a matter that is uniquely polycentric.<sup>8</sup> It is therefore submitted that the provision of legal representation, including the nature and extent thereof, before commissions should be clarified in our enabling legislation and should be properly funded to ensure a sustainable legal aid scheme.

Legal Aid SA applied for leave to appeal to the Constitutional Court after the Supreme Court of Appeal dismissed its appeal on the grounds that it was academic since Legal Aid SA was funding the miners' legal team albeit in terms of a court order. Legal Aid SA launched this further appeal since the judgment impacts on the sustainability of the organisation and the principles established have wider import than the provision of legal representation at the Marikana Commission of Inquiry. The Constitutional Court judgment was handed down on 22 September 2015. The application for leave to appeal was dismissed as the matter was found to be moot. The court found that the High Court's interpretation of the right to a fair public hearing did not affect the discretionary power of Legal Aid SA, and imposed no obligation on Legal Aid SA to fund legal representation at commissions of inquiry in the future.

Although the Constitutional Court dismissed the earlier application for leave to appeal against the decision of the High Court to refuse urgent and interim relief to injured and arrested miners, it nevertheless felt it appropriate to make the following pertinent comments in light of the clear public interests in the Commission's work. The Constitutional Court expressed the view that it would be commendable and fairer to the injured and arrested miners that they be afforded legal representation in circumstances where State organs are given these privileges and where corporations are able to afford huge legal fees.

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<sup>8</sup> A policy-laden issue; for Legal Aid SA this would entail issues such as who should qualify for legal aid and on what criteria, what fees should be paid to Judicare attorneys.

The Constitutional Court noted that while this desirable objective of equality of arms before a commission may not necessarily translate into legal representation at State expense, the object of the Legal Aid Act 22 of 1969 is to render or make available legal aid to indigent persons and to provide legal representation at state expense as contemplated in the Constitution.

But this does not mean the courts have the power to order the executive branch of government on how to deploy State resources. The duty of determining how public resources are drawn upon and rendered lies in the heartland of executive government function domain.

The Regulations to the Legal Aid SA Act 39 of 2014, and specifically Regulation 26, has subsequently clarified the provision of Legal Representation at Commissions of Inquiry by Legal Aid SA. It specifically provides that where funds are made available for legal aid by the establishing authority of a commission that legal representation may be made available by Legal Aid SA subject thereto that the commission has certified that the person has standing before that commission.

iv. **Legal Aid Board v The State and Others 2011(1) SACR 166 (SCA) (Porritt and Bennett)**

Here the SCA held that the right to legal representation at State expense where substantial injustice may arise involves two elements, namely the complexity of the case as well as the ability of the accused to afford the cost of legal representation from his/her own resources. In determining if an accused is able to afford the cost of legal representation the provisions of section 3B are applicable. The SCA found that this section makes it clear that this is the court's inquiry and that there is no onus of proof on the accused but that this does not allow the accused to not place information that is within his/her peculiar knowledge before the court. It went further and found that a failure to place such information before the court, in order to assist the court in its inquiry, may well be fatal to their quest for legal assistance at State expense. It also clarified that the court has powers to subpoena witnesses and documents or to place the accused under oath and for them to be cross examined. In this instance it found that the accused, having regard to their lifestyle and information available to the court, were not indigent and it accordingly set aside the order granting the accused legal representation at State expense.

v. **Legal Aid Board v Gary van der Merwe and others (A409/2010) Western Cape High Court, 4 Nov 2010**

This is a matter in which the court ordered that legal aid applicants be granted legal aid assistance after conducting a section 3B court enquiry. Legal Aid SA appealed the order and contended as follows:

Firstly, that the court erred in finding that there will be substantial injustice if applicants were not afforded legal representation.

This contention was based on the fact that applicants did not fully disclose their assets and directorship in various companies and/or trusts. It was contended that on record, the legal aid applicants had various trusts and resources which could be used to fund their trial. Legal Aid SA further contested this on the basis that the applicants had failed to submit further information requested or provide answers to the various questions directed to them to explain their assets and income.

Secondly, that the court erred in directing Legal Aid SA to appoint legal representation for the legal aid applicants of the level and competency equal to the level and competency of the legal representation for the State, and that such an order fell outside the terrain of the court and was therefore *ultra vires*. This argument was supported by the SCA decision on the Porritt and Bennett case.

The full bench of the Western Cape High Court upheld the appeal.

vi. **Legal Aid Board (Ex Parte) v Johan Pretorius and Another 2006 JDR 0458 (SCA) Unreported**

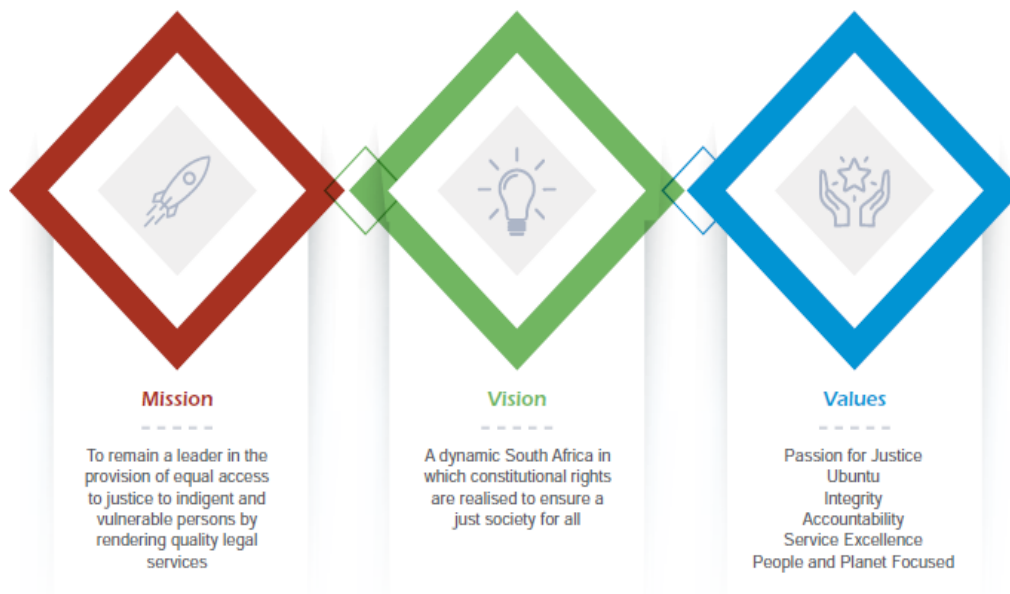
The SCA considered in this matter whether section 3B of the Legal Aid Act was applicable in circumstances where accused persons had terminated the mandate of their legal representative and sought the appointment of a replacement practitioner. The issue at hand was the constitutional guarantee to a fair trial. The SCA rejected the view proffered by Legal Aid SA that section 3B was not applicable and that the accused's remedy was to review the decision of Legal Aid SA not to appoint a further legal representative. The SCA upheld the decision of the trial Judge to request Legal Aid SA to submit a 3B Report after he formulated a *prima facie* view that the practitioner could not effectively represent the accused due to his workload in the case. The SCA also pointed out that a trial Judge is best placed to make a decision on the fairness of a trial where this relates to the right to legal representation at State expense and that the Judge was correct in resorting to the provisions of section 3B of the Legal Aid Act when Legal Aid SA refused to appoint a replacement legal representative. In so doing it also found that judicial officers were not bound by the provisions of the Legal Aid Guide.

vii. **Nkuzi Development Association v Government of the Republic of South Africa 2002 (2) SA 733 (LCC)**, where Moloto J (with Gildenhuys J concurring) declared that in eviction cases, labour tenants and occupiers under the land reform legislation “*have a right to legal representation or legal aid at State expense if substantial injustice would otherwise result,*

*and they cannot reasonably afford the cost thereof from their own resources*". The court declared that the State was under a duty to provide such legal representation or legal aid through mechanisms selected by it.

- viii. **Bernstein v Bester NO 1996 (2) SA 751 (CC)** at 106 – the Constitutional Court stated that the failure to use a phrase such as “a fair hearing” in the Interim Constitution might justify a conclusion that the framers of the Interim Constitution deliberately chose not to constitutionalise the right to a fair civil trial. The drafters of the final Constitution provided in section 34 that everyone has the right to have any dispute that can be resolved by the application of law decided in “a fair public hearing”.
- ix. **S v Vermaas; S v Du Plessis 1995 (3) SA 292 (CC)**, where the Constitutional Court dealt with the right to legal representation and the fact that a litigant has no choice as to the legal representative where it is provided at State expense.

#### 4. PART B: OUR STRATEGIC FOCUS



##### 4.1. Vision

A dynamic South Africa in which constitutional rights are realised to ensure a just society for all.

##### 4.2. Mission

To remain a leader in the provision of equal access to justice to indigent and vulnerable persons by rendering quality legal services.

### **4.3. Values**

i. Passion for Justice

To give effect to the rights, responsibilities and values enshrined in our Constitution and to be committed to promoting the rule of law and increasing access to justice for all.

ii. Ubuntu

To value diversity and treat every person with compassion, care, respect and dignity.

iii. Integrity

To live by the highest ethical and professional standards, demonstrating transparency, honesty and fairness in all our interactions.

iv. Accountability

To be accountable to our clients, the public and other stakeholders (internal and external) by ensuring compliance with our mandate and governance framework in a sustainable manner.

v. Service Excellence

To provide quality legal services and strive for excellence and innovation in an effective manner.

vi. People and Planet Focused

To empower our clients and communities to make informed choices about their legal matters.

To create a caring, enabling, safe, productive and rewarding work environment that recognises contributions from individuals and teams.

To respect and care for the environment.

### **4.4. Situational Analysis**

Legal Aid SA has used the STEEPLED (Social, Technological, Economic, Environmental, Political, Legal, Ethical and Demographic factors) and SWOT analysis/planning tools to identify the key factors in both the external and internal environment within which Legal Aid SA operates. This enabled us to look at all aspects of the environment that impact on Legal Aid SA. These analysis tools were used to track current and future trends of key sectors in the environment within which the entity operates. These factors have the potential to impact on the performance of the organisation.



## External Environmental Analysis

### Social

Municipal IQ has found a significant decrease in the number of service delivery protests in South Africa in 2020. This can be attributed to the lockdowns to contain the COVID-19 pandemic.<sup>9</sup> However, the findings for 2021 (as at the end of June) shows that service delivery protests have increased in number and intensity. Gauteng and KwaZulu-Natal have the most service delivery protests for 2021 to this point.

Municipal IQ compared the civil unrest which took place in July 2021 against service delivery protests. The incidents of civil unrest were concentrated in two provinces, KwaZulu-Natal and Gauteng (66% and 33%, respectively) and five municipalities (eThekweni, Johannesburg, Ekurhuleni, Msunduzi and uMhlathuze) which together accounted for 75% of incidents. eThekweni was the worst hit metro, followed by Johannesburg and Ekurhuleni.

According to Municipal IQ there has been an increase in service delivery protests in the country since the advent of COVID-19. It was reported that there were more protests in June and July 2022 than in any other month in the last two years. Gauteng had 30% of all protests in the country, followed by the Eastern Cape with 19% and KwaZulu-Natal with 18%.<sup>10</sup>

Service delivery protests are a regular occurrence and according to Municipal IQ they are back to pre-COVID 19 levels. Communities use protests to raise grievances and electricity and water protests have been prevalent. Unrest is often fuelled by socioeconomic challenges such as poverty and unemployment. Since there is little or no change in basic service delivery in volatile communities, protests are likely to continue.<sup>11</sup>

Legal Aid SA has been impacted by the July 2021 unrest in the country. The riots that occurred in KwaZulu-Natal in July 2021 affected Legal Aid SA Satellite Offices at Bulwer and Ixopo, as well as the Legal Aid SA Umlazi Local Office. At Bulwer the Satellite Office was burnt down and alternative accommodation for staff had to be sought. The Ixopo Satellite Office was burgled and both Legal Aid SA and staff assets were stolen. At the Umlazi Local Office, vehicles were damaged. The riots in Gauteng did not affect Legal Aid SA offices except that the closure of malls where some offices are situated resulted in the offices being closed and staff operating remotely. Legal Aid SA dealt with a total of 7,285 criminal matters and 1,268 civil matters in Gauteng and Kwa-Zulu Natal relating to the unrest. The majority of the charges relate to possession of stolen property and public violence.

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<sup>9</sup> Business Maverick <https://www.dailymaverick.co.za/article/2020-08-24-municipal-ig-data-shows-lockdowns-stifled-sa-social-unrest-this-year-but-2020-is-not-over-yet/>

<sup>10</sup> <https://www.iol.co.za/news/south-africa/kwazulu-natal/rise-in-protests-after-covid-19-municipal-intelligence-data-collection-body-finds-d0bb8d0b-e1a2-4067-b715-68ad44027fb9>

<sup>11</sup> <https://mg.co.za/news/2023-02-02-data-shows-that-service-delivery-protests-will-increase-intensify-in-2023/>

A National State of Disaster was declared as a result of floods in KwaZulu-Natal, the Eastern Cape and the North West. The impact of the floods necessitated interventions to respond to the socio-economic needs of communities and for continued service delivery in the affected provinces. The floods have highlighted the potential impact that climate can have on livelihoods and the economy. An all-of-government coordinated approach is needed to put into place measures to plan for and adapt to and to mitigate the impacts of climate change.

Violence against women, children and people with disabilities is an ongoing societal problem and the rate of crimes against these vulnerable groups remains high and is a cause for concern. In September 2019, a number of protests focused on the high levels of gender-based violence in the country with citizens demanding action from government, resulted in the President calling an emergency sitting of the two houses of Parliament, the National Assembly and the National Council of Provinces, to tackle gender-based violence. An Emergency Action Plan on Gender-based Violence and Femicide (GBVF) was announced, aimed at combatting violence against women and children through a coordinated effort between government and civil society. A total of R1,6 billion was allocated for the implementation of the GBVF Emergency Action Plan. Government has established Sexual Offences Courts, of which there are currently 116. These courts are included in the Legal Aid SA court coverage. Government has reported a correlation in the establishments of these courts and an increase in conviction rates.

Legal Aid SA has zero tolerance for gender-based violence and legal practitioners are committed to promoting justice for victims of crime. Legal practices are aligned to the Constitution, ensuring the right to a fair trial and respect for human rights. Legal aid is available for victims of gender-based violence subject to the qualification criteria set in terms of the Legal Aid SA Act, read with the Legal Aid Regulations. Legal Aid SA has linkages with the Department of Health, Department of Social Development and National Movement for Shelters, aimed at creating awareness of the legal services Legal Aid SA provides and referral systems on how to access legal aid services when needed. A toll-free Legal Aid Advice Line can be accessed for legal advice through a landline, cell phone and the Legal Aid SA website.

Legal Aid SA is an active participant in the National Steering Committee on Gender-Based Violence and Femicide (GBVF) and is committed to protecting and defending the rights of women. The Legal Aid Regulations have been revised to allow for more people to be able to access legal representation in Domestic Violence Act matters. Training is regularly provided to Legal Practitioners so that they can keep abreast of legislative changes.

The National Council on Gender-Based Violence and Femicide Bill 31 of 2022 was introduced in Parliament in November 2022. The Bill emanates from the National Strategic Plan on Gender-Based Violence and Femicide (NSP) produced by the Interim Steering Committee established in April 2019 to respond to gender-based violence and femicide.

The Bill, as the enabling legislation, will facilitate the effective implementation of the institutional arrangements for the rollout of the NSP in relation to the setting up of an independent structure, known as the National Council on Gender-Based Violence and Femicide.

Four new laws commenced in 2022 to strengthen efforts to address the disturbingly high number of gender-based violence cases in the country:

- i. The Criminal Law (Sexual Offences and Related Matters) Amendment Act
- ii. The Criminal and Related Matters Amendment Act
- iii. The Domestic Violence Amendment Act
- iv. The Criminal Law (Forensics Procedures) Amendment Act

In November 2022, the Second Presidential Summit on Gender-Based Violence and Femicide (GBVF) was held. Senior Executives attended the Summit to contribute to the development of interventions to address the scourge, demonstrating commitment at the highest levels of the organisation to address and eradicate GBVF. Legal Aid SA has achieved the targets set in the National Strategic Plan (NSP) on GBVF, which was to increase access to justice – the Legal Aid Regulations now provide increased access in that the disabled, elderly and children can obtain a legal representative in Domestic Violence Act matters where they qualify for legal aid in terms of the Means Test.

Legal Aid SA also ensures that access to legal advice to anyone who qualifies for legal aid is available for matters relating to domestic violence, harassment and maintenance. Legal Aid SA continues to participate in Pillar 3 work to ensure that the indicators in the NSP on GBVF are met across the justice cluster.

There has been a spate of xenophobic violence and unrest aimed at foreign nationals resulting in people losing their lives. In response to previous xenophobic attacks experienced, Cabinet adopted the National Action Plan to combat Racism, Racial Discrimination, Xenophobia and Related Intolerance, which was launched in March 2019.

#### *Land matters*

The National Assembly approved a process to amend section 25 of the Constitution to make appropriation of land without compensation more explicit. During the 2020-2021 financial year the Ministers of Justice and Correctional Services, and Agriculture, Land Reform and Rural Development tabled the Land Court Bill in Parliament in May 2021. The Bill made provision for the mandate of Legal Aid SA to include the provision of legal representation to litigants in land related disputes who are not able to afford the cost of their own legal representation. Legal Aid SA will therefore be resourced to provide critical support to enable access to justice in land matters.

In preparation for the extended mandate in land related legal representation, the Department of Justice and Constitutional Development coordinated a transfer of the Department of Agriculture, Land Reform and Rural Development's Land Rights Management Facility legal representation function and requisite funding to Legal Aid SA effective 01 January 2022. A Memorandum of Understanding was drawn up to regulate all pertinent matters relating to the transfer of the LRMF to Legal Aid SA including the financial arrangements. The transfer of the function was done between the Minister of Agriculture, Land Reform and Rural Development and the Minister of Justice in consultation with the Minister for the Public Service and Administration and National Treasury.

Legal Aid South Africa began building internal legal delivery capacity and infrastructure to handle the land related matters in-house. An executive (Legal Executive: Land Rights Management) has been appointed to manage this function. We have opted for a decentralised service delivery model per Province and Region to localise and improve accessibility of the legal aid services in land matters.

The LRMU is governed by Legal Aid Regulations 17 and 18, which deal with land rights and cases relating to the Land Reform (Labour Tenants) Act, 1996; Extension of Security of Tenure Act (ESTA), 1997; Prevention of Illegal Eviction from and Unlawful Occupation of Land Act, 1998, and the Restitution of Land Rights Act, 1994.

**Regulation 17 determines as follows in respect of the granting of legal aid in terms of the Restitution of Land Rights Act:**

- (1) Legal Aid South Africa may grant legal aid for cases under the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994) if the Land Claims Commissioner —*
- (a) makes funds available to Legal Aid South Africa to fund the matter; or*
  - (b) is the opposing party to the litigation or possible litigation.*
- (2) Legal aid may not be granted for the claim lodgment and investigation under the Restitution of Land Rights Act, 1994.*

**Regulation 18 provides for legal aid for persons affected by the Land Reform Act, the Extension of Security of Tenure Act, and the Prevention of Illegal Occupation and Eviction from Land Act:**

- (1) Legal aid may be granted to persons affected by the Land Reform (Labour Tenants) Act, 1996 (Act No. 3 of 1996), the Extension of Security of Tenure Act, 1997 (Act No. 62 of 1997) and the Prevention of Illegal Occupation and Eviction from Land Act, 1998 (Act No. 19 of 1998): Provided that the granting of legal aid in terms of this regulation is subject to the making available of funds by the relevant government department.*
- (2) Legal aid may be granted to a defendant or respondent who is an occupier as contemplated in the Acts referred to in subregulation (1), if Legal Aid South Africa is satisfied that he, she or his or her family members are threatened with eviction.*
- (3) In matters referred to in subregulation (1), where litigation has already started, Legal Aid South Africa may grant legal aid for mediation, arbitration, or other alternative dispute resolution procedure, if Legal Aid South Africa is satisfied that these methods are likely to—*
- (a) eliminate or shorten litigation; or*
  - (b) reduce the fees and disbursements that would otherwise be payable by Legal Aid South Africa.*

Regulation 18 only makes provision for legal aid for legal representation to be granted for mediation, arbitration or other alternative dispute resolution mechanisms in these types of matters, where litigation has already commenced.

The Legal Aid SA mandate does not extend to the provision of mediation of land claims during the investigation of the claims; the Judicial Administration of Communal Property Associations and/or Trusts and, more pertinently, it does not include the management of functions on behalf of other departments/entities where such functions fall within that department or entity's specific mandate.

The Land Court Bill was assented to and signed by the President on 16 September 2023. The Land Court Act, Act no. 06 of 2023 will commence on a date determined by the President by proclamation in the Gazette.

Regulations 17 and 18 will be reviewed, as required, to align with the Land Court Act and specifically to provide for the progressive transfer of the legal representation aspects contained in various Acts to Legal Aid SA once the Acts are identified to be transferred under the jurisdiction of the proposed Land Court with the concomitant funding to give effect to this extended mandate.

The total contingent liability verified for the budgets approved in all pending matters transferred to Legal Aid SA (740 matters) amounts to R144,686,671. It was projected that at least 20% of these matters would be finalised by the 2022-2023 financial year which requires an amount of R29 million; 30% would be completed by the 2023-2024 financial year and 50% between the 2024-2025 and 2025-2026 financial years. The contingent liability recognised on 31 March 2022 relating to fees due to Legal Practitioners for the pending instructions they held as at 1 January 2022 remains unfunded. There are ongoing engagements with the Department of Justice and Constitutional Development to access funding for these matters. As at 31 March 2023, the contingent liability is R185,122,569. Legal Aid SA has been allocated an additional amount of R156 million over the 2024/25-2026/27 MTEF. The funding will be utilised to fund the contingent liability.

The National Treasury approved the request from Legal Aid SA to retain R35 million in surplus funds for the establishment and capacitation of the LRMU. The DALRRD availed a budget of R33 million received in April 2022 and the baseline allocations for 2022-2023 to 2025-2026 were confirmed and included in the Legal Aid SA MTEF Allocation Letter of November 2022. As per the 2023 MTEF preliminary allocations letter dated 23 November 2022, amounts of R76.6 million in 2023/24, R80.1 million in 2024/25 and R83.7 million in 2025/26 are included to accommodate the migration of the Land Rights Management Facility legal representation functions from Vote 29: Agriculture, Land Reform and Rural Development to Legal Aid South Africa.

The Land Rights Management Unit had its first full year (FY 2022/23) of operations and provided legal services to farm occupiers, labour tenants and restitution claimants.

Legal Aid South Africa has focused on building internal legal delivery capacity and infrastructure to handle the land related matters in-house, having opted for a decentralised service delivery model per Province and Region to localise and improve accessibility of the legal aid services in land matters.

Establishing a mixed model to provide legal services to farm occupiers, labour tenants and restitution claimants has resulted in 80% of LRMU matters being handled by Judicare Practitioners, and 20% handled by internal Legal Practitioners during the 2022/23 financial year. As at the end of the financial year 2022-2023, the LRMU had 78 staff members; 11 based at the Legal Aid SA National Office and the remaining 67 based at Local Offices.

With the demand for legal representation in land related matters increasing, the LRMU's focus on building internal capacity remains a key area of attention in line with the available budget and finance projections. The eLAA system is being enhanced to accommodate the LRMU's requirements, ensuring that land clients' matters are not administratively delayed. The LRMU has regular engagement with several key stakeholders, including the DALRRD, Department of Cooperative Governance and Traditional Affairs and various non-governmental organisations. Such collaboration is important for stakeholder relations and engagement on pertinent issues that are affecting the LRMU's clients. The LRMU is in constant communication with the Land Claims Court to ensure smooth case flow management as it handles the bulk of the court's matters.

### *Crime*

The crime statistics 2020 were released by Police Minister Bheki Cele and the then national police commissioner General Khelha Sithole in July 2020. In the 2019/20 period, overall crime levels were down when compared with the previous year. However violent crime in SA, including murders, continued to rise. During the period 1 April 2019 to 31 March 2020:

- i. Murder increased by 1,4%
- ii. Robbery with aggravating circumstances increased by 2,8%
- iii. Carjacking increased by 13,3%
- iv. Sexual assault increased by 4,2%
- v. Burglary at residential premises decreased by 6,7%
- vi. Attempted murder decreased by 1,8%
- vii. Cash in transit robbery decreased by 10,4%
- viii. House robbery decreased by 5,8%.

These statistics reflect the serious concern voiced by citizens about their safety and also impact negatively on low public confidence in the rule of law and the criminal justice system.

Crime statistics released by SAPS and Stats SA, covering the first quarter of the 2021/2022 financial year, shows crime increasing in almost all categories.

Contact crimes such as murder, attempted murder, sexual offences and all categories of assault registered a 60,6% increase, when compared with the corresponding period of the 2020/2021 financial year.

However, the impact of the COVID-19 lockdown levels must be factored in, as the first quarter of the 2020/2021 financial year coincided with level five lockdown. Whilst crime trends are increasing, the statistics must be contextualised.

In August 2022, SAPS presented SA's latest crime statistics, covering the first quarter of the 2022/23 financial year. The crime stats are being compared to the same period in 2021, when the country was still in lockdown due to the Covid-19 pandemic.

SAPS had success in reducing crimes in key categories, including sexual offences, common assault and assault with intent to inflict grievous bodily harm.

Crimes with notable increases include murder which increased by 12%, carjacking – up 14% year on year and cash-in-transit heists – up over 30%.

Overall, the stats show that 13 crime categories are worse year on year, while 10 others improved. Of the 13 crimes that are worse than last year, five are at their worst levels seen in this quarter over the last five years. These are murder, attempted murder, carjacking, robbery at residential premises and commercial crime.<sup>12</sup>

Crime statistics for the second quarter of 2022/23, presented in November 2022, when compared to quarter 2 of 2021/22 show an increase in contact crimes, contact-related crimes, property-related crimes and other serious crimes. Of the 23 crime categories reported on, burglary at non-residential premises and arson are the only 2 that saw a reduction over the period. The crime categories with the biggest increases are truck hijacking, common robbery, carjacking, robbery with aggravating circumstances and commercial crime.<sup>13</sup>

Crime statistics for the first quarter (April – June 2023) of the financial year 2023/2024, when compared to the same period last year, shows a decrease in contact-related crimes and property-related crimes, while contact crimes and other serious crimes have increased. It was noted that crimes detected due to police action has increased considerably, indicating more active policing.<sup>14</sup>

The following are the findings of the Statistics SA Governance, Public Safety and Justice Survey (GPSJS), 2018/19; relating to justice issues:

- a. *An estimated 12% of the population in South Africa experienced one or more disputes or justiciable problems during the past two years.*
- b. *The top ten disputes for men are different from the top ten disputes experienced by women. The most common dispute for men concerned corruption or bribery or nepotism by government officials, while for women it was disruption of supply of utilities such as water and electricity.*

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<sup>12</sup> <https://businesstech.co.za/news/government/618173/these-crimes-are-worse-than-ever-in-south-africa/>

<sup>13</sup> <https://businesstech.co.za/news/lifestyle/645543/south-africas-latest-crime-stats-a-massive-wave-of-red-as-violence-escalates/>

<sup>14</sup> <https://businesstech.co.za/news/lifestyle/711992/the-latest-crime-stats-for-south-africa-everything-you-need-to-know-1/>



- c. *People get information about dispute resolution mostly from electronic media like the internet and television (24%). People mostly use family and friends to seek help to resolve their disputes (29%).*
- d. *Five percent of the population in South Africa, aged 16 years and older, have been to court during the past twelve months for various reasons.*
- e. *Self-representation in court was the most preferred by those who go to court as witnesses, accused, litigants and for administrative services. Self-representation varied from 48% for those going to court as accused to 81% for people who go to court as witnesses.*
- f. *The use of private lawyers and Legal Aid SA lawyers were highest for those who went to court as accused, where 21% of the accused used private lawyers and 36% used Legal Aid SA lawyers. People who were represented by Legal Aid SA lawyers had the greatest proportion (89%) of people who were satisfied with their service.*
- g. *There was no significant difference in satisfaction between those who used private lawyers and those who represented themselves. The satisfaction rate was lowest (83%) for those represented by paralegal officials.<sup>15</sup>*

The Stats SA GPSJS 2021/22 report, summarises the following:

#### *Household level crime*

- *An estimated 1,4 million incidences of housebreaking occurred in 2021/22, affecting 983000 households in South Africa. About 59% of households that experienced housebreaking reported some or all incidences to the police.*
- *An estimated 205000 incidences of home robberies occurred, affecting 155000 households in 2021/22. About 66% of households that experienced home robbery reported some or all incidences to the police.*

#### *Individual level crime*

- *An estimated 1,3M incidences of theft of personal property occurred in 2021/22, affecting 1,1M individuals aged 16 years and older. About 31% of individuals who experienced theft of personal property reported some or all incidences to the police.*
- *A total of 246 000 (0,6% of adults aged 16 and older) individuals experienced street robbery in a total of 295 000 incidences. About 34% of the victims reported some or all incidences to the police.*
- *A total of 376 000 (0,9% of adults aged 16 and older) individuals experienced customer fraud in a total of 844 000 incidences. Results show that 44,2% of the victims reported some or all incidences to the police.*

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<sup>15</sup> Statistics South Africa Governance, Public Safety and Justice Survey GPSJS 2018/19 available at [www.statssa.gov.za](http://www.statssa.gov.za)



### *Feelings of safety*

- *About 81% of the population felt safe walking alone in their neighbourhood during the day while 36,0% felt safe walking alone in their neighbourhood during the night. Both figures decreased from 2020/21.*
- *Similarly, rural residents had a greater feeling of safety walking alone in their areas when it is dark than residents in urban areas. About 48% indicated that they have done something to protect themselves against crime.*
- *About 30,4% of the population indicated that they only walk during safer hours and 28,8 % indicated they have taken physical protection measures for their home as the main thing they have done to protect themselves against crime. Only 3,8% indicated they carry a weapon as the main thing they have done to protect themselves against crime.<sup>16</sup>*

Statistics SA recently released the Governance, Public Safety, and Justice Survey (GPSJS), 2023 report. GPSJS is able to provide estimates of the prevalence and incidence of crime, while SAPS statistics provide the total number of reported cases. Moreover, GPSJS statistics also report on feelings of safety, perceptions of crime, and satisfaction with the police, courts, and correctional services. Such information is indispensable in the monitoring of development goals.

The key findings can be summarised as follows:

#### *Household crime levels in South Africa*

- *In 2022/23, an estimated 1,6 million incidences of housebreaking occurred, affecting 1,1 million households in South Africa. The number of affected households represents 5,7% of all households in the country. About 51% (51,4%) of households that experienced housebreaking reported some or all incidences to the police.*
- *An estimated 238 000 incidences of home robberies occurred, affecting 195 000 households in 2022/23. The number of affected households represents 1,0% of all households in the country. About 57% (56,8%) of households that experienced home robbery reported some or all incidences to the police.*
- *In 2022/23, 68 000 households experienced assault in a total of 85 000 incidences. Less than 1% (0,4%) of all households in the country experienced assault. About 54% (53,7%) of households that experienced assault reported some or all incidences to the police.*

*Weapons were used in some of the incidences of assault. The households reported that the weapon that was mainly used during the incidences of assault was a knife.*

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<sup>16</sup> Statistics South Africa Governance, Public Safety and Justice Survey GPSJS 2021/22 available at [www.statssa.gov.za](http://www.statssa.gov.za)

*An estimated 28% of households reported that the perpetrators of assault were a relative/other household member.*

#### *Individual crime levels in South Africa*

- An estimated 1 520 000 incidences of theft of personal property occurred in 2022/23, affecting 1 228 000 individuals aged 16 years and older. The number of affected individuals represents 2,9% of the population. About 41% (41,4%) of individuals who experienced theft of personal property reported some or all incidences to the police.*
- A total of 314 000 (0,7% of adults aged 16 and older) individuals experienced consumer fraud in a total of 487 000 incidences. Results show that 38,1% of the victims reported some or all incidences to the police, which is a 6,1 percentage point decrease compared to the previous year.*

#### *Feelings of safety*

- About 81% (80,8%) of the population felt safe walking alone in their neighbourhood during the day while 37,0% felt safe walking alone in their neighbourhood during the night. About 30% (29,7%) indicated that they have done something to protect themselves.*
- Almost 44% (43,8%) of the population indicated that they only walk during safer hours as the main thing they have done to protect themselves against crime. Of those aged 16 years and older, 79,7% felt safer after taking measures to protect themselves against crime.*

#### *Citizen interaction and community cohesion*

- The proportion of households who know their neighbours' names increased from 91,9% in 2019/20 to 93,3% in 2022/23. A slight decrease is observed in the number of households who would ask any of their next-door neighbours to watch their house when they were going away. More than 50% of the households indicated that they have no knowledge of active forums that discuss or deals with community-related issues in their areas.*
- The proportion of households who knew of active forums increased from 33,5% in 2019/20 to 38,3% in 2022/23. <sup>17</sup>*

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<sup>17</sup> Statistics South Africa Governance, Public Safety and Justice Survey GPSJS 2022/23 available at [www.statssa.gov.za](http://www.statssa.gov.za)

### *Demand for Legal Aid SA services*

A review of the criminal and civil statistics dealt with by Legal Aid SA from 2018/19 to 2022/23 shows that the number of criminal cases has decreased over the three-year period 2018/19 to 2020/21, with an increase of 17% between FY 2020/21 and 2021/22 and a 2% increase between FY 2021/22 and 2022/23. The number of civil cases dealt with has decreased over the five-year period 2018/19 to 2022/23, with a 44% increase between 2020/21 and 2021/22 and a 22% increase between 2021/22 and 2022/23. The 2022/23 financial year was the first full year that Legal Aid SA provided legal representation in land matters and there were 326 new cases. The number of matters in which legal advice is provided has fluctuated, decreasing by 3% between 2018/19 and 2019/20 and again decreasing between 2019/20 and 2020/21 by 26%. There was an increase of 19% between 2020/21 and 2021/22 and an increase of 5% between 2021/22 and 2022/23. The substantial decrease between 2019/20 and 2020/21 is as a result of the impact of the COVID-19 pandemic and the resultant lockdown measures implemented.

	Demand for Legal Aid SA				
	2018/19	2019/20	2020/21	2021/22	2022/23
<b>Criminal Total</b>	362,213	351,061	269,388	314,998	322,337
<b>Civil Total</b>	53,990	51,177	27,818	40,143	48,805
<b>Land Total</b>	n/a	n/a	n/a	n/a	326
<b>Criminal, Civil &amp; Land Total</b>	416,203	402,238	297,206	355,141	371,468
<b>Advice Matters Total</b>	308,050	266,055	75,624	132,411	209,962

### *Poverty*

Large proportions of the population in South Africa are subject to poverty and unemployment. Social grants are the second most important source of income for households after salaries and the main source of income for almost one-fifth of households nationally. The introduction of the R350 social relief of distress grant, which was introduced during the COVID-19 pandemic, increased the number of people receiving financial assistance from the government to 29-million. This includes 18-million recipients of social welfare, namely, old age, child support and disability grants and 11-million people who receive the R350 grant.<sup>18</sup> During the Medium-Term Budget Policy Statement on 01 November 2023, it was announced that Government has extended the COVID-19 Social Relief of Distress SA grant by another year. Finance Minister Enoch Godongwana budgeted another year of the R350 monthly social relief of distress grant, which will now end in March 2025. Given that Legal Aid SA provides services to the poor and vulnerable this impacts on the people that the entity serves. South Africa's socio-economic challenges are deep, structural and long-term.

<sup>18</sup> <https://www.timeslive.co.za/politics/2023-01-06-half-of-south-africas-population-are-100-dependent-on-state-welfare/>

Inequality has remained high, with South Africa being one of the most unequal countries in the world. According to World Bank Group data, South Africa remains the world's most unequal country. The Statistics SA General Household Survey 2018 indicates that poverty rates are higher amongst people living in rural areas.

Implementation of the National Development Plan (2030) is aimed at eliminating poverty, inequality and unemployment. This links to the implementation of the SDGs to end extreme poverty and fight injustice and inequality.

The second National Income Dynamics Study Coronavirus Rapid Mobile Survey found that the COVID-19 pandemic and nationwide lockdown have deepened inequality, particularly in the job market and education. Women, people in rural areas, the unskilled and the less educated have been most affected by job losses.

### Demographic

The Census 2022 results show that the South African population grew to 62 million in 2022, increasing from 51,7 million in 2011. Gauteng remained the province with the highest population at 15 million followed by KwaZulu-Natal with 12,4 million, while the Northern Cape has the smallest population at 1,3 million. About 56% of the country's population lives in three provinces, namely Gauteng, KwaZulu-Natal and the Western Cape. The Western Cape has moved from being the 5th-largest province in terms of population size in 1996 to being the 3rd largest in 2022.

Black Africans remain the dominant population group (81,4%), followed by coloureds at 8,2%, whites at 7,3% and Indians/Asians at 2,7%. Females constituted 51.5% of the population and males accounted for 48.5%. IsiZulu remains the language most spoken at home, accounting for 24.4%, followed by isiXhosa at 16.3%, Afrikaans at 10.6% and Sepedi at 10%. Around 8.7% of the population speak English at home.

Two provinces still dominate internal migration; Gauteng remained the dominant migration stream, receiving more than a third of all internal migrants, followed by the Western Cape with 15%. The four provinces that experienced an outflow of people in the last decade are Limpopo, Eastern Cape, KwaZulu-Natal and Free State.

The Census showed that there were more than 2,4 million international migrants, which equates to just over 3% of the total population. Most migrants came from the South African Development Community region, the majority being from Zimbabwe.

The number of households increased from 14,4 million in 2011 to 17,8 million in 2022. This includes formal and informal dwellings. Gauteng and KwaZulu-Natal account for just under 50% of all households in the country, with 5.3 million and 2.9 million households respectively. The Northern Cape recorded the fewest households at 330 000. The data indicates that the number of households who reside in informal dwellings has decreased from 13.6% in 2011 to 8.1% in 2022. Households residing in formal dwelling units increased to 88.5% in 2022, from the 65.1% recorded in 1996.

Approximately 55,719 people were recorded as homeless, with the highest number of homeless people in Gauteng (45.6%), followed by the Western Cape (17.5%). Most people recorded loss of job/income as a reason for their homelessness.

An upward trend was recorded in access to basic services. In 2022, more than 80% of households have access to piped water, either inside their dwellings or inside their yards. Certain regions, specifically Eastern Cape and Limpopo still face challenges in accessing piped water. More than 90% of households have access to electricity for lighting, a substantial increase from 58% recorded in 2011.

The provinces with the largest proportion of access to electricity were Western Cape, KwaZulu-Natal and Limpopo.

Households with access to the internet increased to 79% in 2022 from 35% in 2011. Internet access via cellphone was the most common source of internet for most households.<sup>19</sup>

### Economic

The South African Reserve Bank, in its September 2023 Monetary Policy Statement noted that electricity load shedding has increased (the number of days of expected load shedding is 310 in 2023, decreasing to 150 days and 100 days respectively in 2024 and 2025) and energy and logistical constraints impact on the growth outlook as they limit economic activity and increase costs.

GDP growth forecast for 2024 and 2025 is 1.0% and 1.1% respectively. An improvement in logistics and a sustained reduction in load shedding, or greater energy supply from alternative sources, would significantly increase growth. Potential growth is 0.0% in 2023 (up from -0.1%) and unchanged at 0.8% for 2024 and 1.0% for 2025.

The MPC notes that lower tax revenue, higher employee compensation and ongoing financing needs of state-owned enterprises are expected to keep the long-term cost of borrowing elevated.<sup>20</sup>

A higher public sector wage increase and lower tax collections mean the government has struggled to meet expenditure demands this financial year, with the National Treasury recently issuing Guidelines on Cost Containment Measures for the 2023/24 financial year.

South Africa's GDP, measured by production, increased by 0.6% in the second quarter of 2023. This followed an increase of 0.4% in the first quarter. The transport, personal services and trade industries made the largest positive contributors to GDP growth. There was increased economic activity reported for land transport and communication services. The manufacturing and construction industries showed decreases in production in the second quarter.

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<sup>19</sup> <https://www.statssa.gov.za/?p=16716>

<sup>20</sup> South African Reserve Bank Statement of the Monetary Policy Committee 21 September 2023

Seven industries recorded negative growth between the first quarter of 2022 and the second quarter of 2022. These include the manufacturing industry, agriculture industry, mining and quarrying industry and the trade, catering and accommodation industry. The industries which contributed the most to GDP growth between the first and second quarters of 2023 are agriculture, forestry and fishing (4,2%), manufacturing (2,2%), and finance, real estate and business services (0,7%).<sup>21</sup> Stats SA recently released an experimental set of provincial GDP data. Gauteng, although the smallest of the nine provinces in terms of area size, is the largest economy, contributing 33.1% to national GDP.

Therefore, Gauteng is perceived as the best place to find work and Stats SA estimates that the province will receive the largest inflow of migrants in the 2021-2026 period.

According to the Stats SA Quarterly Labour Force Survey for Quarter 2: 2023, the number of employed persons increased by 154 000 in the second quarter of 2023 to 16,3 million. The number of unemployed persons decreased by 11 000 to 7,9 million compared to the first quarter of 2023, resulting in an increase of 143 000 in the number of people in the labour force. The official unemployment rate decreased by 0.3% to 32,6% in Q2:2023 compared to Q1:2023. The unemployment rate according to the expanded definition of unemployment decreased by 0.3 percentage points to 42,1% in quarter 2 2023 compared to quarter 1 2023.<sup>22</sup>

The economy has also been impacted by loss of State funds, for which a Judicial Commission of Inquiry has been set up to investigate the allegations of State capture, corruption and fraud in the public sector. The lack of economic growth and government having to do more with less as a result of the many demands on the fiscus may result in budget cuts to the baseline allocation. The high unemployment rate poses threats to the stability of the economy and this further increases the risk of people becoming involved in crime. Loadshedding implemented by Eskom also impacts on business and economic growth as it affects operations and productivity, with small businesses being particularly hard hit. South Africa's energy crisis worsened in 2022 and 2023 and loadshedding continues to negatively affect the economy and is expected to continue beyond 2023. The negative impact on the economy contributes to the high unemployment and poverty rates in South Africa. The increased loadshedding that continues to affect the economy as well as significant increases in interest rates, high food and fuel prices are all challenges that increase the pressure on the most vulnerable communities. As companies are impacted by the stagnant economy, some have had to retrench employees and this adds further strain on the unemployment rate. Stats SA data shows that 1,240 businesses have closed down since the start of 2023,

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<sup>21</sup> Statistics South Africa Gross domestic product second quarter 2023 available at [www.statssa.gov.za](http://www.statssa.gov.za)

<sup>22</sup> Statistics South Africa Quarterly Labour Force Survey Q2:2023 available at [www.statssa.gov.za](http://www.statssa.gov.za)



however this is a substantial decrease from 2022.<sup>23</sup> The CCMA reported a decline in the number of retrenchment referrals in 2022/23, which could be attributed to the major retrenchments that were carried out in the 2020/21 financial year which saw many business closures and consequently, retrenchments. The highest number of job losses were recorded in Mining, Retail and Building/Construction Sectors. The CCMA focus on job savings resulted in the saving of 51% (18 196/35 679) of jobs of employees facing retrenchment and total retrenchment recorded at 16 896.<sup>24</sup>

### Political

Following the National Elections held in May 2019, the sixth Parliament of the Republic of South Africa was established and a new Executive was appointed.

More attention has been placed on clean administration, good governance, recovery of the ailing State-owned Enterprises (SOEs) and stabilising the economy.

President Ramaphosa, in his State of the Nation Address in June 2019, said his administration would focus on seven priorities:

- i. Economic transformation and job creation
- ii. Education, skills and health
- iii. Consolidating the social wage through reliable and quality basic services
- iv. Spatial integration, human settlements and local government
- v. Social cohesion and safe communities
- vi. Building a capable, ethical and developmental state
- vii. Building a better Africa and a better world

The President promised to deliver on these five fundamental goals within the next ten years:

- I. No person in South Africa will go hungry
- II. Our economy will grow at a much faster rate than our population
- III. Two million more young people will be in employment
- IV. Our schools will have better educational outcomes and every 10-year-old will be able to read for meaning
- V. Violent crime will be halved, if not eliminated

President Ramaphosa appointed Mr Ronald Lamola as the Minister of Justice and Correctional Services.

The 2023/24 year is the final year of the current administration of government and the current MTSF 2019-2024.

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<sup>23</sup> <https://businesstech.co.za/news/business/726782/over-1200-businesses-have-shut-their-doors-in-south-africa-this-year/>

<sup>24</sup> CCMA Annual Report 2022/23 available at [www.ccma.org.za](http://www.ccma.org.za)

## Financial

The 2024 MTEF Guidelines provide the principles to be taken into consideration for the preparation of the budget. These include i) no additional resources will be added onto the expenditure ceiling tabled in the 2023 Budget; ii) downward adjustments will be implemented on existing baselines to accommodate the funding shortfall. Any spending pressures must first be funded from current baselines and programmes that have not delivered their expected outcomes.; iii) departments are required to identify substantial savings within the baselines tabled in the 2023 Budget; iv) budget submissions must reflect the changes to baselines accordingly; v) funding pressure to a programme will need to be funded through reductions in another programme or through reprioritisation; vi) salary adjustments must be guided by the public service wage bill management strategy and institutions should consider the implications of their remuneration adjustments on future budgets.<sup>25</sup>

In the Budget Prioritisation Framework (Mandate Paper) for Budget 2019, the core mandate for 2019 remains jobs and livelihoods for South Africans. There are three key levers in the NDP to drive growth and hence poverty alleviation, namely economic services, social services and administrative and protection services.

The Budget Prioritisation Framework (Mandate Paper) for Budget 2019 states that in order to achieve the NDP economic growth target of 5%, the top priorities for Budget 2019 are to deal with areas within the State that are hampering economic growth:

a) Firstly, the focus for removing growth inhibitors is on growth inhibitors in the economic services, constraints in the social services and constraints in the administrative and protection services.

b) Secondly, there is a focus on improving efficiency and value for money and identifying savings which includes cutting non-core programmes; phasing out non-performing programmes; reducing spending on consultants; optimising State procurement; limiting litigation costs; ensuring value for money on infrastructure; implementing shared services and better coordination; ensuring revenue generation or collection and alternative funding.

c) Thirdly, priority spending areas which require additional funding should such become available have been identified. These include spending priorities in the economic services; social services and administrative and protection services.

### The Budget Prioritisation Framework

The Budget Prioritisation Framework (BPF) 2022/23 outlined a strategy of stabilisation and recovery given the impacts of the COVID-19 pandemic and unrest issues.

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<sup>25</sup> National Treasury Medium Term Expenditure Framework Technical Guidelines 2024



The BPF 2023/24 needs to demonstrate continuity on priorities for vital reforms and long standing commitments as it will focus on the last year of the current administration.

It is noted that significant risks remain to the current outlook, including COVID-19, Russia-Ukraine conflict, inflation, security of energy supply, constrained fiscal outlook.

The BPF 2023/24 will continue to build on the stabilisation, recovery and reconstruction efforts adopted. This approach is supported by four pillars, namely:

Pillar 1: Public and private employment – this pillar focuses on interventions that are crucial to employment creation, including public employment programmes; private employment support and incentives and skills development and support.

Pillar 2: Inclusive economic growth – focuses on the need to improve the country's growth performance which has averaged around 1.2% between 2010 and 2021. This pillar prioritises various interventions including:

- Improving the ease of doing business
- Improving energy availability and security
- Promoting industrialisation and localisation
- Increasing infrastructure investment
- Supporting growth in SMMEs, township and rural enterprises.

Pillar 3: Social security and support. Given the impact of COVID-19 on the already high levels of poverty, there is a need to ensure that the social protection system is optimised to support vulnerable households. This pillar prioritises optimisation and consolidation of the social wage; and a review of social assistance and income support.

Pillar 4: Capable state to deliver. This pillar prioritises the following:

- Reducing violent crime (incl. GBVF)
- Improving corruption prosecutions and mitigate measures
- Innovation, digitalisation and modernisation of the state
- Manage and mitigate the impacts of climate change.

#### Medium-Term Budget Policy Statement (MTBS) 2023

The Minister of Finance presented the MTBS on 01 November 2023. The focus of the MTBPS is on strengthening economic growth by improving electricity and rail operations, building investor confidence, attracting new infrastructure investment and speeding up delivery, and reconfiguring the state for efficiency.

In terms of the domestic economic outlook, real GDP growth of 0.8% is forecast in 2023, compared to 0.9% projected in the 2023 Budget Review. Growth is projected to average 1.4% over 2024-2026.

Government's medium-term fiscal policy objective remains unchanged: achieve fiscal sustainability, support economic growth and reduce fiscal and economic risks.

Fiscal consolidation will be implemented through spending reductions, efficiency measures across government and moderate tax revenue measures.

### Legal/Justice

Within the Justice Cluster, the various components of the CJS operate on an intersectoral basis in order to address common challenges that are experienced. This includes the formation of various Case Flow Committees at local, provincial and national level. COVID-19 and the various lockdown periods affected stakeholder interaction to some extent however the sector adapted and meetings moved to virtual platforms. Various protocols have been developed and these require departments and entities to work together in a holistic response. However, only a few protocols that affect Legal Aid SA are currently in operation. Although no new protocols were concluded, Legal Aid SA has continued to implement all recommendations and existing protocols developed as a result of the CJS Review Committee. Not much progress has been made in developing common performance indicators across the Justice Cluster. The work of specialist committees such as the Intersectoral Committee on Child Justice and the Sexual Offences Committee, continued as normal. Legal Aid SA was represented on the Rules Board and its task teams where changes to the Rules of Courts are considered. We also monitor and provide input into all proposed legislative changes.

There is ongoing collaboration between the role players in the JCPS cluster to improve the efficiency of the criminal justice system to ensure that justice is not delayed and confidence in the justice system improves. This includes implementing the JCPS Seven-point Implementation Plan and Outcome 3, which is the JCPS Outcome of “All people in South Africa are, and feel safe”.

The NDP Chapter 12 focuses on “Building safer communities” and spells out five priorities to focus on to achieve a crime-free South Africa:

- i. Strengthening the CJS*
- ii. Making the police service professional*
- iii. Demilitarising the police service*
- iv. Build safety using an integrated approach*
- v. Build community participation in community safety*

The NDP is aligned with the Seven-point Plan as the means of strengthening the CJS and recommends that all departments in the JCPS Cluster align their Strategic Plans with the Seven-point Plan. Cabinet also approved an Integrated Criminal Justice Strategy and Framework (ICJS) in 2017 as a mechanism to build on the Seven-point Plan and to ensure that a transformed, efficient, effective, victim-friendly, modernised and integrated CJS is achieved, leading to improved service delivery, improved quality of life and safety for all through interventions in an integrated approach across the CJS value chain.

It is expected that the various interventions currently in place will have a positive impact on improving the efficiency of the CJS.

The Civil Justice System and specifically the physical serving, filing and record keeping of civil files is under review to implement electronic IT based systems to enhance the efficiency of the civil justice system.

The Traditional Courts Bill, under consideration by the National Assembly, will see the inclusion of traditional courts within the mainstream justice system and will regulate the traditional courts in the country to ensure alignment with the Constitution. The Traditional Courts Bill was assented to and signed by the Honourable President on 16 September 2023.

The Land Court Bill, the purpose of which is to provide for the establishment of a Land Court and a Land Court of Appeal, was assented to and signed by the President on 16 September 2023; section 16 states that the Court must refer the matter to Legal Aid SA to consider granting legal representation if a party cannot afford legal representation.

The Legal Practice Act came into operation at the end of October 2018 and the profession is now regulated by one body. Provincial Councils have been set up in all provinces. Legal Aid SA has a seat on the Legal Practice Council (LPC) and additional Legal Aid SA staff have been elected/nominated to the Provincial LPCs.

This is an opportunity to influence the LPC with regard to policies to ensure that it has a client focus.

The Judiciary has demonstrated a high level of independence as evidenced by a number of decisions in which the Executive was ruled against and we now see that attacks against the Judiciary are on the increase. It is important for the country that we have an independent Judiciary that upholds the Constitution and Bill of Rights.

From a client and community perspective, there is increased awareness and access to information resulting in communities becoming more aware of their human rights and therefore needing to know more about the protection of these rights and how to access remedies where there have been infringements. This could result in an increase in demand for legal services, however a lack of resources would impact on meeting this increased need.

It should be noted that legal empowerment of individuals is still fairly low. There has been a decline in community advice services which were offered by paralegals due to a decrease in donor funding and therefore Legal Aid SA will have to provide advice services and legal empowerment. Proposals have been made on how the Community Advice Offices (CAO) sector can be formalised and regulated and it is likely that a Bill will be presented on the sector.

A decline in public confidence in the justice system results in the risk of the public taking the law into their own hands.

We have noted an increased number of incidents where communities have protested the granting of bail to accused persons in sensitive cases. There appears to be a lack of understanding by communities of the purpose of bail, which ultimately affects people's confidence in the CJS.

Current budget cuts that affect both prosecutions and legal aid may result in an increase in backlog cases, which can then further erode confidence in the CJS. Legal Aid SA has a role to play in educating communities on this.

Section 27(c) of the Refugees Act entitles a refugee to apply for a permanent residence permit after five years of acquiring refugee status and they then cease to be a refugee. This creates confusion as a refugee with a permanent resident status has two statuses in the country and can use a South African passport. The 2017 Act creates logistical barriers to the asylum process and is in violation of the SA Constitution, AU and UN conventions.

Further sections of the NDP which are relevant to the work of Legal Aid SA include Chapter 11 Social Protection, Chapter 13 Building a Capable State, Chapter 14 Promoting Accountability and Fighting Corruption and Chapter 15 Transforming Society and Uniting the Country.

According to the NDP, effective social protection and welfare services are linked to the elimination of poverty and the reduction of inequality.

The aim is to establish a social security system for all working people, with social protection for the poor and other groups in need, such as children and people with disabilities. Part of the vision for social protection is to ensure that vulnerable groups are protected.

Legal aid is provided in civil matters, including to vulnerable groups. In particular, children are assisted with civil matters in terms of the Constitution and children's estate matters referred by the Master's Offices are attended to. The demand for civil cases exceeds the current capacity of Legal Aid SA, therefore civil services need to focus on priority matters or vulnerable groups such as women, children, the elderly and mental healthcare patients.

Building a capable State involves professionalising the public service and upgrading skills, having clear lines of accountability and improving the efficiency of service delivery. Ultimately, the aim is to have a developmental, capable and ethical State that treats citizens with dignity. Legal Aid SA provides quality legal services and has a quality management programme in place as well as systems and processes to ensure efficient service delivery. Ongoing skills development takes place through training programmes for legal and non-legal staff and bursaries are available to staff. Legal Aid SA is a high performance public entity operating within a strong governance framework, thus building a segment of a capable State.

In Chapter 14 of the NDP which focuses on promoting accountability and fighting corruption, the focus is on building a professional public service and capacitating the State so that it is able to play a transformative and developmental role.

The aims include strengthening accountability, improving service delivery in government and fighting corruption to ensure that the State operates fairly and efficiently and delivers on its developmental mandate. Under the leadership of its Board of Directors, Legal Aid SA practises good governance in all spheres of the organisation. Strong financial management and governance has enabled the organisation to deliver quality legal services in an economic, efficient and effective manner. There is high compliance with Supply Chain Management policies and fraud prevention and ethics promotion measures are in place. With regard to governance, Legal Aid SA has aligned its governance processes to the King IV Code of Governance and currently implements the principles of King IV.

### International Legal

Implementation of legal aid systems in compliance with the UN Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems is ongoing globally. There is better co-operation with governments in Africa and international bodies on the implementation of the UN Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems. Legal Aid SA meets the requirements for the UN Guidelines on access to legal aid and has developed a strong, internationally recognised legal aid system that is sustainable and gives effect to sustainable access to justice.

Many other jurisdictions in the world have learnt from this system developed by Legal Aid SA and we continue to engage with them through their visits to Legal Aid SA to study our model as well as through workshops and conferences focusing on access to justice.

With regard to SDG 16, global indicators on access to justice and civil justice were developed as part of the reporting on SDG Target 16.3, flowing from SDGs 2030. However, global indicators do not include indicators on civil access to justice. Reporting on the available data has commenced by various jurisdictions, both regionally and internationally. In 2023, Stats SA co-ordinated work on the SDG Country Report 2023 for South Africa.

There has been adoption and implementation of the recommendations of the Global Study relating to data collection, provision of legal services, enhancement of the quality of legal aid services, improving the sustainability of legal aid and sharing of experiences on a global level. The recommendation of the Global Study has been implemented by different jurisdictions in Africa and beyond. Such implementation is at different stages in different countries. Legal Aid SA has an advanced system of data collection and interventions to continuously enhance quality of legal aid. Various programmes are in place and there is an annual review of the SOPs.

Sharing of experiences has been effective through conferences and summits, supporting countries that are still experiencing challenges.

The majority of jurisdictions in the world, particularly under the European Union, have moved to emphasise and implement early access to legal representation immediately after arrest. In some countries paralegals have been identified as an important component to provide early access to legal representation after arrest. More countries are now investigating the provision of early access to justice at police stations using paralegals. There is an opportunity to implement this as early access to justice enables the protection of rights of suspects; initial consultation will curb unconstitutionally obtained evidence; clients may spend less time in detention and there may be speedy finalisation of trials as well as higher rates of release on the day of arrest.

### Technology

The Fourth Industrial Revolution and advances in technology are reshaping the world, the work environment and all aspects of life. It is therefore important for us to be informed of the changes that the Fourth Industrial Revolution brings and how it impacts on our business environment. A recent example is the release of the AI chatbot Chat Generative Pre-trained Transformer (ChatGPT) late in 2022 has seen hundreds of millions of people experimenting with the tool. It is a large language model-based chatbot that enables users to refine and steer a conversation towards a desired length, format, style, level of detail, and language.

Artificial Intelligence has capabilities of self-help online services on business requirements. Descriptive analytics in law are able to monitor legal trends and outcomes of cases in legal firms by legal practitioners.

The use of data is essential to daily business life. Standalone devices in business use are increasingly giving way to connected devices that create access to 'Big Data' used to drive operational efficiency and competitive advantage.

The adoption of cloud services has rapidly grown in line with business adoption of virtual office operations. By 2020, at least four data centres became operational on the African continent to mitigate the risks of hosting of African companies' data. Eighty-one percent of all enterprises have a multi-cloud strategy in place and research has shown that 60% of businesses intend to employ the emerging technologies provided through cloud services in the next 18 months. Microsoft has built two data centres in South Africa; one in Johannesburg and one in Cape Town. These data centres will power cloud services that include artificial intelligence and computing innovations.

With advances in technology come additional cyber security risks. A National Cyber Security Framework has been established. Cyber-attacks are forcing organisations to employ a zero trust security model. Therefore, rigorous authentication measures are required to verify user identity through multiple layers of credentials. It is for this reason that Legal Aid SA has developed the Cybersecurity Strategic Plan to ensure that issues of cybersecurity are effectively managed while advancing technological use.

Constitution Twentieth Amendment Bill - The Bill aims to amend the Constitution so as to require national legislation to establish a Cyber Commissioner in SA; Bill 20 of 2023 was introduced to the National Assembly on 13 July 2023 and is currently under consideration.

As we embrace the Fourth Industrial Revolution we must remain aware that given the reality of poverty, inequality and unemployment in South Africa, the digital divide exacerbates the exclusion of indigent and vulnerable persons from technology-based solutions. However, it should be noted that a large proportion of the population have connectivity through mobile devices. The Census 2022 found that households with access to the internet increased to 79% in 2022 from 35% in 2011. Internet access via cellphone was the most common source of internet for most households.

There are opportunities to reimagine the world of work for greater focus on innovation and knowledge with the automation of routine processes, as well as new opportunities for extending access to justice and reach to clients. Advancements in technology will impact on people and employment, resulting in certain jobs becoming redundant. The impact on human resources relates to the reskilling of employees and creation of new job profiles. For the organisation we must exploit opportunities that the advances in technology offers to improve organisational efficiencies and systems.

### Technology and Media

The digital media landscape continues to grow in South Africa, with social media, mobile device and mobile social media user figures continuing to increase. During COVID-19 the use of social media platforms was particularly useful in providing information to clients when there were restrictions on accessing Legal Aid SA offices. Organisational social media growth continues to be organic, and the Legal Aid SA website is revamped, allowing for up-to-date multimedia content options and improved cross-pollination of digital platforms. Search Engine Optimisation (SEO) is now actively focused upon. Shared content is key and it is therefore necessary to create content that members of the public find useful enough to share with their networks, thereby widening the pool of people reached by our content. Legal Aid SA is including some digital advertising campaigns such as innovative digital billboards of freeways and commuter networks as part of other paid-for advertising campaigns. Out-of-home advertising (shopping mall advertisements) have been used to expose the Legal Aid SA brand; the LRMU, strategic litigation services as well as the Advice Line to more members of the public.

It is anticipated that the digital divide will continue to lessen, with data costs and mobile technology costs falling. The Fourth Industrial Revolution (4IR) becomes a more meaningful intervention – the interconnectivity and engagement possibilities are the future. There are software programmes that can engage clients on social media platforms by identifying topics they discuss and giving them relevant information.

More and more members of the public will have access to smart phones and Legal Aid SA's social media and digital platforms will be more accessible to the public in text/infographic/video formats.

It is important for Legal Aid SA to engage in ongoing organisation-wide training on social media and promote an understanding of the HR Policies and Procedures and Social Media Standard Operating Procedures, which govern employees' use of social media, to minimise reputational risks.

### Technology and Legal

Some advances have been made with regard to the use of technology in legal processes, including service of court documents via email being accepted as legal service, which signals the judicial move towards digitalisation. Unavailable witnesses or indisposed witnesses' testimony via remote technology has been explored for consideration.

Audio Visual Remand (AVR) technology has been introduced in certain courts and is still in the stage of roll out to further courts. Vulnerable witnesses (children in sexual offences matters) are allowed to testify via closed-circuit television (CCTV).

There is a focus on continuous development of the Integrated Justice System (IJS) and implementation of case management at court level. An electronic document management system will have many benefits, including improved use of court time, improved quality of legal representation, reduction in unnecessary postponements, improved turnaround time in finalising cases and a reduction in fraud and corruption.

### Environment

The UN Intergovernmental Panel for Climate Change has published scientific research which sets out the state of the planet and the impact of climate change.

Climate change is the root of many environmental concerns and issues. Carbon emissions in South Africa are very high and we are struggling to lower this. Climate change is impacting on our climate patterns, which results in less rainfall, increasing temperatures and irreparable changes to habitats and ecosystems.

The UN Intergovernmental Panel for Climate Change has predicted 200 million climate refugees by 2050 if climate change is not addressed and arrested. The world is required to reduce carbon emissions from the current over 400 parts per million to lower than 350 parts per million to arrest the damage being caused by increasing carbon emissions impacting on global warming and climate change. The interventions include reduced use of fossil fuels, use of clean renewable energy sources and ending the use of plastics.

We can assume that there will be less consistent rainfall nationwide. This requires water wise habits and curbing our consumption of water nationwide as well as increased awareness of using grey water. Recent droughts have severely affected families, farms, firms and the fiscus.



The growing population makes more demands on the environment. Uncertain and changing rainfall patterns due to climate change will have important ramifications for water security in South Africa. Sustainably managing water resources is critical. Climate change threatens South Africa's biologically diverse ecosystems and natural resource base – itself a key source of employment and livelihoods.

There is a major need to reduce energy consumption in South Africa. Poor management of infrastructure has seen our electricity grid failing, with load shedding and load rotation more common.

Waste disposal is a major environmental concern as we are producing too much waste that cannot be disposed of safely nor quickly. Awareness of recycling material where possible is growing, as well as calls to cut single-use items (such as plastic straws or plastic bags) out of our consumption habits. There is a drive towards ethical consumption. Legal Aid SA has an Environmental Policy in place.

Government has established a Presidential Climate Commission (PCC), an independent multi-stakeholder body established by the President. The purpose of the PCC is to oversee and facilitate a just and equitable transition towards a low-emissions and climate-resilient economy. Government concluded the Just Energy Transition Investment Plan (JET-IP), which outlines government's comprehensive priority investment and financing interventions required to achieve the decarbonisation commitments made by the South African Government. The PCC conducted consultations on the JET-IP with stakeholders and submitted the final recommendations to President Ramaphosa for consideration by government. Further, the PCC submitted its detailed response and submission to the Department of Mineral Resources and Energy on the South African Renewable Energy Masterplan.

### Governance and Ethics

The King IV Code on Corporate Governance is in place with simplification and ease of interpretation a key tenet and principles clearly differentiated from practice recommendations. Boards are increasingly becoming aware and implementing their responsibilities of being a responsible corporate citizen. In addition, they are increasingly defining their responsibilities, including social and ethics practises, and continue to review the scope of responsibility of the Social and Ethics Committee.

Legal Aid SA has embraced King IV into organisational policies and procedures and Charters and implemented the relevant principles. A fully functional governing body is in place as well as strong and effective governance instruments. The values of ethical business practises are part of the organisational values, strategies and business practises. It is also integrated into the enterprise risk registers. Managers set the right tone at the top and act consistently with the organisation's values and policies.

King IV's code of good practise encourages inclusivity of all stakeholders in the creation of organisational values and reporting on ethical conducts.

Companies with increased disclosure of remuneration policy aspects, results/trends in risk management and the effectiveness of ethics management to the public are in alignment with leading practise of transparency as recommended by King IV. Consideration is given to social and increasingly to environmental concerns in developing and implementing business practises. This has led to increased focus on social and environmentally responsible business practises by Legal Aid SA.

### People Development/Human Capital Management

The challenges experienced as a result of COVID-19 resulted in companies being more aware of employee wellness and work-life balance as well as rethinking various working options. Remote work options have been introduced or integrated into many jobs and mental health awareness has been highlighted with more interventions in place.

The state of the South African economy, with high inflation and the impact of higher petrol prices has resulted in the unions, including those in the public sector, bargaining for higher salary increases. Recent strikes in key economic sectors have further negatively impacted the economy. July 2023 saw a nationwide socio-economic strike which was in protest against the rising levels of unemployment, wage cuts, interest rate hikes, poverty and inequality affecting the working class. In August 2023 a Cape Town Taxi Strike arising from a dispute between minibus taxi operators and the City of Cape Town, left commuters stranded and unfortunately resulted in public violence, damage to property and the loss of lives.

### Stakeholder Engagement

The organisation recognises and understands the important role that both internal and external stakeholders play in driving the vision and mission of the organisation.

Legal Aid SA works with a wide range of stakeholders from a complex stakeholder universe who have distinct needs and expectations and varying levels of involvement with Legal Aid SA. These stakeholders include the Ministry of Justice and Correctional Services; Parliament; stakeholders in the Justice Cluster; law clinics and advice offices; professional legal bodies including international legal bodies; National Treasury and other government departments; Judicare practitioners and Co-operation Partners; our employees and clients; NGOs and CBOs; advocacy groups, and the media. Engagements and relationship management with stakeholders are geared towards supporting business strategy and operation, enhancing good reputation, improving risk management and building organisational values. The organisation is part of dedicated forums that promote dialogue and representations on access to justice through collaborations and partnerships to advance the legal interests of vulnerable groups in societies.

These partnerships are aimed at:

- i. promoting the efficient functioning of the justice system within South Africa;
- ii. ensuring that communities are informed and educated about their legal rights and have access to legal services, and
- iii. providing expert knowledge and advice to other countries in the global arena to model their access to justice and legal services on the Legal Aid SA model, which has proven successful.

The Legal Aid SA Client Relationship Management Strategy covers monitoring mechanisms for clients' complaints and the professional ethical practises of staff. A Court Stakeholder Relationship Management Programme is in place to obtain feedback from our stakeholders in the justice system.

## **Internal Environmental Analysis**

### **COVID-19**

The 2020-2021 and 2021-2022 financial years saw the organisation working under the conditions resulting from the pandemic. The interventions put in place to mitigate the risk and threat of COVID-19 included:

- The appointment of compliance officers for each office.
- The establishment of a COVID-19 webpage for staff to report any concerns about COVID-19 and the workplace.
- A COVID-19 Steering Committee was established to respond to concerns raised by staff and develop plans to mitigate risks posed by the pandemic.
- A two-teams weekly shifts approach was employed for attendance at the Legal Aid SA offices, enforcing all Health and Safety Protocols.
- Keeping offices closed to walk-in clients while reopening the Legal Aid SA Advice Line, and continuing court coverage as allowed by the Regulations.
- Implementation of a continuous communication programme with internal stakeholders, which included daily COVID-19 updates, staff notices, legal newsflash alerts related to COVID-19.
- The introduction of vaccination related initiatives.

Impact of COVID-19 and other business disruptions:

As at the end of Q4 2020/21 there was a total of 333 positive cases. Legal staff members (66%) were most affected. Unfortunately, Legal Aid SA suffered eight fatalities due to the pandemic. In the 2021/22 financial year, 373 employees were infected with the Coronavirus. Legal staff members account for 66% of those affected by the pandemic. Unfortunately, Legal Aid SA suffered six (eight in 2020-21) fatalities due to the pandemic. The province with the highest cumulative number of infections at the end of 2021-2022 was Gauteng, followed by Northern Cape/Western Cape and KwaZulu-Natal in the second and third spots, respectively. The vaccination rate was 54.8% as at the end of the 2021-22 financial year.

Financial implications relating to COVID-19 expenditure totalled R13,053,340, which included operational expenditure (sanitiser, cleaning, screens, dispensers), Access Point Network (APN) line rental, APN data usage and cell phone allowances.

Service delivery at courts was negatively impacted throughout the 2020/21 and 2021/22 financial years as court coverage, intake of new matters and finalisation of matters was lower than initially planned.

Local Offices were affected in various ways due to the pandemic and some were temporarily closed for decontamination.

In order to make effective use of technology IT interventions continued. Microsoft granted Legal Aid SA a six months' pilot licence with 300 users to use their cloud collaboration tool named Microsoft Teams. This tool has enabled the organisation to conduct online meetings, sharing documents and collaborating in real time. The tool was extended to 1,000 users by the end of the 2020-2021 financial year. Whilst COVID-19 has presented the opportunity for more users to work from home remote connections come with the risk of more vulnerabilities. The cybersecurity training environment has been prioritised.

Distribution of Access Point Networks (APNs) – The number of users with remote access increased from 910 in March 2020 to 1,742 by the end of the financial year, using both APN and Virtual Private Network (VPN). This constituted 71.8% of the total staff establishment as at the end of the 2020-2021 financial year. As at the end of the 2021-22 FY, 80% of the Legal Aid SA workforce has remote access to our IT systems, with network and Internet lines upgraded to boost capacity for remote work. As at the end of the 2022-2023 financial year over 90% of Legal Aid SA's workforce has remote access to the organisation's systems through laptops and network access tools.

Leave provision was R46,033,194 as at the end of the 2021-2022 financial year, which was a decrease of 6% from R49,114,154 in the 2020-2021 financial year.

As at the end of the 2022/23 financial year 58 employees had been infected with COVID-19 throughout the year. The COVID-19 vaccination rate was at 51.9%. Other crises and business disruptions such as loadshedding, water disruptions, service delivery protests, health and safety disruptions and the outbreak of non-communicable diseases had to be mitigated and monitored and this was monitored and managed by the Crisis Management Steering Committee. Common disruptions included loadshedding and water; 4,985 loadshedding disruptions and 129 water disruptions. To mitigate the adverse impact of loadshedding on business continuity the 64 Local Offices have Uninterrupted Power Supply (UPS) units and the UPS installation at the 64 Satellite Offices is in progress.

Legal service delivery at courts was impacted in terms of the court coverage. The financial impact of business disruptions amounted to R44 million.

In quarter two of 2023-2024 electricity continued to be a major risk and these disruptions were caused by loadshedding and fault/cable theft.

Other business disruptions included external health and safety issues affecting court buildings and external labour issues which relates to court interpreters being ill or unavailable. Flooding in the Western Cape in quarter 2 impacted the Caledon and Worcester Local Offices.

### Legal and Justice

In the 2022/23 financial year, Legal Aid SA provided legal assistance in 371,468 new criminal, civil and land matters and legal advice to 209,962 persons, totalling 581,430 persons assisted by the organisation. These matters comprised 322,337 (87%) new criminal legal matters and 48,805 (13%) new civil legal matters and 326 new land matters. The number of legal matters finalised was 355,384 and of these, 308,490 (87%) were criminal matters and 46,885 (13%) were civil matters and nine land matters. The Legal Aid SA national footprint consists of 64 Local Offices, 24 of which are situated in rural areas and 40 in urban areas, and 64 Satellite Offices; 55 in rural areas and nine in urban areas. All service delivery points were appropriately staffed during 2022-2023, with staff recruitment at 93,6%, which was 2,657 staff at the end of the financial year. The staff turnover rate excluding Candidate Attorneys (CAs) was at 4,5%. The workforce component of Legal Aid SA is generally diverse, in line with annual targets to achieve employment equity goals.

Our average planned criminal court coverage to District Courts is currently 86% and Regional Courts is 95%. All High Court matters requiring legal aid in criminal matters are however covered. Whilst we have improved alignment of practitioner capacity to match court demand, it is expected that going forward, we will be forced to further reduce our criminal court coverage at the lower courts due to reductions in budget. At the High Courts, greater engagements will be required to implement a Practitioner per Judge model, in order to improve efficiency and productivity.

Civil legal aid services are provided based on a priority assessment in order to manage demand. Matters assessed as low priority are given waiting periods. It is envisaged that civil practitioner productivity will be directed to more complex priority matters and that there will be an improved handling of advice matters by paralegals rather than advice matters consuming the time of legal practitioners. Advice Line services were fully available in 2022-2023 and the Advice Line is now able to deliver telephony advice services remotely, which means that this service can continue when offices are inaccessible for any reason.

Our Legal Quality Monitoring Programme was refined to ensure a risk-based approach. Standardised quality documents to guide practitioners in the conduct of matters were introduced and quality review instruments were further refined to ensure outcomes-based assessment. The quality programme was also extended to paralegals.

The quality monitoring and supervision programme has ensured that over 95% of practitioners meet our quality standards, which is evidence that we have a mature quality monitoring and intervention programme.

With the maturing of our quality programme we aim to have more than 98% of our practitioners achieving the quality targets and over 75% of admitted practitioners assessed as low risk, thereby reducing our supervision requirement. The Quality Assurance Programme has been extended to include a review of the work of all practitioners handling cases on behalf of Legal Aid SA clients, including Judicare practitioners, Co-operation Agreements and fixed-fee Agency Agreements. To inculcate a culture of delivering quality legal services to clients among Judicare practitioners, individual consultations are held with Judicare practitioners to discuss the quality requirements and they are required to perform a self-review of their work. All quality programmes and the instruments used to monitor the quality of legal services are reviewed. The Legal Quality Assurance Unit which is located within the Internal Audit Department conducts independent quality audits of all legal practitioners. This provides a measure of independent assurance of the quality of services provided.

Experience levels of practitioners at the various court types have increased to levels that are much higher than our minimum requirements. With practitioners spending 100% of their time in the criminal courts, many of our practitioners can be regarded as specialist criminal practitioners. Feedback from court stakeholders and clients on practitioner quality is very positive. The Stats SA Governance, Public Safety and Justice Survey 2018/19 found that *people who were represented by Legal Aid lawyers had the greatest proportion (89%) of people who were satisfied with their service.*<sup>26</sup> Attention will be given to practitioner skills development to align to changes in the legal and justice environment. There is a need to continuously enhance the profile of Legal Aid SA practitioners as specialist litigators in their field, which will impact positively on the image of Legal Aid SA.

Budgets for Co-operation Partners have reduced due to budget shortfalls. Currently, there are nine Co-operation Agreements in place with University Law Clinics. A well-established visitation programme is in place with Community Advice Offices. We have good partnerships with Legal NGOs, and Law Clinics and Community Advice Offices have increased access to civil legal services. Continued budget shortfalls may impact on the number and/or extent of our Co-operation funding. Legal Aid SA will promote the formal recognition of the paralegal sector.

Over the years we have seen increased respect and recognition of Legal Aid SA's role within the justice system as a result of our excellent performance, including repeated clean audits, credible performance information and research-based practises and management. Legal Aid SA representatives are active participants at all national, provincial and local justice cluster fora.

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<sup>26</sup> Statistics South Africa Governance, Public Safety and Justice Survey GPSJS 2018/19 available at [www.statssa.gov.za](http://www.statssa.gov.za)

Legal Aid SA is a valued player within the justice cluster and will influence justice cluster partners to better align court capacity to court demand, which will be positive for all justice cluster partners who are experiencing reducing budgets.

Legal Aid SA has an official Language Policy in place to promote recognition of the linguistic and cultural diversity within the organisation and the communities it operates in, as well as to ensure that Legal Aid SA adheres to its constitutional and legislative mandate to promote multilingualism to guarantee that communication between the organisation and the public is effective. The Legal Aid Advice Line can assist clients in all official 11 languages and during the 2022/23 financial year an upgrade in technology created the capability to deliver telephony advice services remotely, enabling Advice Line staff to work from home. Sign language was promulgated as SA's 12<sup>th</sup> official language in July 2023. The Census results show that less than 1% of the population communicated using sign language in both Censuses 2011 and 2022.

**Table 2.8: Population distribution by language spoken most often in the household, Census 2022**

Language	Census year			
	1996	2001	2011	2022
Afrikaans	14,5	13,4	13,5	10,6
English	8,7	8,3	9,7	8,7
IsiNdebele	1,5	1,6	2,1	1,7
IsiXhosa	17,9	17,6	16,0	16,3
IsiZulu	22,8	23,8	22,7	24,4
Sepedi	9,2	9,4	9,0	10,0
Sesotho	7,7	7,9	7,6	7,8
Setswana	8,2	8,2	8,0	8,3
Sign language	-	-	0,5	0,02
SiSwati	2,5	2,7	2,5	2,8
Tshivenda	2,2	2,3	2,4	2,5
Xitsonga	4,4	4,4	4,5	4,7
Other	0,6	0,5	1,6	2,1
<b>Total</b>	<b>100,0</b>	<b>100,0</b>	<b>100,0</b>	<b>100,0</b>

*Note: Excludes population aged younger than 1. Sign language data not available for 1996 and 2001.*

Clients access legal services through visits to the Legal Aid SA offices as the preference is for face-to-face consultations. Therefore, the provision of office space enables access to legal services and ease of access to offices by clients guides the decision on the location of offices. Currently the property portfolio consists of one national office, six provincial offices, 64 local offices and 64 satellite offices. Eight of these offices are owned by Legal Aid SA, 125 are leased from various landlords and four rent free court office spaces in Mitchells Plain, Polokwane, Kuruman and Mbombela are provided by the Department of Justice and Constitutional Development in their court buildings. There are various challenges experienced in the procurement of office accommodation, including escalating lease premiums amid budget cuts; non-responsive tenders; poor maintenance of leased premises and budget cuts.

Further, the acquisition and management of office accommodation contributes significantly to the irregular expenditure incurred by Legal Aid SA. Besides the procurement challenges brought about by legally disputed requirements in the Preferential Procurement Regulations of 2017, a number of tenders that were advertised were evaluated as unresponsive, particularly with regard to office accommodation, resulting in the need to review specification requirements while ensuring that they comply with the regulations. The strategic solutions to these challenges include the purchase of buildings by Legal Aid SA, relocation to cheaper areas, reducing office space and merging with Legal Aid SA Provincial Offices and co-habiting with other government departments. Sixteen areas have been identified for office building acquisition, based on historical data on published tenders where there were no responses, property portfolio lease registers, areas with high rental and where irregular expenditure has been experienced.

Anticipated outcomes of the acquisition of properties are reduced rental over the medium to long-term; reduced office space and optimal use thereof; increased owned property portfolio; increased certainty of tenure; and reduced irregular expenditure.

The Minister of Justice and Constitutional Development has given his support for this strategy and has approved the purchase of office buildings in terms of the PFMA to address the ongoing challenge of acquiring office lease accommodation.

#### *Women, Youth and People with Disabilities*

Legal Aid SA, as an employer of choice mindful of the obligation to create a diverse and inclusive workforce, constantly reviews the employment of women, youth and people with disabilities with the aim of eradicating gaps in the employment of women, youth and people with disabilities. Policies and best practices are in place to advance the interests of these categories of employees and these are regularly reviewed to ensure the achievement of its annual goals and objectives with regard to women, youth and people with disabilities.

Legal Aid SA provides legal services on a demand basis and this includes services to women, youth and people with disabilities.

Children are a special vulnerable group and, as such, matters involving children receive priority and we have capacitated all our practitioners with training in dealing with matters involving children.

Legal Aid SA strongly opposes gender-based violence and legal practitioners are committed to promoting justice for victims of crime. The entity participates in the National Steering Committee on GBVF that monitors the implementation of the National Strategic Plan on GBVF. The Legal Aid Regulations have been revised to allow for more people to be able to access legal representation in Domestic Violence Act matters and legal advice is readily available on domestic violence, harassment and maintenance matters.



Youth unemployment remains a major socio-economic challenge and job creation is one of the national priorities flowing from the NDP. Legal Aid SA has a university outreach programme that aims to educate students on the career opportunities available to them to advance their legal careers, beginning with the CA Recruitment Programme. The organisation employs approximately 500 CAs per annum. Employing CAs provides a skills base for legal practitioners within the organisation, provides entry to the legal profession to legal graduates and employing Black CAs and women CAs contributes to the transformation of the legal profession.

The commitment to transformation and equal opportunity translates into prioritising the employment of women. In the 2022/23 financial year women comprised 56,7% of the workforce and 45,8% of the Senior Management workforce were women. This exceeded the targets of the Legal Aid SA Employment Equity Plan 2020-2025, which aims for 45.2% of both the total workforce and Senior Management being women. A focus on female youth resulted in 301 women CAs being recruited in 2022-2023 (60% of the 504 total).

A Judicare Women Empowerment Programme monitors the number of female practitioners who are accredited as Judicare Practitioners, with the aim of mirroring the actual composition of the legal profession. This programme continuously monitors the number of instructions given to women practitioners, as well as the type, number and value of these matters. Mentorship and Trial Advocacy Training is also provided to further empower these practitioners.

### Financial

Strong internal controls are embedded within Legal Aid SA's reporting processes including financial reporting aligned to the Generally Recognised Accounting Practice (GRAP) Financial Reporting Framework. This has resulted in 22 unqualified audit reports.

Supply chain management policies and procedures are in place and are reviewed and updated to align to changes in legislation and regulations and tested through the Internal Audit Coverage Plan. This enables Legal Aid SA to continue to mature its financial management processes, internal controls and financial risk management controls. Irregular expenditure has increased in the 2022/23 financial year and is largely attributable to the newly established LRMU's allocation of matters to non-tax compliant practitioners and/or those not registered on the Central Supplier Database (CSD). An Internal Control Unit is in place 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.

The Internal Control Unit maintains registers on irregular expenditure, fruitless and wasteful expenditure and losses and damages. Numerous processes and system enhancements have been developed to minimise the recurrence of irregular expenditure.

Legal Aid SA's current and cash ratio is slightly above the industry benchmark. Positive cash and cash equivalent balances support the business operations, however Legal Aid SA's cash reserve may be reduced as more cash is drawn to supplement the budget shortfall. The MTEF 2021/22 to 2023/24 preliminary allocation letter received on 8 December 2020 indicates that there will be budget baseline reductions totalling R534 million over the MTEF period. Legal Aid SA is expected to reduce compensation to employees by R225,768,000 and goods and services expenditure by R308,902,000, over the MTEF period. The continued budget cuts are not sustainable as it impacts on staffing and service delivery and will in the medium-term significantly affect the ability of Legal Aid SA to fulfil its mandate. The 2022 MTEF Allocations letter dated 29 November 2021 confirmed a preliminary allocation for 2022/23 of R2,094,147,000 which includes R11,165,000 for the appointment of Specialised Commercial Crimes Court practitioners. The 2023 MTEF Allocations letter dated 23 November 2022 confirmed a preliminary allocation for 2023/24 of R2,189,449,000 which includes an amount of R76,625,000 for the function shift being the migration of the Land Rights Management facility legal representation functions from Vote 29: Agriculture, Land Reform and Rural Development to Legal Aid South Africa. The 2024 MTEF Allocations letter indicates budget reductions for Legal Aid SA of R229 million in 2024/25, R239 million in 2025/26 and R250 million in 2026/27. Amounts of R50 million in 2024/25, R52 million in 2025/26 and R54 million in 2026/27 will be shifted from the Department of Agriculture, Land Reform and Rural Development to Legal Aid South Africa for legal representation in land rights matters and will be used to fund the contingent liability.

In the MTEF 2023/24 allocation, salaries and related costs account for 80% of the allocation, the operating budget 12%, other direct expenditure (directly linked to the provision of legal services) 5% and the capital budget 3%.

In 2024/25 salaries and related costs will continue to be the biggest driver of spending constituting an average of 79% of the allocation over the MTEF, the operating budget is the second highest driver accounting for 12% of the allocation over the MTEF period, other direct expenditure relates to expenditure that is directly linked to the provision of legal services at 6% of the budget. The remaining 3% is for the replacement of capital assets according to the CARP.

With regard to the status of the institution's compliance with the Broad-Based Black Economic Empowerment Act 53 of 2003, Legal Aid SA's B-BBEE status is non-compliant. Targeted Employment Equity transformation programmes and programmes focused on supplier development will be implemented.

## Technology

Business intelligence systems are in place for Legal Aid SA core applications (eLAA, SYSPRO and SAP) and data is used to drive operational efficiency and competitive advantage. The organisation will continue to use analytics and business intelligence systems to enhance efficiencies. A Cybersecurity Policy and Strategy, as well as a Cybersecurity roadmap and risk register are in place. To achieve the objective of building a resilient cyber environment, penetration testing and security audits are conducted regularly to identify any vulnerabilities and ongoing staff training is conducted.

The implementation of the Software-defined Wide Area Network (SD-WAN) offers several benefits such as enhanced performance, increased bandwidth utilisation, improved application visibility and simplified network management. This transition has resulted in significant cost savings and improved network performance, enabling seamless connectivity across the organisation's geographically distributed offices.

Mobile applications are being explored to empower legal staff with self-service tools that they can access from anywhere on their corporate cellphones, further capacitating remote work.

A cloud-based telephone management system, which replaces the traditional PABX system, has been rolled out to all offices and the Legal Aid Advice Line and this system is available from anywhere using any device.

## Technology and Legal

The electronic Legal Aid Administration 2016 (eLAA) system continues to be stabilised and enhanced, subsequent to the eLAA (Release 1) having become operational in October 2019. This core system has been upgraded to the latest version to keep up with emerging technologies. This new version provides an intuitive user experience, improved integration capabilities and advanced analytics, empowering employees to work more efficiently and effectively. As at the end of the 2022-2023 financial year the eLAA release 2 project status is at 64% overall completion. Management information is digitalised and data integrity is continuously addressed.

Legal Aid SA has an institutionalised electronic knowledge management system which includes legal support systems.

We see an increased move to digitalisation, including

- i. Online applications for legal aid;
- ii. Increased focus on self-help solutions and better informed public using online solutions information;
- iii. Training and education solutions: Induction programmes automated, podcasts, TED talk types, court room simulation;
- iv. Automated documentation solutions extended to criminal matters (HotDocs type);

- v. Technology developed and implemented to ensure early access to legal advice to arrested and detained persons at police cells;
- vi. Legal discussion forums extended to legal collaboration platforms, inclusive of Judicare and/or other legal practitioners, and

### Governance and Ethics

New members of the Board were appointed for a five-year term starting from 2018/19-2023/24. A Combined Assurance Forum with Terms of Reference was approved by the Board and the Combined Assurance Forum was established. Internal Audit drives the implementation of the Combined Assurance Model and co-ordinates the provision of risk assurance services through a combined assurance initiative.

Ethics Programmes were maintained and a Register of Interests is maintained for all staff. Lifestyle audits are to be extended and the Register of Interests is to be cross-checked with approved procurement to manage conflicts of interest.

A webpage on monitoring contract expiry dates was initiated to reduce irregular expenditure resulting from late initiating of procurement processes on contracts that were about to expire. There has been an improvement in the detection of irregular expenditure incurred. In order to enhance internal controls and ensure compliance with laws and regulations, a system to process and track deviations was developed and implemented during 2020-2021. This further assisted in reducing irregular expenditure.

### People Development/Human Capital Management

Legal Aid SA has a strong people centred focus in the Terms and Conditions of Employment (family leave, religious leave, flexible work arrangement, service awards, reduced working hours). Innovative people management practises are in place and there are high levels of employee retention with low levels of turnover (4.5% as at 31 March 2023).

There has been a positive uptake of modern talent management practises within Legal Aid SA. The organisation has a highly academically qualified knowledge workforce, in which 90% of employees have tertiary education.

In addition, legal practitioners have the skill and competence to deal with complex matters given that the average years of experience of legal practitioners is high, at 15 years. Further, the organisation has Top Employer SA accreditation of the Legal Aid SA talent management practises.

The Legal Aid SA workforce is dominated by Millennials who are managed by Generation X and we need to be aware of this generational gap and the implications thereof.

Previous reductions in the Total Cost of Employment and talent management programme budgets at Legal Aid SA resulted in financial rewards and benefits being rightsized and cut to a minimum with no funding for new posts.

Employee morale was adversely affected by the budget cuts and shortfall and led to growing dissatisfaction with the EVP offering due to reductions. This offered an opportunity to refocus and segment the EVP. Maintaining a competitive EVP remains a priority for the organisation and to this end the following EVP aspects were revisited and reviewed: the prior year's Group Life cover was doubled with additional cover benefits ranging from Temporary Disability, Permanent Disability and Critical Illness, professional services membership fees were subsidised, Candidate Attorneys' Practical Legal Training and Board Examination Fees were covered in full, the postgraduate bursary funding ceiling was doubled and the undergraduate bursary funding ceiling was increased by 50%. Given that the strategic objectives can only be achieved through a motivated and engaged workforce, which requires continuous EVP improvements to attract and retain talent, the EVP elements were reviewed in the 2022/23 financial year. This resulted in the addition of GEMS, the Government Medical Aid Scheme, with increased employer subsidy, and increases of R10,000 to both undergraduate and postgraduate bursary funding, an increase in prize money for the National Achiever Awards by 100% for each award category, and the 2020-2021 performance bonus base percentage was increased by 75% across the board in recognition of the dedication of employees. The EVP elements that were maintained are the professional services membership fees subsidies, Candidate Attorneys' Practical Legal Training and Board Examination Fees are covered in full and life cover at R1 million per life covered. More than half of the staff have been with the organisation for more than 11 years, which indicates the worth of the EVP offering.

Employee wellness and health and safety programmes are prioritised to maintain a healthy and happy workforce. A well-structured Employee Wellness Programme is offered through the in-house clinical psychologist and an external service provider staffed by qualified professionals. Vicarious trauma training is also provided nationally to assist legal professionals who are exposed to trauma through the criminal cases they deal with. There is a continued focus on leadership development and training to help leaders understand the importance of delivering services efficiently and empowering them to act in ethically responsible ways, focusing on values-based ethical leadership training, client management services and leadership development.

An independent internal Omnibus Survey was conducted in the 2020-2021 financial year confirmed employee satisfaction levels and a positive organisational climate. Regular staff surveys are conducted and these create platforms for engagement and continue to grow Legal Aid SA's affinity to employees and the brand.

An Employment Equity Audit was conducted in 2019 in order to prepare the next five-year Employment Equity Plan for 2020-2025.

As at the end of the 2022/23 financial year the most prominent areas of under-representation are that of Blacks and Africans at Senior Management levels. Employees with disabilities represent 1.45% of the total workforce; the target is 2%. The approved Employment Equity Plan 2020-2025 is being implemented and the focus during recruitment is on those areas where there are gaps in representation.

## 4.5. Strategic Shifts

Legal Aid SA has considered its development in terms of strategic periods over which it planned to achieve defined strategic shifts. In developing the Strategic Plan, the organisation identifies the higher level direction or changes that the organisation plans to take over the five-year period. The organisation focuses its work on the strategic shifts set, and furthermore, the strategic shifts are linked to the strategic outcomes to be achieved.

Legal Aid SA has tracked the strategic shifts it has made since pre-1999 up to the current period. Pre-1999 saw the organisation in a state of near collapse. We now see a very different organisation, one which is high performing as can be seen in the achievement of over 90% of the Business Plan, 18 consecutive unqualified audits and continuously striving to grow and improve its maturity levels, embrace best practises and guard against complacency.

Some of the strategic shifts made by Legal aid SA in the delivery of legal services, financial management and people development and information technology include:

### Pre-1999

- Legal aid delivery model relied on Judicare practitioners (outsourced model) and partnerships with law clinics, NGOs and attorneys in rural areas.
- Legal aid was initiated to assist the poor but was not equally accessible and did not reach all as a result of financial constraints.
- By the 1990s the organisation was in crisis, financially and administratively.

### 2000-2002

- There was a shift to the Justice Centre model and the roll out of a national footprint of JCs, to reach many more South Africans.
- The financial crisis was averted and the first unqualified audit report was received.
- There was no WAN and LAN and a stand-alone IT system was used to record legal aid. In 2001, WAN and LAN were implemented.

### 2003-2006

- Justice Centre model roll out completed. Policies, procedures and systems implemented.
- There was a clear strategic shift to a focus on the delivery of professional legal services, with access and quality of legal services a key strategic priority.
- Work was done on the quality of legal services and quality interventions were introduced.
- Financial performance and governance was strengthened and an unqualified audit was maintained.
- Number of staff doubled, therefore focus on human resources management. Legal staff were made permanent.

- IT platform was consolidated, a legal administration application (AI) implemented and there was improved connectivity across the national footprint of Justice Centres.

## 2006-2009

- The National Footprint expanded to provide legal aid at all criminal courts.
- There was a focus on the practitioner per court ratio which was too low and therefore impacting on caseloads and quality.
- Access and quality of legal services continued to be a key strategic priority.
- Financial performance and governance were enhanced. The unqualified audit included no matters of emphasis from the Auditor-General.
- The human resources focus was on people centred programmes and organisational culture programmes aimed at developing a strong values-based culture within the organisation.
- Performance management and the tracking of performance continued.
- The development of management and leadership skills of managers was a focus.
- The IT platform was expanded to support the expansion of the national footprint and to serve the operational needs within legal administration, finance and human resources.

## 2009-2012

- New ways of increasing access to justice within resource constraints were explored and implemented.
- The Legal Aid Advice Line was launched to improve access to first level legal assistance.
- Mechanisms to increase the practitioner per court ratio was a focus.
- In ensuring quality legal services, independent quality assurance was implemented through the establishment of a Legal Quality Assurance Unit.
- Programmes and projects from the Criminal Justice Review were implemented.
- The financial maturity of the organisation improved, as did risk-based management in all facets of the business, in an effort to maintain unqualified audits.
- People development programmes were consolidated and aligned to create a rich talent pool of premium brand public interest professionals, thus developing staff to be ambassadors of the brand.
- Risk-based management of performance with individual responsibility for tracking performance was introduced and the shift from management to leadership began.
- The IT platform was further enhanced and the Virtual Private Network (VPN) was implemented.

## 2012-2014

- Expanded national footprint with majority of Satellite Offices providing general advice service to one or more outreach sites located primarily in rural areas.
- Increase in civil legal aid and legal advice matters.
- Legal quality assessed by independent Legal Quality Assurance Unit.
- Quarterly financial statements with financial ratio analysis introduced and activity-based budgeting developed.
- Focus on Enterprise Risk Management.
- Introduced maturity scale for all functional areas of organisation, with a focus on developing maturity levels of the organisation, thus managing organisational sustainability.
- Training plan linked to competency framework and competence in both technical areas and behavioural components has improved.
- E-Learning and self-learning introduced.
- Employee Value Proposition (EVP) and independent ratings resulted in positioning as an employer of choice.
- Process to redevelop IT platform started.

## 2015-2020

- Existing points of access for clients maintained, within available funding.
- Priority to civil legal aid assistance in constitutional rights related matters.
- Client Value Proposition encapsulating client focus and value add to clients.
- Use of new technology and social media improving communication and engagement with clients and potential clients, as well as stakeholders.
- Quality, rights-based legal aid services delivering desired outcomes including a fearless and independent legal defence of clients.
- Quality management responsive to client and stakeholder feedback on quality.
- Contributing to building safer communities by implementing the adopted protocols from the Criminal Justice Review and the Civil Justice Review.
- Proactively making the justice system function more effectively and efficiently.
- Brand awareness and image improved so that Legal Aid SA is identified as being part of the safety net for indigent and vulnerable persons with regard to their social justice matters.
- Quality of services and client relationship management focused on to improve brand experience and brand loyalty.
- Holistic Sustainability Strategy (including financial and non-financial) developed and implemented. The financial sustainability to encompass a plan to manage the budget cuts to ensure a balanced budget.
- Best practises and Codes on Governance implemented.
- Effective strategic leadership which would include a capacitated transitional Board.
- Legal Aid SA Act (2014) implemented, including Legal Aid Regulations and Legal Aid Manual.



- Unqualified audits maintained.
- Competitive Employee Value Proposition (EVP) implemented.
- Adequate IT infrastructure to meet business needs.
- Management information further refined to provide alerts to emerging risks.
- A values-based high performance culture strengthened.
- Leadership enabling sustainable performance and creating a humanistic work environment.
- Developed Legal Aid SA Cyber Security Policy and Strategy and Cyber Security Framework.

### **Strategic Shifts 2020-2025**

The overall strategic shift to be achieved in the 2020-2025 period: *Long-term organisational development achieved, through improved MATURITY LEVELS and OUTCOMES, delivering SUSTAINABLE HIGH PERFORMANCE, to achieve SDG Target 16.3 to ENSURE EQUAL ACCESS TO JUSTICE FOR ALL to build a JUST SOCIETY.*

Legal Aid SA plans to achieve the following strategic shifts over the five-year period:

#### **Client, Community, Stakeholder and Shareholder**

- I. Improved alignment of demand to supply: Better align practitioner resourcing to the trend of decreasing demand and constrained budgets.
- II. Improved efficiency of delivery model: Strengthen court-based practitioner programme to reduce the need for long distance/time travelling from LOs and SOs to courts.
- III. High Court efficiency model: Promote a practitioner per judge model at all divisions of the High Courts to improve productivity.
- IV. Legal aid services at arrest: Extend coverage to provide first level advice services to accused/detained persons prior to first appearance at court via our Legal Aid Advice Line.
- V. Reduce pre-trial detention: Influence policy/legislative changes and amendments to implement after hours' bail, greater use of notice to appear rather than arrest and detention for appearance to court as a last resort.
- VI. Priority to constitutional rights matters: Re-focus civil legal aid to give greater focus on constitutional priorities litigated in the lower and higher courts (Bill of Rights issues – land and social issues).
- VII. Building capacity to manage and undertake legal representation in land-related matters as envisaged in the Land Court Bill and the interim transfer of the provision of legal representation from the Land Rights Management Facility which is currently under the Department of Agriculture, Land Reform and Rural Development.
- VIII. Optimising use of paralegal capacity: Widening the scope of paralegal work and increasing their capacity to assist clients in self-help matters and mediation matters to resolve disputes, particularly in rural areas.

- IX. Improving sustainability of civil legal aid offering to clients: Review civil legal aid policy to investigate and include client contributions, fees and other funding options.
- X. Legal quality outcomes incorporating client feedback: Legal quality programme strengthened to be more responsive to client feedback and achievable outcomes.
- XI. Judicare quality improved: Enhance Judicare/Agency/Co-operation Agreement Quality Programme so that greater than 90% meet the targets of Legal Aid SA.
- XII. Legal empowerment: Through enhancing client engagement in the conduct of their matters.
- XIII. Improving efficiency and accessibility of the justice system: Strengthen partnerships with justice cluster stakeholders to improve the efficiency and accessibility of the justice system which would improve public confidence in the justice system.
- XIV. Improved court infrastructure utilisation: Play a proactive role together with stakeholders to rationalise court infrastructure in line with decreasing criminal demand which will be compatible with decreasing resources across the sector.
- XV. Justice sector indicators: Proactively work with justice stakeholders to agree on common indicators to measure performance of the justice system and building a just society.

### **Finance, Governance and Sustainability**

- XVI. Clean audit outcomes maintained: Sustainable clean audit opinions.
- XVII. Strengthened financial management: In line with Financial Reporting Frameworks and best practise.
- XVIII. Best practises and Codes on Governance implemented.
- XIX. Strategic Board Leadership: Effective strategic leadership to maintain oversight role of the Board.
- XX. Reducing carbon footprint to positively impact sustainability of the planet.
- XXI. Strengthened brand and reputation: Improve brand awareness and maintain a positive reputational image for Legal Aid SA.
- XXII. Brand experience: Improve brand experience and loyalty through focused quality of services and client relationship management.

### **Internal Business Processes**

- XXIII. Regulatory framework responsive to context: Ensure that the Legal Aid SA Act, Regulations and Manual remain relevant to the changing context.
- XXIV. Management information expanded: Improve access to data, internal and external sources to enhance efficiency and delivery of our programmes.
- XXV. Business intelligence built into management information, providing early warning alerts as risks approach tolerance levels.

## **Employee and Organisational Capacity**

- XXVI. Repositioned and strengthened organisational culture: A values-based, high performance, flexible, agile workplace culture characterised by professional excellence, technological and social competence driven by the desire to protect and defend human rights.
- XXVII. Employee Value Proposition (EVP) repositioned: Employer competitive advantage reframed on the strength and depth of non-financial aspects of the EVP including the employment experience.
- XXVIII. Ethical leadership enabling sustainable organisational transformation whilst maintaining high levels of performance and a humanistic work environment.
- XXIX. Embracing the Fourth Industrial Revolution to optimise technology's impact on business.
- XXX. Responsive and adaptive IT environment; adequate modern IT infrastructure to meet business requirements.
- XXXI. Established cyber security governance and management practises in the context of the business strategy and needs.

## **5. PART C: MEASURING OUR PERFORMANCE**

### **5.1. Institutional Performance Information**

#### **5.1.1. Impact Statement**

<b>Impact Statement</b>	Equal access to justice to build a just society
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## 5.1.2. Measuring our Outcomes

MTSF Priority	Priority 6: Social cohesion and safe communities			
Objectives	Outcome	Outcome Indicator	Baseline (2019/20)	Five-year Target
<b>Client, Community, Stakeholder and Shareholder</b>				
<u>Objective 1</u> Empowered clients and communities making informed choices about their legal matters, rights and responsibilities.	<u>Outcome 1</u> Quality client-focused legal aid in criminal matters, particularly for indigent and vulnerable persons.	Number of clients assisted in criminal legal aid matters; Court coverage targets of DC, RC and HC	<u>Court Coverage:</u>  Average DC coverage: 86%  Average RC coverage: 94%  HC coverage: All matters requiring legal aid	<u>Court Coverage:</u>  Average planned DC coverage: ≥80%  Average planned RC coverage: ≥90%  HC planned coverage: All matters requiring legal aid
<u>Objective 2</u> All indigent and vulnerable members of society have equal access to public-funded legal services to protect and defend their rights.	<u>Outcome 2</u> Quality client-focused legal aid, including to indigent and vulnerable persons, in civil matters with a priority focus on land and other constitutional rights matters.	Number of clients assisted in civil matters	<u>Total Civil Matters:</u> 51,777  LO: 45,034  Judicare: 1,810 (13%)  Co-op: 4,310 (within budget)	<u>Total Civil Matters:</u> 2020/21: 47,931 2021/22: 48,463 2022/23: 54,077 2023/24: 47,529 2024/25: 48,405 Total: 246,405  <u>Total LO Matters:</u> 2020/21: 45,173 2021/22: 45,625 2022/23: 46,289 2023/24: 43,404 2024/25: 44,215 Total: 224,706  <u>Total Judicare Matters:</u> 2020/21: 1,120 2021/22: 1,120 2022/23: 4,628 2023/24: 965 2024/25: 743

MTSF Priority	Priority 6: Social cohesion and safe communities			
Objectives	Outcome	Outcome Indicator	Baseline (2019/20)	Five-year Target
				Total: 8,576  <u>Total Co-op Matters:</u> 2020/21: 4,596 2021/22: 1,718 2022/23: 3,160 2023/24: 3,160 2024/25: 3,447 Total: 16,081  <u>Land Matters:</u> 2022/23: 800 new matters 2023/2024: 200 new matters 2024/25: 600 new matters Total: 1,600
	<u>Outcome 3</u> Quality client-focused legal advice services.	Number of clients assisted with general legal advice	<u>Total Advice Matters (excluding Call Centre):</u>  FY 2019/20: 266,055  Legal Aid Advice Line: 39,008	<u>Total Advice Matters:</u> 2020/21: 228,523 2021/22: 228,523 2022/23: 228,523 2023/24: 228,523 2024/25: 209,961 Total: 1,124,053  <u>Total Legal Aid Advice Line:</u> 2020/21: 47,921 2021/22: 47,921 2022/23: 47,921 2023/24: 47,921 2024/25: 47,921 Total: 239,605

MTSF Priority	Priority 6: Social cohesion and safe communities			
Objectives	Outcome	Outcome Indicator	Baseline (2019/20)	Five-year Target
	<u>Outcome 4</u> Client-focused strategic litigation services in order to give content to constitutional rights, as well as to increase access to justice for indigent and vulnerable persons.	Number of new strategic litigation matters approved; Success rate	<u>Strategic Matters Approved:</u> FY 2019/20: 25  Success rate: 88%	2021/22: 16 new matters  2022/23: 16 new matters  2023/24: 16 new matters  2024/25: 16 new matters
<u>Objective 3</u> A fair, efficient and effective justice system that ensures equal access to justice for all.	<u>Outcome 5</u> Contribute to the effective functioning of the justice and legal sector thereby promoting the rule of law and increasing access to justice.	Participation in relevant structures aimed at improving the functioning of the justice system and courts	<u>Represented at:</u> 1 National Efficiency Enhancement Committee & 9 Provincial Efficiency Enhancement Committees	<u>Represented at:</u> ≥ 90% attendance of all NEEC and PEEC meetings as per meeting schedules
<u>Objective 4</u> Delivering on our constitutional and statutory mandate thereby ensuring equal access to justice for all, in an independent, accountable and sustainable manner.	<u>Outcome 6:</u> Account to the Executive Authority (the Minister of Justice and Correctional Services) and Parliament on delivery of mandate, governance and sustainability.	4 Quarterly Reports and 1 Annual Report submitted timeously to the Executive Authority	4 Quarterly Performance Reports and 1 Annual Report (2018/19), submitted to Executive Authority, the AGSA and Parliament	4 Quarterly Performance Reports submitted within 30 days after the end of each quarter and 1 Annual Report submitted within five months after the end of the financial year to the Executive Authority
<b>Finance and Sustainability</b>				
<u>Objective 5</u> An organisation re-inventing and embedding sustainable and agile practises in	<u>Outcome 7</u> Improve financial sustainability and manage	Balanced budget	NT MTEF allocation of 2020/21 – 2022/23 translated into a medium-term expenditure	NT MTEF allocation of 2025/26 translated into a medium-term expenditure budget for Legal Aid SA,

MTSF Priority	Priority 6: Social cohesion and safe communities			
Objectives	Outcome	Outcome Indicator	Baseline (2019/20)	Five-year Target
every segment to positively impact on society, the economy and the environment.	the reductions to the budget.		budget for Legal Aid SA, which is approved by the Board and submitted to NT  Budget: R2,062,468,682 Expenditure: R2,014,039,462 Percentage spent: 98%	which is approved by the Board and submitted to NT  Budget: R2,6 billion Expenditure: R2,5 billion Percentage spent: 98%
		Financial reporting that is compliant with relevant standards and regulations	Unqualified audit opinion with no matters of emphasis	Annual and mid-year Financial Statements compliant with relevant standards and regulations
<u>Objective 6</u> Sustaining good governance, best practises and maintaining high ethical standards and integrity, high performance and accountability.	<u>Outcome 8</u> Maintain and enhance good governance.	Statutory compliance (including Legal Aid South Africa Act, 2014 and PFMA)	Revised quarterly compliance checklists in place. Statutory compliance signed off by Executives. Quarterly Compliance Report presented to the Board	100% compliance with statutory requirements
		Annual Audit Coverage Plan executed/delivered	97% completion of the Annual Coverage Plan in 2019/20	≥95% completion of the Annual Audit Coverage Plan each year
		Properly constituted Board and Board Committees skilled to function effectively	As at the end of 2019-2020, the Board of Legal Aid SA was not fully constituted. The term of the representative of the Director-General of Justice on the Board ended on 29 February 2020.	Properly constituted Board (in terms of Legal Aid SA Act, 2014) and Board Decisions made timeously

MTSF Priority	Priority 6: Social cohesion and safe communities			
Objectives	Outcome	Outcome Indicator	Baseline (2019/20)	Five-year Target
<b>Internal Business Processes</b>				
<u>Objective 7</u> Legal Aid South Africa's regulatory framework is responsive to the changing legal, social and economic environment.	<u>Outcome 9</u> Maintain a regulatory framework that incorporates best practises and is responsive to changes in the overall environment.	Legal Aid SA Act (2014) reviewed once every 2 years or as and when required	Two amendments still awaiting Executive Authority approval and gazetting. The amendments have been resubmitted to be considered for inclusion in the 2020 Judicial Matters Amendment Bill.	Legal Aid SA Act reviewed in 2020, 2022 and 2024 or as and when required and amendments gazetted where required
		Legal Aid Regulations (Policy) reviewed at least once every 2 years or as and when required	All amendments to the Regulations have been gazetted. No further amendments to the Regulations were deemed necessary in the 2019-2020 financial year.	Legal Aid Regulations reviewed in 2021, 2023 and 2025 or as and when required and amendments gazetted where required  Review of Regulations 17 and 18 to align to the Land Court Bill
		Legal Aid Manual (Procedures) reviewed annually or as and when required	Two amendments to the Manual have been gazetted and implemented Legal Aid Manual Version 3 came into operation on 1 June 2019 and Version 4 came into operation on 28 October 2019.	Legal Aid Manual reviewed annually and amendments gazetted where required  Review of Procedures to provide for Land Court matters
<u>Objective 8</u> An effective, efficient, economic and environmentally	<u>Outcome 10</u> Sustain strong financial management, supply chain	Compliance with PPPFA, PFMA, relevant National Treasury Regulations	Supply Chain Management Policy implemented	Legal Aid SA 100% compliant with the PPPFA, PFMA and NT Regulations when acquiring



MTSF Priority	Priority 6: Social cohesion and safe communities			
Objectives	Outcome	Outcome Indicator	Baseline (2019/20)	Five-year Target
responsive supply chain management system supporting client services delivery and internal business processes.	and asset management practises informed by best practise.		to ensure 100% compliance with relevant SCM prescripts. There was irregular expenditure incurred for non-CSD registered Sheriffs and non-CSD/ non-tax compliant landlords for office leases.  Reports on the acquisition of goods/ services in excess of R0,5 million, indicating compliance with PPPFA, PFMA and relevant NT regulations were presented to the Board on a quarterly basis. Quarterly tenders awarded including deviations were presented to the Board at its quarterly meetings.	goods and services, with specific focus on women, youth and people with disabilities.
Employee and Organisational Capacity and Innovation and Learning				
<u>Objective 9</u> An appropriately resourced national footprint that is adaptable to changing technological and	<u>Outcome 11</u> Consolidate and review the resourcing of our national footprint to ensure	Staffing plans	Staff recruitment at year end at 91.9%. The staff turnover rate is at 5.78%. (excluding CAs and Temporary/ Contract staff)	Staff recruitment at ≥95% based on available budget  Staff turnover rate ≤ 6%

MTSF Priority	Priority 6: Social cohesion and safe communities			
Objectives	Outcome	Outcome Indicator	Baseline (2019/20)	Five-year Target
environmental factors to ensure improved access to our clients, communities, stakeholders and employees.	adequate staffing, as well as safe and secure facilities for clients and staff, within available resources.			(excluding CAs and Temporary/ Contract staff)
Objective 10 Knowledgeable, informed, self-directed and committed employees competently delivering the organisation's constitutional mandate and strategies in a sustainable manner.	Outcome 12 Strengthen and continuously improve the quality and expertise for each segment of the national footprint.	Compliance with Skills Development Act	The Workplace Skills Plan and Annual Training Report were submitted to SASSETA in compliance with the Skills Development Act. Submitted in Q1 as per statutory deadline.	Submission of the Workplace Skills Plan and Annual Training Report timeously by the end of April 2020, 2021, 2022, 2023, 2024 in full compliance with the Skills Development Act
		Employment Equity targets defined as per Employment Equity Plan	Legal Aid SA has a diverse workforce in line with annual targets to achieve employment equity goals, as per the EE Plan and Reports. Overall, African men, Coloured men and people with disabilities are the most underrepresented groups. We still have a challenge with African Males in Senior, Professional, Skilled technical and Semi-Skilled Levels, as well as African Females in Senior and Professional Levels.	EE Plan 2025 approved by Board and submitted to the Department of Labour  EE Audit and EE Plan in 2025 in place  Implementation of the approved Employment Equity (EE) Plan 2020 - 2025  African 79.20% Coloured 9.5% Indian 2.6% White 8.6% Disability 2%  Senior Management: Women 45.2% Blacks 91.3% Africans 79.2%

MTSF Priority	Priority 6: Social cohesion and safe communities			
Objectives	Outcome	Outcome Indicator	Baseline (2019/20)	Five-year Target
			Disability Recruitment grew from 0.9% to 1.67%, of a target of 2%. Coloured Females in Top & Senior Management and Indian Males in the Skilled and Semi-skilled Levels are also a challenge as these groups are underrepresented.	
<u>Objective 11</u> Embracing emerging technologies including the Fourth Industrial Revolution to optimise its impact on business and the provision of client services through a responsive and adaptive IT environment.	<u>Outcome 13</u> Enhance and maintain an integrated and service and client-oriented and secured Information Technology system with capacity to integrate stakeholders.	Stable and reliable Wide Area Network (WAN) & Virtual private network (VPN)	Average network availability was 95.54% in the FY 2019-2020. This is in line with the performance target of 95%.	Wide Area Network infrastructure upgraded to Software Defined Network with the minimum of 10Mbps bandwidth at all branches  WAN annual availability 95%  VPN connected to all sites and available at 95% of the time
		Stable hardware platform	Average server availability for 2019-2020 was 99%, which is in line with the performance target.	Private cloud infrastructure with 99% of server availability  IT hardware capacity aligned to business needs and available 99% of the time
		IT software and applications maintained and upgraded	The eLAA system was supported and maintained, with 12 bug fixes implemented. ii. 76.12% of all offices migrated to the newer technologies.	Integrated eLAA system with mobile application for clients in Release 2 Hot disaster recovery site

MTSF Priority	Priority 6: Social cohesion and safe communities			
Objectives	Outcome	Outcome Indicator	Baseline (2019/20)	Five-year Target
			iii. 30 Local Offices upgraded to 10mbps. iv. Disaster recovery conducted in Q1 and Q3 of the FY. v. Average systems availability at 98%.	IT software and applications fully integrated and available 99% of the time.  IT software upgrade roadmap in place.
		Organisational cyber security metrics developed and maintained	Cyber Security Strategy in place. Cyber security assessment conducted and risks identified with the proposed road map.	Cyber resilient environment with ongoing staff training programme in place Cybersecurity roadmap in place

### 5.1.3. Explanation of Planned Performance over the Five-year Period

The outcomes identified by Legal Aid SA contribute to the achievement of the constitutional and legislative mandate of the organisation.

Legal Aid SA has used the Balanced Scorecard as its strategic planning tool, viewing the organisation from four perspectives, which are as follows:

- I. Client, Community, Stakeholder and Shareholder (customer perspective)
- II. Finance and Sustainability (financial perspective)
- III. Internal Business Processes (internal process perspective)
- IV. Employee and Organisational Capacity and Innovation and Learning (learning and growth perspective)

The outcomes in Client, Community, Stakeholder and Shareholder are as follows:

- i. Quality client-focused legal aid in criminal matters, particularly for indigent and vulnerable persons.
- ii. Quality client-focused legal aid, including to indigent and vulnerable persons, in civil matters with a priority focus on land and other constitutional rights matters.
- iii. Quality client-focused legal advice services.
- iv. Client-focused strategic litigation services in order to give content to constitutional rights, as well as to increase access to justice for indigent and vulnerable persons.
- v. Contribute to the effective functioning of the justice and legal sector thereby promoting the rule of law and increasing access to justice.

- vi. Account to the Executive Authority (the Minister of Justice and Correctional Services) and Parliament on delivery of mandate, governance and sustainability.

These outcomes link to the NDP 2030 Chapter 12 which focuses on Building Safer Communities, Chapter 11 on Social Protection and Chapter 14 on Promoting Accountability and Fighting Corruption.

The relevant priority of the MTSF 2019-2024 is Priority 6 Social Cohesion and Safe Communities. Since Legal Aid SA services are to ensure that indigent and vulnerable persons are able to access justice, this includes women, children and people with disabilities.

Access to justice is a critical component of building safer communities. We provide coverage of specialist courts including Child Justice Courts and Sexual Offences Courts and our practitioners are equipped with the expertise to represent clients. Children are a special vulnerable group and matters involving children receive priority. Children are represented in all Child Justice Courts, as well as Preliminary Inquiry Courts, and we guarantee legal representation to all children in civil matters. Our Remand Detainee Programme incorporates the monitoring of children awaiting trial in correctional facilities for periods greater than one month and these cases are tracked individually. Our civil units provide legal representation for children, most of whom are children in need of care, in the Children's Courts. Through our partnership with the Master's Offices, we assist in the administration of estates in which children are beneficiaries, and place these monies for children with the Guardian's Fund. Legal Aid SA provides representation to vulnerable groups of people in a variety of specialist matters. This includes assistance to women, mental healthcare patients, children, people with disabilities, refugees and the elderly. In the 2018-2019 financial year, Legal Aid SA entered into a Memorandum of Understanding with Childline SA and strengthened links with the Teddy Bear Foundation, aimed at creating greater access to legal services for children and caregivers of children. We also linked with the National Movement of Shelters to ensure that people affected by gender-based violence are referred to Legal Aid SA when they need legal services.

Legal advice services are accessible through the toll-free Legal Aid Advice Line and paralegals at all 128 of our offices. Following the findings of a study conducted in the previous financial year on demand for legal aid in the High Courts, general advice capacity was made available at High Courts to decrease the number of unrepresented litigants and ensure that qualifying clients' rights are protected. Linkages with community structures such as Community Advice Offices are a further enabler in the accessibility of legal advice and legal representation. Communities are also empowered on their legal rights through media campaigns and community forums, thereby fostering constitutional values.

The cases that are dealt with in strategic litigation matters address social justice issues and the outcomes of these cases often have a positive impact on a broader population.

A well-functioning criminal justice system is critical in achieving safer communities and will result in increasing public confidence in the criminal justice system. Legal Aid SA is a stakeholder in the Justice, Crime Prevention and Security Cluster and programmes aligned with the NDP and the MTSF are implemented through the cluster.

This includes participation in the National and Provincial Efficiency Enhancement Committees in our commitment to improve the performance of the justice cluster and ensure increased efficiency in finalising criminal cases. Legal Aid SA has to ensure that it fulfils its role in making sure that courts function optimally so that criminal and civil cases where we are providing representation are resolved efficiently to ensure that the rule of law is upheld and access to justice is realised for indigent and vulnerable persons.

The outcomes in Finance and Sustainability are as follows:

- i. Improve financial sustainability and manage the reductions to the budget.
- ii. Maintain and enhance good governance.

These outcomes link to the NDP 2030 Chapter 14 on Promoting Accountability and Fighting Corruption. The relevant priority of MTSF 2019-2024 is Priority 6 Social Cohesion and Safe Communities. Legal Aid SA operates within a strong governance framework, uses public funding responsibly in the execution of its mandate and is accountable. Prudent and best practise financial management has resulted in unqualified audit opinions for the past 22 years. It has an effective and functioning Governing Board and Audit Committee and complies with applicable legislation. A coherent approach to enterprise risk management is maintained and the organisation has managed to uphold a zero-tolerance approach to fraud and corruption.

The outcomes in Internal Business Processes are as follows:

- i. Maintain a regulatory framework that incorporates best practises and is responsive to changes in the overall environment.
- ii. Sustain strong financial management, supply chain and asset management practises informed by best practise.

These outcomes link to the NDP 2030 Chapter 12 which focuses on Building Safer Communities, Chapter 11 on Social Protection and Chapter 14 on Promoting Accountability and Fighting Corruption. The relevant priority of MTSF 2019-2024 is Priority 6 Social Cohesion and Safe Communities. The legislative mandate of Legal Aid SA must be responsive to the environment and meet the needs of the business and the people we serve. It is important to ensure that legislation is consistent with the Constitution.

As an organisation that utilises public funds we must implement cost-effective measures and adhere to legislation such as the PFMA, PPPFA and National Treasury Regulations and ensure that our Supply Chain Management Policy is in line with the relevant legislation and that controls are in place and adhered to.

The outcomes in the Employee and Organisational Capacity and Innovation and Learning are as follows:

- i. Consolidate and review the resourcing of our national footprint to ensure adequate staffing, as well as safe and secure facilities for clients and staff, within available resources.
- ii. Strengthen and continuously improve the quality and expertise for each segment of the national footprint.
- iii. Enhance and maintain an integrated and service and client-oriented and secured Information Technology system with capacity to integrate stakeholders.

The outcomes in this component of the balanced scorecard link to NDP Chapter 12 which focuses on Building Safer Communities, Chapter 13 on Building a Capable State and MTSF Priority 3 Education, Skills and Health and Priority 1 A Capable, Ethical and Developmental State. Legal Aid SA has a national footprint, with offices located close to public transport and taking into consideration the location of courts that we service. Satellite Office locations mean that historically marginalised communities can access our offices which are appropriately resourced to deliver access to justice. Quality services to clients is a priority since the provision of quality services has a bearing on the outcomes of cases and therefore the lives of clients served. Through a focus on quality services to clients and competent, informed and knowledgeable practitioners, we are able to assure a high quality of legal services is rendered to clients. Training programmes and skills development is ongoing and the organisation has a bursary scheme in place and an Employment Equity Plan for the 2020-2025 period. Modern IT systems are in place to sustain and improve performance which includes a new electronic Legal Aid Administration System (eLAA). Legal Aid SA continues to improve its technology platform along the emerging approaches of the 4<sup>th</sup> Industrial Revolution.

The organisational enablers to achieve the five-year target include:

- i. Government grant
- ii. Financial planning and reporting
- iii. Adherence to good governance practises
- iv. Skilled and knowledgeable staff
- v. Quality management programmes
- vi. Risk management programmes
- vii. Tools and resources
- viii. Strategies, policies and standard operating procedures

- ix. Stakeholder relationships with legal and justice system stakeholders and linkages with community structures
- x. Commitment to human rights and the rights to access to justice
- xi. Performance management
- xii. Monitoring and evaluation processes
- xiii. Positive organisational culture
- xiv. Leadership
- xv. Employment Value Proposition
- xvi. Resilient cyber security environment

The outcomes identified by the organisation are aimed at fulfilling the organisation’s constitutional and legislative mandate. These outcomes are relevant because they plan for and measure performance on all aspects that impact on the organisation, including external and internal factors. All segments are incorporated; client and community and stakeholders, finance and sustainability, internal business processes and employee and organisation capacity.

The legal aid services provided ensure access to justice for the populace, considering the high costs of legal services/representation. Our national footprint and toll-free Legal Aid Advice Line serve as a differentiator in that our services are available for both urban- and rural-based citizens, thus facilitating access to justice.

## 5.2. Key Risks and Strategic Risks

### Key Risks and Mitigations

Outcome	Key Risk	Risk Mitigation
<u>Outcome 1:</u> Quality client-focused legal aid in criminal matters, particularly for indigent and vulnerable persons.	Accused persons not legally represented at their trials	Court Coverage Plans
<u>Outcome 2:</u> Quality client-focused legal aid, including to indigent and vulnerable persons, in civil matters with a priority focus on land and other constitutional rights matters.	Inadequate delivery of Civil Legal services  Inadequate delivery of legal services to farm occupiers, labour tenant and restitution claimants. Inability to meet demand for land-related matters	Practitioner productivity monitoring programmes  Build capacity to deal with legal representation in land-related matters
<u>Outcome 3:</u> Quality client-focused legal advice services.	General advice demand not met because of lack of awareness	General Advice SOP Civil Supervision SOP Increasing awareness



<b>Outcome</b>	<b>Key Risk</b>	<b>Risk Mitigation</b>
<u>Outcome 4:</u> Client-focused strategic litigation services in order to give content to constitutional rights, as well as to increase access to justice for indigent and vulnerable persons.	Appropriate strategic litigation matters not identified and taken on Outcome of impact matters not satisfactory	CCMC oversight of impact matters
<u>Outcome 5:</u> Contribute to the effective functioning of the justice and legal sector thereby promoting the rule of law and increasing access to justice.	Incomplete/insufficient data to monitor efficiency of Justice System.	Facilitating of common indicators across the sector.
<u>Outcome 6:</u> Account to the Executive Authority (the Minister of Justice and Correctional Services) and Parliament on delivery of mandate, governance and sustainability.	Failure to account to Executive Authority and Parliament	Oversight by Board to ensure quarterly Performance Reports and Annual Report are finalised and submitted to the Executive Authority timeously
<u>Outcome 7:</u> Improve financial sustainability and manage the reductions to the budget.	Budget cuts during the 5-year SP period and/or no additional funding allocated to Legal Aid SA. Qualified audit reports from the A-G	Lobby government for additional funding  Implement Internal Control Framework Quality check Financial Statements Keep abreast of developments in finance reporting standards
<u>Outcome 8:</u> Maintain and enhance good governance.	Non-compliance with statutory requirements Corporate governance failure due to non-adherence to King IV  Poor quality audits finalised  Lack of effectiveness at Board level due to poor balance, poor understanding of role and poor focus	i. Annual confirmation by Executives of their compliance responsibilities ii. Monthly sign-off Executive Compliance Checklist iii. Quarterly Compliance reports to the Board  Quality Assurance Programme in place  Board structure, Charter and performance reviewed annually to ensure continuity and common understanding
<u>Outcome 9:</u>	Legal Aid SA Act becoming outdated and irrelevant	Periodic review and amendment of the Act

<b>Outcome</b>	<b>Key Risk</b>	<b>Risk Mitigation</b>
Maintain a regulatory framework that incorporates best practises and is responsive to changes in the overall environment.	Regulations/Policy not responsive to client and community needs  Legal Aid Manual not serving business needs	Periodic review of Policy by the Board  Annual review of procedures
<u>Outcome 10:</u> Sustain strong financial management, supply chain and asset management practises informed by best practise.	Non-compliance with PPPFA, PFMA and relevant NT Regulations	Implementation of Internal Control Framework including statutory compliance
<u>Outcome 11:</u> Consolidate and review the resourcing of our national footprint to ensure adequate staffing, as well as safe and secure facilities for clients and staff, within available resources.	i. Low levels of recruitment ii. Ineffective labour relations iii. Low levels of policy compliance	i. To effectively implement recruitment and retention programmes. ii. Effective Labour relations iii. Compliance with policies
<u>Outcome 12:</u> Strengthen and continuously improve the quality and expertise for each segment of the national footprint.	Legal Aid SA failing to comply with the Skills Development Act  Legal Aid SA unable to achieve EE Targets	Timeous development and submission of the ATP and ATR  EE Plan implemented with national and provincial targets
<u>Outcome 13:</u> Enhance and maintain an integrated and service-oriented and secured Information Technology system with capacity to integrate stakeholders.	Up to date network infrastructure  Inadequate hardware infrastructure to meet user demands  Outdated IT software and applications  Exposure and losses of business assets and personal information of employees, clients and key stakeholders.	Monthly review of Network availability reports in line with the SLA  i. Up to date CARP ii. Monitoring and review of system utilisation reports  Upgrade IT software and applications as they become due  Implement Cyber Security road map

## Strategic Risks

Legal Aid SA has identified strategic risks which could impact on the performance of the organisational strategies and have to be mitigated to achieve the Vision.

- i. Clients deprived of their constitutional right to access to justice and/or to their liberty.
- ii. Lack of capacity to deliver on the demand for legal services in Criminal, Civil and Land matters.
- iii. Poor quality of legal services provided in Criminal, Civil and Land matters (by Local Offices; Judicare; Co-operation Partners; Agency Agreements).
- iv. Legal Aid SA reputation risk, arising particularly from managing social media risks.
- v. Lack of confidence in the justice system due to its perceived and experienced ineffectiveness in realising justice outcomes.
- vi. Continuing budget cuts and shortfalls impacting on Legal Aid SA's ability to deliver on its mandate.
- vii. Weakening culture of good corporate governance practises resulting in failure to detect system deficiencies and non-compliance.
- viii. Unethical, corrupt or fraudulent practises or acts.
- ix. Sustainability risk: Sustainable high performance and increasing maturity impacted by external factors (budget cuts, focus of State on crime and convictions) and internal factors (leadership, employee engagement, culture).
- x. Increasing trust deficit by employees due to varied perspectives of reality resulting in a growing conceptual gap against management and negatively impacting on employee engagement.
- xi. Unable to keep pace with the new/emerging technology resulting in poor adoption of the 4IR opportunities that enhances effective business operations.
- xii. Poor data security and protection of information resulting in non-compliance with established regulations and standards of good practise.
- xiii. Poor risk-based approach on cyber security leading to exposure and losses of business assets and personal information of employees, clients and key stakeholders.

## 6. PART D: Technical Indicator Descriptions (TID)

<b>Client, Community, Stakeholder and Shareholder</b>	
<b>Indicator Title</b>	Planned Court coverage in the District Courts, Regional Courts and High Courts
<b>Definition</b>	<p>Refers to the percentage of District and Regional Court days that Legal Aid SA has planned capacity, utilising budgeted Internal positions, Agency Agreement Partners and Judicare practitioners in approved “Judicare only courts”, to cover the various courts in order to provide legal representation.</p> <p>In the High Court, this refers to 100% of matters on the court roll that require legal aid at each division of the High Court.</p>
<b>Source of data</b>	Legal Aid SA Local Offices provide court coverage plans on a bi-annual basis.
<b>Method of calculation/ assessment</b>	<p>A webpage has been created to collect the information from our Local Offices for the lower courts and this data is analysed. The percentage that a court is planned to be covered is determined by the number of days that we plan to cover the courts divided by the total number of days that the court sits in a typical month.</p> <p>For High Courts, information is obtained directly from our system, noting that clients who require legal aid have to complete an application form which is recorded on our system.</p>
<b>Assumptions</b>	Accurate information provided/recorded on court coverage plans and as confirmed by the DoJ&CD.
<b>Disaggregation of Beneficiaries (where applicable)</b>	<ul style="list-style-type: none"> <li>• Target for women: dependent on request for services.</li> <li>• Target for youth: dependent on request for services.</li> <li>• Target for people with disabilities: dependent on request for services.</li> </ul>
<b>Spatial Transformation (where applicable)</b>	<ul style="list-style-type: none"> <li>• Contribution to spatial transformation priorities: N/A.</li> <li>• Spatial impact area: All criminal court seats in the country serviced by Legal Aid SA.</li> </ul>
<b>Reporting cycle</b>	<p>Lower court coverage calculation is completed bi-annually and reported quarterly.</p> <p>High Court reporting is done quarterly.</p>
<b>Desired performance</b>	Higher coverage is preferred.
<b>Indicator responsibility</b>	NOE
<b>Indicator Title</b>	Number of clients assisted in civil matters
<b>Definition</b>	Refers to the number of civil matters in which Legal Aid SA provides legal representation.
<b>Source of data</b>	All internal and Judicare instructions for civil legal aid are captured on the Legal Aid SA legal aid administration system. Co-operation Agreement statistics are provided by Co-operation Partners in quarterly reports to Provincial Offices.

<b>Method of calculation/ assessment</b>	<p>Target:</p> <p>Internal practitioners – The target for new matters is set by calculating the number of new matters each category of civil practitioners is required to undertake in a year, multiplied by an anticipated recruitment rate of 95% for the financial year (Recruitment rate). This is then set at 90% of the calculated number to determine the new matter target for the year for internal practitioners.</p> <p>Judicare – The Civil Judicare target is calculated at 10% of the actual total new Judicare matters for the previous FY.</p> <p>Existing Co-operation Agreement Partners – The new matter target per partner is determined as follows:</p> <ol style="list-style-type: none"> <li>1. Calculating the average number of cases finalised by each co-operation partner in the preceding 3 financial years (excluding any terminated agreements).</li> </ol> <p>New Co-operation Agreement Partners – The matter target for a new partner is determined as follows:</p> <ol style="list-style-type: none"> <li>2. Only in the event that a new Co-Operation service provider is appointed, then the approved Co-Operation Agreement Budget for a new partner is divided by the cost per case achieved by an existing partner, undertaking similar legal work, in the FY preceding the year in which the new agreement is implemented.</li> </ol> <p>Actual:</p> <p>The number of civil matters for both internal practitioners and Judicare is calculated from the eLAA data that is collected in all legal aid instructions captured on the system. The actual number of new civil matters for Co-operation Partners is determined from the data that is submitted by the partners to the Provincial Offices as per the contractual requirements.</p>
<b>Assumptions</b>	Functional administration system and accurate statistics from Co-operation Agreement Partners.
<b>Disaggregation of Beneficiaries (where applicable)</b>	Disaggregated data will be made available for women, children and youth (excluding co-operation partners).
<b>Spatial Transformation (where applicable)</b>	Civil legal services are made available within the magisterial districts covered by each Local Office.
<b>Reporting cycle</b>	Quarterly
<b>Desired performance</b>	Actual performance that is higher than targeted performance is desirable.
<b>Indicator responsibility</b>	CLE
<b>Indicator Title</b>	Number of clients assisted in land matters
<b>Definition</b>	Refers to the number of land matters in which Legal Aid SA provides legal representation and advice.

<b>Source of data</b>	Judicare and internal instructions for land matters to be captured on the Legal Aid SA legal administration system.
<b>Method of calculation/assessment</b>	Referrals for legal representation in land matters received through the DALRRD and Commission on Restitution of Land Rights. Some (740) matters transferred to Legal Aid SA by the Land Rights Management Facility (of the DALRRD) at the beginning of Q4: 2021/22.
<b>Assumptions</b>	Functional administration system and accurate statistics from Judicare practitioners.
<b>Disaggregation of Beneficiaries (where applicable)</b>	Disaggregated data will be made available for women, children and youth.
<b>Spatial Transformation (where applicable)</b>	Civil legal services in land matters are made available within the magisterial districts covered by each Local Office. Most of the land matters are litigated in the Land Claims Court.
<b>Reporting cycle</b>	Quarterly
<b>Desired performance</b>	Actual performance that is higher than targeted performance is desirable.
<b>Indicator responsibility</b>	LE: LRM
<b>Indicator Title</b>	Number of clients assisted with general legal advice
<b>Definition</b>	Refers to the number of consultations in which Legal Aid SA provided legal advice.
<b>Source of data</b>	Our paralegals and staff providing legal advice capture the client details and advice details on the electronic Legal Aid Administration (eLAA) system and the Call Centre staff capture the client and advice details on the Thetha Nathi system webpage. Advice provided by Remand Detainee paralegals is captured on the Remand Detainee webpage.
<b>Method of calculation/assessment</b>	Target: The target for advice matters is set at the same number of advice matters as achieved in the previous financial year. The target is not adjusted from the previous financial year as the target is dependent on demand and the available capacity. Actual: The number of advice matters is calculated from the legal advice services data that has been recorded on the eLAA system, Remand Detainee and Thetha Nathi webpages.
<b>Assumptions</b>	Functional administration system and webpages.
<b>Disaggregation of Beneficiaries (where applicable)</b>	<ul style="list-style-type: none"> <li>• Target for women: N/A.</li> <li>• Target for youth: N/A.</li> <li>• Target for people with disabilities: N/A.</li> </ul>
<b>Spatial Transformation (where applicable)</b>	Civil advice services are made available at all 128 offices as well as identified outreach sites in rural areas serviced by Satellite Offices.
<b>Reporting cycle</b>	Quarterly

<b>Desired performance</b>	Actual performance that is higher than targeted performance is desirable.
<b>Indicator responsibility</b>	CLE
<b>Indicator Title</b>	Number of new strategic litigation matters approved Success rate for strategic litigation matters
<b>Definition</b>	Refers to the number of matters in which legal representation is provided where the impact is far-reaching and not always focused on an individual client.
<b>Source of data</b>	The Strategic Litigation Unit maintains schedules of matters that are assessed, approved and not approved by the Constitutional Case Management Committee (CCMC) and finalised.
<b>Method of calculation/ assessment</b>	<p>The target for New and Finalised strategic litigation matters is set at 16 matters per annum.</p> <p>The matters that are funded/taken on are approved by the CCMC with a set budget for each matter approved. The number of matters that can be funded/taken on by the Unit must be done within the budget that is made available annually. The success rate is set at 90% of matters finalised with an outcome. The CCMC determines the required outcome which may not always be that the case should be won, but could be to ensure clarity of the law or equality of arms. Where a matter does not have an outcome, it will not be included in the denominator and remunerator to determine the success rate. This would be where the client/s cannot be found and do not give instructions so that a matter can be taken to an outcome stage.</p> <p>The number of matters assessed, approved and finalised are calculated manually.</p>
<b>Assumptions</b>	Accurate statistics for strategic litigation matters.
<b>Disaggregation of Beneficiaries (where applicable)</b>	<ul style="list-style-type: none"> <li>• Target for women: N/A.</li> <li>• Target for youth: N/A.</li> <li>• Target for people with disabilities: N/A.</li> </ul>
<b>Spatial Transformation (where applicable)</b>	N/A
<b>Reporting cycle</b>	Quarterly
<b>Desired performance</b>	Actual performance that is higher than targeted performance is desirable.
<b>Indicator responsibility</b>	CLE
<b>Indicator Title</b>	Participation in relevant structures aimed at improving the functioning of the justice system and courts
<b>Definition</b>	The attendance of Legal Aid SA representatives at identified structures that are aimed at improving the functioning of the justice system.

<b>Source of data</b>	Minutes of meetings of all committees.
<b>Method of calculation/ assessment</b>	Minutes of meetings are provided by relevant secretariats.
<b>Assumptions</b>	Minutes of meetings recorded and distributed timeously.
<b>Disaggregation of Beneficiaries (where applicable)</b>	<ul style="list-style-type: none"> <li>• Target for women: N/A.</li> <li>• Target for youth: N/A.</li> <li>• Target for people with disabilities: N/A.</li> </ul>
<b>Spatial Transformation (where applicable)</b>	N/A
<b>Reporting cycle</b>	Depends on the sittings of the structure concerned.
<b>Desired performance</b>	Attendance at all meetings of the different structures by Legal Aid SA representatives.
<b>Indicator responsibility</b>	NOE
<b>Indicator Title</b>	4 Quarterly Reports and 1 Annual Report submitted timeously to the Executive Authority
<b>Definition</b>	Quarterly and Annual Reports.
<b>Source of data</b>	Individual and team work performance from legal and support staff in respect of deliverables in our APP and which are recorded on the eLAA system, SYSPRO, SAP or any other monitoring system including webpages.
<b>Method of calculation/ assessment</b>	The eLAA, SAP and SYSPRO systems used as sources of data for production and actual performance. Each APP indicator is calculated in accordance with its own methodology in order to produce the required information.
<b>Assumptions</b>	Accurate information recorded/collected for compilation of Quarterly Reports and Annual Report.
<b>Disaggregation of Beneficiaries (where applicable)</b>	<ul style="list-style-type: none"> <li>• Target for women: N/A.</li> <li>• Target for youth: N/A.</li> <li>• Target for people with disabilities: N/A.</li> </ul>
<b>Spatial Transformation (where applicable)</b>	N/A
<b>Reporting cycle</b>	Quarterly reports submitted within 30 days after end of a quarter. Annual Report submitted within five months after the end of the financial year.
<b>Desired performance</b>	100% compliance.
<b>Indicator responsibility</b>	BS, All Executives



<b>Finance and Sustainability</b>	
<b>Indicator Title</b>	Balanced budget (as per government grant allocation)
<b>Definition</b>	The approved budget is within the available resource allocation.
<b>Source of data</b>	Historical expenditure and National Treasury allocation letter.
<b>Method of calculation/ assessment</b>	The total budgeted expenditure excluding depreciation is compared to the grant allocation and projected interest.
<b>Assumptions</b>	Availability of historical expenditure; allocation letter received from National Treasury.
<b>Disaggregation of Beneficiaries (where applicable)</b>	<ul style="list-style-type: none"> <li>• Target for women: N/A.</li> <li>• Target for youth: N/A.</li> <li>• Target for people with disabilities: N/A.</li> </ul>
<b>Spatial Transformation (where applicable)</b>	Budget is prepared per Local Office which includes Legal Aid SA's 64 Local Offices across the national footprint.
<b>Reporting cycle</b>	Annually
<b>Desired performance</b>	Balanced and approved MTEF 2024/25 – 2026/27 and Budget 2024/25.
<b>Indicator responsibility</b>	CFO
<b>Indicator Title</b>	Financial reporting that is compliant with relevant standards and regulations
<b>Definition</b>	Prepare monthly finance MIS and Quarterly Financial Statements.
<b>Source of data</b>	Financial reporting system.
<b>Method of calculation/ assessment</b>	Approved budgets compared to actual expenditure.
<b>Assumptions</b>	Operational financial reporting system; accurate data.
<b>Disaggregation of Beneficiaries (where applicable)</b>	<ul style="list-style-type: none"> <li>• Target for women: N/A.</li> <li>• Target for youth: N/A.</li> <li>• Target for people with disabilities: N/A.</li> </ul>
<b>Spatial Transformation (where applicable)</b>	N/A
<b>Reporting cycle</b>	Quarterly
<b>Desired performance</b>	Financial reporting compliant with relevant standards and regulations, resulting in optimum financial maturity.
<b>Indicator responsibility</b>	CFO

<b>Indicator Title</b>	Statutory compliance (including Legal Aid South Africa Act, 2014 and PFMA)
<b>Definition</b>	Statutory compliance reporting.
<b>Source of data</b>	Compliance with reporting or payments in line with statutory requirements.
<b>Method of calculation/ assessment</b>	Relevant reports serve as proof of compliance.
<b>Assumptions</b>	Accurate information provided and timeously collated.
<b>Disaggregation of Beneficiaries (where applicable)</b>	<ul style="list-style-type: none"> <li>• Target for women: N/A.</li> <li>• Target for youth: N/A.</li> <li>• Target for people with disabilities: N/A.</li> </ul>
<b>Spatial Transformation (where applicable)</b>	N/A
<b>Reporting cycle</b>	Reporting cycle compliant to relevant report.
<b>Desired performance</b>	100% compliance.
<b>Indicator responsibility</b>	All Executives
<b>Indicator Title</b>	Annual Audit Coverage Plan executed/delivered
<b>Definition</b>	Audit Coverage Plan (ACP).
<b>Source of data</b>	Legal Aid SA's files and records in business units or from IT system, eLAA, SAP or SYSPRO systems.
<b>Method of calculation/ assessment</b>	Delivery against ACP compiled manually with audit reports as proof of delivery; Combined Assurance Report.
<b>Assumptions</b>	Accurate information recorded and provided.
<b>Disaggregation of Beneficiaries (where applicable)</b>	<ul style="list-style-type: none"> <li>• Target for women: N/A.</li> <li>• Target for youth: N/A.</li> <li>• Target for people with disabilities: N/A.</li> </ul>
<b>Spatial Transformation (where applicable)</b>	N/A
<b>Reporting cycle</b>	Quarterly auditing report on work done.
<b>Desired performance</b>	≥95% of Audit Coverage Plan delivered.
<b>Indicator responsibility</b>	IAE
<b>Indicator Title</b>	Properly constituted Board and Board Committees skilled to function effectively
<b>Definition</b>	Board of Legal Aid SA.

<b>Source of data</b>	Attendance registers and decisions made by the Board.
<b>Method of calculation/assessment</b>	Minutes of the Board meetings; attendance registers; Board Succession Plan; Board Evaluation Report.
<b>Assumptions</b>	Consistent quorate Board meetings and accurate Board records.
<b>Disaggregation of Beneficiaries (where applicable)</b>	<ul style="list-style-type: none"> <li>• Target for women: N/A.</li> <li>• Target for youth: N/A.</li> <li>• Target for people with disabilities: N/A.</li> </ul> Board composition: 14 members of which 4 are women.
<b>Spatial Transformation (where applicable)</b>	N/A
<b>Reporting cycle</b>	Quarterly meetings.
<b>Desired performance</b>	Board Charters and Board Committee Charters; Board properly constituted at all times, appointments and re-appointments made timeously.
<b>Indicator responsibility</b>	Board of Directors; BS
<b>Internal Business Processes</b>	
<b>Indicator Title</b>	Legal Aid South Africa Act No. 39 of 2014 reviewed once every two years or as and when required
<b>Definition</b>	The Legal Aid SA Act sets the governance framework for the functioning of Legal Aid SA.
<b>Source of data</b>	Legislation and Board meeting minutes.
<b>Method of calculation/assessment</b>	Verification of promulgation and implementation by the Board.
<b>Assumptions</b>	Legislation requires amendment, accurate Board records and Executive Authority/Parliament in agreement with proposed amendments.
<b>Disaggregation of Beneficiaries (where applicable)</b>	<ul style="list-style-type: none"> <li>• Target for women: N/A.</li> <li>• Target for youth: N/A.</li> <li>• Target for people with disabilities: N/A.</li> </ul>
<b>Spatial Transformation (where applicable)</b>	N/A
<b>Reporting cycle</b>	Quarterly
<b>Desired performance</b>	All Board meetings held and quorate; Legal Aid SA founding legislation kept up to date to meet business needs.
<b>Indicator responsibility</b>	CLE, BS
<b>Indicator Title</b>	Legal Aid Regulations (Policy) reviewed at least once every two years or as and when required

<b>Definition</b>	The Legal Aid Regulations set out the policy relating to qualification criteria for legal aid and the types of matters in which legal aid is available.
<b>Source of data</b>	Government Gazette.
<b>Method of calculation/ assessment</b>	Verification of promulgation of the Regulations in the Government Gazette.
<b>Assumptions</b>	Regulations require amendment and Executive Authority/Parliament in agreement with the proposed amendments.
<b>Disaggregation of Beneficiaries (where applicable)</b>	<ul style="list-style-type: none"> <li>• Target for women: N/A.</li> <li>• Target for youth: N/A.</li> <li>• Target for people with disabilities: N/A.</li> </ul>
<b>Spatial Transformation (where applicable)</b>	N/A
<b>Reporting cycle</b>	Quarterly
<b>Desired performance</b>	The Legal Aid Regulations reviewed and updated as required to meet business needs.
<b>Indicator responsibility</b>	CLE
<b>Indicator Title</b>	Legal Aid Manual (Procedures) reviewed annually or as and when required
<b>Definition</b>	The Legal Aid Manual sets out the procedures and systems for the administration of legal aid.
<b>Source of data</b>	Government Gazette.
<b>Method of calculation/ assessment</b>	Verification of promulgation of the updated Manual in the Government Gazette.
<b>Assumptions</b>	Manual requires amendment and Executive Authority in agreement with proposed amendments.
<b>Disaggregation of Beneficiaries (where applicable)</b>	<ul style="list-style-type: none"> <li>• Target for women: N/A.</li> <li>• Target for youth: N/A.</li> <li>• Target for people with disabilities: N/A.</li> </ul>
<b>Spatial Transformation (where applicable)</b>	N/A
<b>Reporting cycle</b>	Quarterly
<b>Desired performance</b>	The Legal Aid Manual reviewed and updated as required.
<b>Indicator responsibility</b>	CLE
<b>Indicator Title</b>	Compliance with PPPFA, PFMA and relevant NT Regulations when acquiring goods and services

<b>Definition</b>	Implement Supply Chain Management Policy and ensure 100% compliance with relevant SCM prescripts.
<b>Source of data</b>	Expenditure reports, BAC minutes, deviation reports.
<b>Method of calculation/ assessment</b>	Measured against the number of SCM-relevant regulations.
<b>Assumptions</b>	Accurate reports and BAC meeting minutes.
<b>Disaggregation of Beneficiaries (where applicable)</b>	<ul style="list-style-type: none"> <li>• Target for women: dependent on PPPFA and B-BBEE.</li> <li>• Target for youth: dependent on B-BBEE rating.</li> <li>• Target for people with disabilities: B-BBEE rating.</li> </ul>
<b>Spatial Transformation (where applicable)</b>	Fostering localised procurement of goods and services which promotes resilient supply chain management for the economic and social development of local communities in the proximity of our Local Offices.
<b>Reporting cycle</b>	Quarterly
<b>Desired performance</b>	100% compliance with PPPFA, PFMA and relevant NT Regulations when acquiring goods and services.
<b>Indicator responsibility</b>	CFO
<b>Employee and Organisational Capacity and Innovation and Learning</b>	
<b>Indicator Title</b>	Staffing plans
<b>Definition</b>	Staff plans and workforce plans.
<b>Source of data</b>	Recruitment records and staffing plans collected monthly on SAP.
<b>Method of calculation/ assessment</b>	Work demand levels for legal practitioners given recruited staff per skill area; ratio allocations of workload per practitioner; ratio of support staff to legal personnel; managerial posts per size of LO; department organisational structure within defined scope of responsibility.
<b>Assumptions</b>	Accurate information from SAP system.
<b>Disaggregation of Beneficiaries (where applicable)</b>	<ul style="list-style-type: none"> <li>• Target for women: 45.2%.</li> <li>• Target for youth: 12% (85% of CAs under the age of 35).</li> <li>• Target for people with disabilities: 2%.</li> </ul>
<b>Spatial Transformation (where applicable)</b>	Staff plans aligned to EE targets across the national footprint.
<b>Reporting cycle</b>	Quarterly reporting on staff recruitment level.
<b>Desired performance</b>	≥95% staff recruitment level.
<b>Indicator responsibility</b>	NOE, CLE, COO
<b>Indicator Title</b>	Submission of the Annual Training Plan and Annual Training Report in compliance with the Skills Development Act

<b>Definition</b>	Skills plan.
<b>Source of data</b>	Individual development plans for employees.
<b>Method of calculation/ assessment</b>	Staff records on academic qualifications, training and development.
<b>Assumptions</b>	Individual development plans in place.
<b>Disaggregation of Beneficiaries (where applicable)</b>	<ul style="list-style-type: none"> <li>• Target for women: 45.2%.</li> <li>• Target for youth: 12% (85% of CAs under the age of 35).</li> <li>• Target for people with disabilities: 2%.</li> </ul>
<b>Spatial Transformation (where applicable)</b>	Annual Training Reports produce dispersed number of staff per business unit and Local Office along the targets of the Annual Training Plan.
<b>Reporting cycle</b>	Quarterly and annually.
<b>Desired performance</b>	As per Annual Training Plan.
<b>Indicator responsibility</b>	COO, NOE, HRE
<b>Indicator Title</b>	Employment Equity targets defined as per Employment Equity Plan
<b>Definition</b>	EE Plan.
<b>Source of data</b>	Staff recruitment statistics.
<b>Method of calculation/ assessment</b>	SAP records.
<b>Assumptions</b>	Accurate statistics.
<b>Disaggregation of Beneficiaries (where applicable)</b>	<ul style="list-style-type: none"> <li>• Target for women: 45.2%.</li> <li>• Target for youth: 12% (85% of CAs under the age of 35).</li> <li>• Target for people with disabilities: 2%.</li> </ul>
<b>Spatial Transformation (where applicable)</b>	Fostering a balance in reaching EE targets per business unit and Local Office.
<b>Reporting cycle</b>	Quarterly and annual EE statistics.
<b>Desired performance</b>	As per EE Plan.
<b>Indicator responsibility</b>	COO, HRE
<b>Indicator Title</b>	Stable and reliable Wide Area Network (WAN) and Virtual Private Network (VPN)
<b>Definition</b>	IT WAN maintenance.
<b>Source of data</b>	IT self-monitoring systems.

<b>Method of calculation/ assessment</b>	Data/information on system performance extracted from IT system.
<b>Assumptions</b>	IT self-monitoring systems operational.
<b>Disaggregation of Beneficiaries (where applicable)</b>	<ul style="list-style-type: none"> <li>• Target for women: N/A.</li> <li>• Target for youth: N/A.</li> <li>• Target for people with disabilities: N/A.</li> </ul>
<b>Spatial Transformation (where applicable)</b>	Wide Area Network (WAN) and Virtual Private Network (VPN) allows efficiency of coordinating business activities across the dispersed locations of Legal Aid SA's offices.
<b>Reporting cycle</b>	Quarterly MIS reports.
<b>Desired performance</b>	VPN connected and availability ≥95%.
<b>Indicator responsibility</b>	COO, ISE
<b>Indicator Title</b>	Stable hardware platform
<b>Definition</b>	IT hardware maintenance.
<b>Source of data</b>	IT self-monitoring systems.
<b>Method of calculation/ assessment</b>	Data/information on system performance extracted from IT system.
<b>Assumptions</b>	IT self-monitoring systems operational.
<b>Disaggregation of Beneficiaries (where applicable)</b>	<ul style="list-style-type: none"> <li>• Target for women: N/A.</li> <li>• Target for youth: N/A.</li> <li>• Target for people with disabilities: N/A.</li> </ul>
<b>Spatial Transformation (where applicable)</b>	N/A
<b>Reporting cycle</b>	Quarterly MIS reports.
<b>Desired performance</b>	≥99% availability of hardware.
<b>Indicator responsibility</b>	COO, ISE
<b>Indicator Title</b>	IT software and applications maintained and upgraded
<b>Definition</b>	IT platform maintenance.
<b>Source of data</b>	IT self-monitoring systems.
<b>Method of calculation/ assessment</b>	Data/information on system performance extracted from IT system.
<b>Assumptions</b>	IT self-monitoring systems operational.

<b>Disaggregation of Beneficiaries (where applicable)</b>	<ul style="list-style-type: none"> <li>• Target for women: N/A.</li> <li>• Target for youth: N/A.</li> <li>• Target for people with disabilities: N/A.</li> </ul>
<b>Spatial Transformation (where applicable)</b>	Employ software capable of the use of cloud service technology to enable safe storage and processing of spatial data, and to analyse business data sets from any area of our business locations.
<b>Reporting cycle</b>	Quarterly MIS reports.
<b>Desired performance</b>	≥95% availability of network and ≥99% availability of software and hardware.
<b>Indicator responsibility</b>	COO, ISE
<b>Indicator Title</b>	Organisational cyber security operational metrics developed and maintained
<b>Definition</b>	The Legal Aid SA Cyber Security Governance Framework sets out the procedures and systems for the development and maintenance of cyber security operational metrics.
<b>Source of data</b>	Multiple data sources from business activities, including physical security, access to classified assets, supplier service delivery management and configuration capacity of key IT infrastructure.
<b>Method of calculation/ assessment</b>	Organisational data collected and benchmarked against best practise to arrive at a metric value that matches Legal Aid SA's risk appetite.
<b>Assumptions</b>	Cyber security metrics based on the Key Risk Indicators which are reviewed periodically, and identified risks mitigated timeously.
<b>Disaggregation of Beneficiaries (where applicable)</b>	<ul style="list-style-type: none"> <li>• Target for women: N/A.</li> <li>• Target for youth: N/A.</li> <li>• Target for people with disabilities: N/A.</li> </ul>
<b>Spatial Transformation (where applicable)</b>	Appropriate business activity related to cyber security measures at National Office, Provincial and Local Offices across the national footprint are accounted for in the cyber security reports.
<b>Reporting cycle</b>	Quarterly MIS reports.
<b>Desired performance</b>	≥90% of the cyber security control measures are effective in detecting and protecting Legal Aid SA's cyber security environment.
<b>Indicator responsibility</b>	COO, ISE



## Annexure to the Strategic Plan

### Annexure A: District Development Model

Areas of Intervention	Medium Term (3 years – MTEF)				
	Project description	District Municipality	Location: GPS coordinates	Project leader	Social partners
Legal Services and Access to Justice	<p>Provision of criminal, civil and land legal representation and legal advice services.</p> <p>Legal aid services are provided in accordance with the Legal Aid South Africa Act No. 39 of 2014, the Legal Aid Regulations (policy regarding the administration of legal aid) and Manual (procedures on the administration of legal aid).</p>	Municipalities that LOs/SOs are located in.	64 LOs 64 SOs	NOE/ CLE/ LE: LRM	Justice Crime Prevention and Security Cluster Stakeholders; NGOs; CBOs; Private Practitioners (Judicare); Legal Profession